

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

SB 399 (Niello)
Version: March 24, 2025
Hearing Date: April 29, 2025
Fiscal: Yes
Urgency: No
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SUBJECT

School districts: interdistrict transfers

DIGEST

This bill requires school districts to maintain records of specified information relating to interdistrict transfers and to report the information to the State Superintendent of Public Instruction (Superintendent), who shall post the information on their website.

EXECUTIVE SUMMARY

Current law authorizes agreements between school districts for the interdistrict transfer of students. The agreements must stipulate the terms and conditions pursuant to which interdistrict attendance will be permitted or denied. A pupil denied transfer has a right to appeal.

This bill places a requirement on school districts to maintain records of specified information on all requests for interdistrict transfers. This includes general data such as the number of requests, to more granular information such as the self-reported reason for the request.

School districts are required to report all of this information to the Superintendent by June 30 of each year. The Superintendent is then required to post the information on the Department of Education's website.

The bill is author-sponsored. It is supported by the Alliance for Community Advocacy and the California Policy Center. It is opposed by the California Association of School Business Officials. It passed out of the Senate Education Committee on a 6 to 0 vote.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Authorizes the governing boards of two or more school districts to enter into an agreement, for a term of up to five school years, for the interdistrict attendance of students who are residents of the school districts. (Educ. Code § 46600(a)(1).)
- 2) Requires the agreement to stipulate the terms and conditions under which interdistrict attendance shall be permitted or denied, and authorizes the agreement to stipulate terms and conditions established by the school district of residence and the school district of enrollment under which the permit may be revoked. (Educ. Code § 46600(a)(2).)
- 3) Requires a school district of proposed enrollment that elects to accept interdistrict transfers to accept all students who apply to transfer until the school district is at maximum capacity. A school district of proposed enrollment shall ensure that students are selected through an unbiased process that prohibits an inquiry into or evaluation or consideration of whether or not a student should be enrolled based on academic or athletic performance, physical condition, proficiency in English, family income, or any of the individual characteristics for protected classes, including race or ethnicity, gender, gender identity, gender expression, and immigration status. (Educ. Code § 46600(d)(3).)
- 4) Requires a school district that denies a request for an inter-district transfer to advise the parent, in writing, of the right to appeal to the county board of education within 30 calendar days from the date of the final denial. (Educ. Code § 46600.2.)
- 5) Establishes the Family Educational Rights and Privacy Act (FERPA) in federal law, which protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. (20 U.S.C. § 1232g; 34 C.F.R. Part 99.)

This bill:

- 1) Requires each school district to maintain a record of all requests for interdistrict transfer and records of the disposition of those requests, including all of the following:
 - a) The number of requests granted, denied, or withdrawn. In the case of denied requests, the records shall indicate the reasons for the denials.
 - b) The number of pupils transferred out of the school district.
 - c) The number of pupils transferred into the school district.

- d) The race, ethnicity, gender, self-reported socioeconomic status, eligibility for free or reduced-price meals, foster youth status, homeless child or youth status, and the school district of residence of each of the transferees.
 - e) The number of pupil transferees who are classified as English learners or identified as individuals with exceptional needs, as defined.
 - f) The self-reported reason for the request for interdistrict transfer for each of the pupil transferees.
- 2) Requires a school district, on or before June 30 of each year, to submit the above information for the current school year to the Superintendent in a manner specified by the Superintendent. The Superintendent is then required to, on or before August 1, post the information on the Department of Education's website.
 - 3) Authorizes the Superintendent to provide a template for a school district to use, and may issue guidance regarding the procedures, for collecting and reporting data.

COMMENTS

1. Data reporting requirement

This bill requires all school districts to maintain records on all requests for interdistrict transfers. This includes the following information:

- The number of requests granted, denied, or withdrawn. In the case of denied requests, the records shall indicate the reasons for the denials.
- The number of pupils transferred out of the school district.
- The number of pupils transferred into the school district.
- The race, ethnicity, gender, self-reported socioeconomic status, eligibility for free or reduced-price meals, foster youth status, homeless child or youth status, and the school district of residence of each of the transferees.
- The number of pupil transferees who are classified as English learners or identified as individuals with exceptional needs, as defined.
- The self-reported reason for the request for interdistrict transfer for each of the pupil transferees.

