



## FactSheet | Transfer law comparison

	<b>Description</b>	<b>Applicability</b>	<b>Inter- or intra- district transfer</b>
<b>Open enrollment act</b> <i>Education Code 48350-48361</i>	LEAs that have schools on the Open Enrollment List must notify parents of the option to transfer to a higher-achieving school outside the district of residence.	“Low-achieving schools” Identified by SPI, based on 1,000 lowest performing schools (API)	See note <sup>1</sup>
<b>Intradistrict open enrollment</b> <i>Education Code 35160.5(b)</i>	State law requires that LEAs must adopt rules and regulations establishing a policy of open enrollment within the district for residences of the district. Single-school districts or districts with schools that do not serve any of the same grade levels are exempt from this requirement.	Locally determined	Intra-district
<b>NCLB Title I Public school choice</b> <i>20 USC 6316</i>	Parents of children attending Title I Program Improvement schools have the option to transfer their child to another public school served by the LEA.	Title I Program Improvement schools	Intra-district
<b>Interdistrict attendance permit</b> <i>Education Code 46600-46611</i>	A student may attend a school in a different district when both the district of residence and the district of proposed attendance sign an agreement.	Locally determined by both districts	Inter-district
<b>School district of choice program</b> <i>Education Code 48300-48316</i>	The governing board may declare the district to be a “district of choice” willing to accept a specific number of interdistrict transfers into the district. This statute will become inoperative on July 1, 2016.	Districts that elect to become a “district of choice.” District of residence may only deny transfer out for limited reasons.	Inter-district
<b>Interdistrict transfer because of parent employment (Allen bill)</b> <i>Education Code 48204</i>	Permits a school district to deem a student to have met the residency requirements for school attendance in the district if at least one parent is physically employed within the boundaries of that district.	Locally determined	Inter-district



**Deadlines**

<p><b>Open enrollment act</b> <i>Education Code 48350-48361</i></p>	<p><b>Fall:</b> Best practice: LEAs intending to enroll students under this act should release transfer application.</p> <p><b>January 1 or deadline determined by the district:</b> Final day for parents to apply for transfer to school district of enrollment in the following school year (this deadline may be waived by the LEA).</p> <p>Districts of enrollment must accept or reject transfer applications within 60 days of receipt.</p> <p><b>Subsequent fall:</b> Accepted transfer students enroll in new school district of enrollment.</p>
<p><b>Intradistrict open enrollment</b> <i>Education Code 35160.5(b)</i></p>	<p>Locally determined but, in order to help determine capacity, CSBA recommends that deadlines should be aligned with other deadlines for transfers under other programs.</p>
<p><b>NCLB Title I Public school choice</b> <i>20 USC 6316</i></p>	<p><b>Summer and fall:</b> Districts process transfer requests.</p> <p>Accepted students enroll in new school.</p>
<p><b>Interdistrict attendance permit</b> <i>Education Code 46600-46611</i></p>	<p>Locally determined but, in order to help determine capacity, CSBA recommends that deadlines be aligned with other deadlines for transfers under other programs.</p>
<p><b>School district of choice program</b> <i>Education Code 48300-48316</i></p>	<p><b>Winter:</b> Parents must submit a transfer application no later than January 1 (may be waived upon agreement by both districts) of the school year preceding the school year the student is requesting a transfer.</p> <p><b>Spring:</b> The district must respond with a decision within 90 days or before May 15 of the preceding year.</p> <p><b>Subsequent fall:</b> Accepted transfer student enroll in new district of enrollment.</p>
<p><b>Interdistrict transfer because of parent employment (Allen bill)</b> <i>Education Code 48204</i></p>	<p>Locally determined but, in order to help determine capacity, CSBA recommends that deadlines should be aligned with other deadlines for transfers under other programs.</p>



**Transfer request approval and denial requirements (1 of 2)**

**Open enrollment act**

*Education Code 48350-48361*

School districts of enrollment may develop specific written standards for the approval or denial of a transfer application for a specific program and school. CSBA recommends that governance teams seek public input and provide a transparent process as they develop their written standards.

**The law requires that the written standards include:**

- Selection and assignment to programs and school sites through a random and unbiased process.
- Priority for approval: first priority for siblings of children who already attend the desired schools, second priority for students transferring from a PI school ranked in decile 1 on the API. If the number of students who request a particular school exceeds the number of spaces available at that school, a lottery will be conducted in the group priority identified above to select students at random until all of the available spaces are filled.
- Transfer cannot result in displacement of any other student who resides within the attendance area of that school or is currently enrolled in that school. However, school districts of enrollment must reply to transfer requests within 60 days of receipt which will make timing challenging for districts to account for students currently enrolled.

**Standards for denial**

**The written standards may include:**

- Consideration of the capacity of a program, class, grade level, or school building.
- A potential adverse financial impact.

**The written standards cannot include:**

- Denial based on a student’s previous academic achievement, physical condition, proficiency in the English language, family income, or “disability, gender, nationality, race or ethnicity, religion, sexual orientation” (Education Code 200).

