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## New Law Bolsters Protections for Intradistrict and Interdistrict Transfers

Assembly Bill (“AB”) 1127, which took effect January 1, 2020, added intradistrict and interdistrict transfer protections for victims of “an act of bullying,” and interdistrict transfer protections for children of active duty military parents.

Existing law provided victims of bullying priority for interdistrict attendance, but those students had no preferential *intradistrict* transfer rights. Existing law prohibited a district of residence from blocking the interdistrict transfer of children of active duty military parents if the district of proposed enrollment approved the transfer. AB 1172 amends Education Code section 46600 by providing the following protections to victims of bullying and children of active duty military parents:

- The district of residence must grant an intradistrict transfer request for a victim of bullying unless the requested school is at maximum capacity, in which case the district must grant a transfer request for a different school in the district.
- If the district of residence has only one school offering the grade level of the victim of bullying so that there is no option for an intradistrict transfer, the student may apply for an interdistrict transfer, and the district of residence cannot prohibit the transfer.
- A district of proposed enrollment that elects to accept an interdistrict transfer of a victim of bullying or the child of an active duty military parent must accept all such transfers until the district is at maximum capacity.
- The district of enrollment must ensure that victims of bullying and children of active duty military parents are admitted through an unbiased process that prohibits an inquiry into—or consideration of—whether the student should be enrolled based on academic or athletic performance, physical condition, proficiency in English, family income, or any of the characteristics set forth in Education Code section 220.
- Upon request from the parent or guardian of a victim of bullying or of a child of an active duty military parent, the district of enrollment must provide transportation assistance to the student if he/she is eligible for free or reduced-price meals. The district may provide transportation assistance to any other transfer student who is a victim of bullying or who is the child of an active duty military parent. The amount of transportation assistance provided cannot exceed the supplemental grant, if any, the district receives for the pupil under the district’s local control funding formula.

AB 1127 defines “victim of an act of bullying” as a student who a district has determined is a victim of bullying through an investigation conducted in accordance with the state Safe Place to Learn Act (Education Code section 234.1); the bullying was committed by any student in the district of residence; and the parent of the victim of bullying has filed a written complaint with the school, district personnel, or law enforcement.

By requiring districts to approve intradistrict transfers for victims of bullying, AB 1127 imposes a state-mandated local program for which a district can seek reimbursement from the state. A district also may be reimbursed for additional costs arising from verifying that a student is being bullied, facilitating students intradistrict or interdistrict transfer, and providing transportation assistance.

In light of AB 1127, school districts should consider:

- Revising board policies and administrative regulations to align with AB 1127.
- Training administrative staff on the intradistrict and interdistrict transfer rights of victims of bullying, and the interdistrict transfer rights of children of active duty military parents.

If you have any questions about the requirements and implications of AB 1127, or other related questions, please contact one of our six offices.

**F3 NewsFlash®** Written by:

*Tiffany Santos, partner and Kathleen McDonald, associate*

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