The information is then transferred to the Superintendent of Public Instruction who is required to post the information on their website.

According to the author:

SB 399 is about expanding transparency by making student transfer data available. We have seen a litany of bills over the years on the school transfer system but we have no real insight as to how the program is being

used. By providing parents, students, school districts and policy makers access to this data it will help us better understand how the transfers are being utilized. It may even help schools to determine ways to better their programs by understanding where transferring students are going and why. This bill is simply about having better transparency and access to information.

Some concerns have arisen about the impacts of this reporting on the privacy of students. Although information identifying specific individuals is not required, some of the data points being recorded and posted publicly are sensitive information, such as a child's disability status, homeless status, and even the specific reason for requesting a transfer. Particularly in smaller school districts or those with fewer transfers, the information will be traceable back to specific children. It is likely that existing privacy laws, such as FERPA, will require the Superintendent to redact some of this information before simply posting it for the public to view. This may undermine the ultimate utility of such data.

2. Stakeholder positions

Just Advocates writes in support: "California must develop a comprehensive understanding of how interdistrict transfers are utilized and where improvements are needed. SB 399 represents a critical step toward that goal. . . ."

The California Association of School Business Officials writes in opposition:

The California Association of School Business Officials was a proud co-sponsor of Senate Bill 1315 (Archuleta, Ch. 486, Stats. 2024) which requires the CDE to prepare a report on the number and types of reports that LEAs are required to submit on an annual basis. This bill was introduced in response to the increasing number of overly complex and duplicative reports that LEAs are required to submit each year.

We support efforts to consider the impact of additional reporting requirements and the effect they have on the ability of LEAs to devote resources to direct work with students and provide support to ensure their academic success. LEAs are working to provide higher levels of support for students while facing increased fiscal constraints and staff shortages. It is more important than ever that reporting requirements do not divert resources from these efforts.

The California Policy Center makes the case for the bill:

Public school districts often deny transfer requests arbitrarily, limiting families' ability to seek better educational opportunities that suit their

children's needs. By requiring districts to maintain and report detailed records of these requests and their outcomes, SB 399 shines a light on bureaucratic gatekeeping, revealing patterns of denial that may stifle parents' best intuition about their children's needs and perpetuate underperforming schools.

Through the exposition of the frequency and disposition of transfer requests, SB 399 highlights how often districts deny families the right to pursue better options, often to protect their own funding rather than serve students' best interests. More transparency will reduce the mystique around the decision-making process for interdistrict transfers and help districts rationally justify their decisions.

This data will equip parents with the evidence needed to demand reforms, fostering a marketplace where schools must improve to retain students. Moreover, SB 399 promotes better informed decision-making and reduces arbitrary government overreach.

SUPPORT

Alliance for Community Advocacy dba Just Advocates
California Policy Center

OPPOSITION

California Association of School Business Officials

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation:

SB 897 (Newman, Ch. 865, Stats. 2024) extended the District of Choice (DOC) program in perpetuity, required DOC schools to accept transfers for foster youth and homeless children, and allowed districts with a qualified or negative budget status to limit student transfers, as specified.

SB 1315 (Archuleta, Ch. 468, Stats. 2024) required the Department of Education to conduct a report on the number and types of reports that local educational agencies are required to submit on an annual basis.

AB 1408 (Wallis, 2024) would have required a local educational agency (LEA) to allow a low-performing student at a low-performing school to transfer to a higher-performing

school either within their home LEA or in another LEA, if the LEA with the higher-performing school agrees to accept transfer students. AB 1408 died in the Assembly Appropriations Committee.

AB 1984 (Weber, Ch. 368, Stats. 2024) required LEAs to provide to the Department of Education, beginning with the 2026–27 school year, data on student transfers due to disciplinary reasons and requires the department to collect and publish this data on its website.

PRIOR VOTES:

Senate Education Committee (Ayes 6, Noes 0)