**Intradistrict open enrollment**

*Education Code 35160.5(b)*

Resident parents may choose a school within the district to enroll their child outside of their regular attendance boundaries.

**The law requires that policies include:**

- When school capacity limits enrollment, a process for selection must be established based on a random, unbiased selection of a student unrelated to academic or athletic performance.
- Provisions that no pupil already attending the school in within their attendance boundary may be displaced.

**The law suggests that policies may include:**

- Provide for special circumstance, such as student safety.
- Priority for siblings who attend the requested school of enrollment.



**Transfer request approval and denial requirements (2 of 2)**

<p><b>NCLB Title I Public school choice</b> <i>20 USC 6316</i></p>	<p>The LEA must give priority to the lowest achieving children from low-income families, as determined by the LEA for purposes of Title I fund allocations. LEAs may not use lack of capacity as a reason to deny a transfer request.</p>
<p><b>Interdistrict attendance permit</b> <i>Education Code 46600-46611</i></p>	<p>District may approve specific reasons for granting the permit (i.e., child care).</p> <p>The interdistrict attendance permit cannot exceed a term of five years and will outline the terms and conditions under which inter-district attendance can be permitted or denied. If a parent request is denied, they may file an appeal to the COE in the student's district of residence within 30 days.</p>
<p><b>School district of choice program</b> <i>Education Code 48300-48316</i></p>	<p>Students must be admitted through a random, unbiased process. If the number of applications exceeds the allotted number of transfers the board elects to accept, approval for transfer should be determined by a random drawing held in public at a regularly scheduled meeting of the governing board.</p> <p>Priority must be given to siblings of children already enrolled in the district and may be given to children of military personnel.</p> <p>An application cannot be rejected if the additional cost of educating the student would exceed the amount of additional state aid received as part of the transfer or if they would displace a resident student.</p> <p>A district may reject an applicant if the student would require the district to create a new program to serve that student.</p> <p>The school district of residence has limited authority to prohibit the transfer of a student out of a district (Education Code 48301(b)).</p>
<p><b>Interdistrict transfer because of parent employment (Allen bill)</b> <i>Education Code 48204</i></p>	<p>Granting transfer requests under this program is an optional district activity, but if district chooses to grant such requests, they must be handled in a non-arbitrary manner by following Education Code 48204.</p>



	<b>Parent notification</b>	<b>Transportation*</b>
<b>Open enrollment act</b> <i>Education Code 48350-48361</i>	An LEA must notify parents on the first day of instruction; if the district has not been notified of whether its school(s) is on the list, the notification shall be provided no later than 14 calendar days after the Open Enrollment List is posted on the CDE's website.	Locally determined, not required in state statute
<b>Intradistrict open enrollment</b> <i>Education Code 35160.5(b)</i>	Locally determined	Locally determined, not required in state statute
<b>NCLB Title I Public school choice</b> <i>20 USC 6316</i>	<p>An LEA must notify parents no later than the first day of the school year following identification of school improvement, corrective action or restructuring and provide all students enrolled in the school with the following information:</p> <ul style="list-style-type: none"> <li>• Inform parents that their child is eligible for choice due to the PI status of the current school.</li> <li>• Identify each non-PI school that the parent may select.</li> <li>• Include information on the academic achievement of the non-PI schools.</li> <li>• Explain what the PI school, LEA and state are doing to improve student achievement.</li> <li>• Explain how parents can become involved in helping the PI school to improve.</li> </ul>	If a student exercises the public school choice option to transfer to another public school, the LEA must provide or pay for the student's transportation to the school.
<b>Interdistrict attendance permit</b> <i>Education Code 46600-46611</i>	Within 30 days of request for permit, if request denied, district must notify parent of appeal process.	Locally determined, not required in statute
<b>School district of choice program</b> <i>Education Code 48300-48316</i>	None required, but any communications to parents by districts that desire to enroll students under this law should be factually accurate and not target individual parents or guardians or residential neighborhoods on the basis of a child's actual or perceived academic or athletic performance or any other personal characteristic.	Once admitted, the parent may request transportation assistance within the boundaries of the district to that school or program, to the extent that the district otherwise provides transportation assistance to pupils.
<b>Interdistrict transfer because of parent employment (Allen bill)</b> <i>Education Code 48204</i>	Locally determined	Locally determined, not required in statute

