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## SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair  
2025 - 2026 Regular Session

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### **SB 399 (Niello) - School districts: interdistrict transfers**

**Version:** March 24, 2025

**Urgency:** No

**Hearing Date:** May 12, 2025

**Policy Vote:** ED. 6 - 0, JUD. 11 - 1

**Mandate:** Yes

**Consultant:** Lenin Del Castillo

**Bill Summary:** This bill requires school districts to keep a record of all requests for inter-district transfer and records of the disposition of those requests, including specified information, and submit the information to the Superintendent of Public Instruction (SPI) each year.

#### **Fiscal Impact:**

- This bill could result in additional Proposition 98 General Fund costs, potentially in the tens of thousands of dollars to low hundreds of thousands of dollars each year, for LEAs to collect and report the required information to the California Department of Education (CDE). These activities could be deemed to be a reimbursable mandate by the Commission on State Mandates. The costs could be lower to the extent that a template is developed by CDE and utilized by school districts for this purpose.
- This bill could result in one-time General Fund costs in the low hundreds of thousands of dollars for CDE to develop or modify data collections, provide guidance to LEAs, develop a template to collect information from school districts, and produce the legislative report.

**Background:** Existing law 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 inter-district attendance of students who are residents of the school districts. It authorizes the agreement to provide for the admission to a school district other than the school district of residence of a student who requests a permit to attend a school district of proposed enrollment (that is a party to the agreement). The law also requires the agreement to stipulate the terms and conditions under which inter-district 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.

Existing law requires that a student who has been determined by personnel of either the school district of residence or the school district of proposed enrollment to have been the victim of an act of bullying (committed by a student of the school district of residence), to be given priority for inter-district attendance, at the request of the parent. A school district of residence shall approve an intra-district transfer request for a victim of an act of bullying unless the requested school is at maximum capacity, in which case the school district shall accept an intra-district transfer request for a different school in the school district. A school district of residence is prohibited from prohibiting the

transfer of a student who is the victim of an act of bullying if the district only has one school offering the student's grade level (so there is no option for intra-district transfer), regardless of whether an agreement exists or a permit for inter-district transfer is issued, if the school district of proposed enrollment approves the application for transfer.

Existing law requires a school district of proposed enrollment that elects to accept inter-district 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 (race or ethnicity, gender, gender identity, gender expression, and immigration status).

**Proposed Law:** This bill requires school districts to keep a record of all requests for inter-district 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 students transferred out of the school district through inter-district transfer.
- c) The number of students transferred into the school district through inter-district transfer.
- 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 students who transfer into and out of the district through inter-district transfer.
- e) The number of students who are classified as English learners or identified as individuals with exceptional needs who transfer into and out of the district through inter-district transfer.
- f) The self-reported reason for the request for inter-district transfer for each of the students who transfer into and out of the district through inter-district transfer.

This bill requires school districts to submit the information annually, by June 30, to the SPI in a manner specified by the SPI. The bill also requires the SPI to post the information submitted for the current school year on the CDE's website by August 1<sup>st</sup> each year. The bill authorizes the SPI to provide a template for a school district to use, and may issue guidance regarding the procedures, for collecting and reporting data.

**Related Legislation:** AB 1984 (Weber, Chapter 368, Statutes of 2024) requires (1) LEAs to provide to CDE, beginning with the 2026–27 school year, data on student transfers due to disciplinary reasons, and requires CDE to collect and publish this data on its website; and, (2) CDE, when providing guidance on its website about reducing

disproportionate discipline of student subgroups in schools, to advise LEAs against the use of transfers to avoid reporting suspensions and expulsions.

**Staff Comments:** This bill requires school districts to keep records and submit detailed information on inter-district transfers for the current school year to the SPI by June 30<sup>th</sup> of each year. According to the author, "SB 399 is about expanding transparency by making 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."

**-- END --**