\*Does not include special education transportation requirements



**Funding**

**Transfer of completed coursework**

<p><b>Open enrollment act</b> <i>Education Code 48350-48361</i></p>	<p>Non-basic aid districts of enrollment may claim ADA as soon as the transfer student is enrolled in school. Basic aid districts who enroll students under this act, starting in the second consecutive year of enrollment, will receive 70 percent of the district revenue limit that would have been apportioned to the school district of residence. Title I funding allocations are expected to be adjusted to reflect shifts in district enrollment due to interdistrict transfers.</p>	<p>School districts of enrollment must accept credits toward graduation that were awarded by another school district. Schools must allow students to graduate if they meet the graduation requirements of the school district of enrollment.</p>
<p><b>Intradistrict open enrollment</b> <i>Education Code 35160.5(b)</i></p>	<p>N/A - intradistrict</p>	<p>N/A - intradistrict</p>
<p><b>NCLB Title I Public school choice</b> <i>20 USC 6316</i></p>	<p>School district of residence Title I, Part A funds or funds transferred to Title I from other federal programs such as: Title II, Part A Improving Teacher Quality; Title II, Part D Educational Technology; Title IV, Part A Safe and Drug-Free Schools and Communities; and Title V, Grants for Innovative Programs; and, any appropriate state and local funds</p>	<p>N/A - intradistrict</p>
<p><b>Interdistrict attendance permit</b> <i>Education Code 46600-46611</i></p>	<p>The ADA for attendance of students from another district must be credited to the district of attendance for the purposes of determining state appointments and the revenue limit (with certain exclusions listed in Education Code 46607(b)-(c))</p>	<p>Locally determined</p>
<p><b>School district of choice program</b> <i>Education Code 48300-48316</i></p>	<p>The ADA and categorical aid for students admitted by a school district of choice will be credited to that district. Basic aid school districts of choice may receive 70 percent of the district revenue limit that would have been apportioned to the district of residence.</p>	<p>The school district of choice may accept completed coursework, attendance and other academic progress credited to that pupil by the school district or districts previously attended by the admitted student.</p>
<p><b>Interdistrict transfer because of parent employment (Allen bill)</b> <i>Education Code 48204</i></p>	<p>Once a student meets the residency requirements for school attendance under Education Code 48204, the district may claim ADA for that student.</p>	<p>Locally determined</p>



**Documentation**

<p><b>Open enrollment act</b> <i>Education Code 48350-48361</i></p>	<p>All affected LEAs are encouraged, but not required, to keep records that include the number of requests that were approved, denied or withdrawn and the total number, ethnicity, gender, socioeconomic status, English learners, individuals with exceptional needs and, school of residence for students who transferred in and out of the district.</p>
<p><b>Intradistrict open enrollment</b> <i>Education Code 35160.5(b)</i></p>	<p>Locally determined</p>
<p><b>NCLB Title I Public school choice</b> <i>20 USC 6316</i></p>	<p>Included in NCLB, Title I LEA and LEA plan reporting requirements</p>
<p><b>Interdistrict attendance permit</b> <i>Education Code 46600-46611</i></p>	<p>Locally determined</p>
<p><b>School district of choice program</b> <i>Education Code 48300-48316</i></p>	<p>Each school district that elects to accept transfer students related to this program must keep an accounting of all requests made for alternative attendance and records of those requests that shall include:</p> <ul style="list-style-type: none"> <li>• The number of requests granted, denied or withdrawn. Denied requests must include the reasons for the denial.</li> <li>• The number of students transferred in and out of the district related to this program, and those identified as EL or individuals with exceptional needs.</li> <li>• The race, ethnicity, gender, self-reported socioeconomic status, and the school district of residence of each of the students.</li> </ul> <p>This information must be reported to the governing board, no later than May 15 of each year, as well as to CDE and DOF.</p>
<p><b>Interdistrict transfer because of parent employment (Allen bill)</b> <i>Education Code 48204</i></p>	<p>Locally determined</p>



**Right to continued attendance**

<p><b>Open enrollment act</b> <i>Education Code 48350-48361</i></p>	<p>Students that are approved for a transfer to a school district of enrollment are deemed to have fulfilled the residency requirements of Education Code Section 48204 and do not need to reapply each year. Students have continued right of attendance even if school of residence is no longer on the Open Enrollment List.</p> <p>If a student wishes to matriculate to a district middle or high school, the district may require an application.</p> <p>If the district of enrollment is a feeder district to a different unified or high school district, then student must apply to the new district for enrollment.</p>
<p><b>Intradistrict open enrollment</b> <i>Education Code 35160.5(b)</i></p>	<p>Locally determined</p>
<p><b>NCLB Title I Public school choice</b> <i>20 USC 6316</i></p>	<p>If an eligible student exercises the option to transfer to another public school, an LEA must permit the student to remain in that school until he or she has completed the highest grade in the school, although the student is not required to remain in the school of choice through the highest grade. However, an LEA is no longer obligated to provide transportation for a student if the student's school of origin is no longer identified for school improvement, corrective action, or restructuring.</p>
<p><b>Interdistrict attendance permit</b> <i>Education Code 46600-46611</i></p>	<p>Pursuant to terms of permit, student must be allowed to continue to attend unless the permit contains specific reapplication standards.</p> <p>Permit may not be revoked if student is entering grade 11 or 12.</p>
<p><b>School district of choice program</b> <i>Education Code 48300-48316</i></p>	<p>Students approved for a transfer are deemed to have fulfilled the residency requirements of Education Code 48204.</p> <p>Acceptance is for one year and shall be renewed automatically unless district withdraws from the district of choice program.</p>
<p><b>Interdistrict transfer because of parent employment (Allen bill)</b> <i>Education Code 48204</i></p>	<p>Students approved for a transfer are deemed to have fulfilled the residency requirements of Education Code 48204.</p>