

ASSEMBLY BILL

No. 1907

Introduced by Assembly Member Cook

February 16, 2010

An act to amend Section 47612.5 of the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 1907, as introduced, Cook. Charter schools: instruction.

Existing law defines nonclassroom-based instruction to include, but not to be limited to, independent study, home study, work study, and distance and computer-based education. Existing law requires a charter school that provides independent study to comply with specified provisions relating to independent study.

This bill would specify that a charter school offering nonclassroom-based instruction is not required to comply with specified provisions relating to independent study except to the extent that the charter school provides independent study.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 47612.5 of the Education Code is
2 amended to read:
3 47612.5. (a) Notwithstanding any other provision of law and
4 as a condition of apportionment, a charter school shall do all of
5 the following:

- 1 (1) For each fiscal year, offer, at a minimum, the following
2 number of minutes of instruction:
3 (A) To pupils in kindergarten, 36,000 minutes.
4 (B) To pupils in grades 1 to 3, inclusive, 50,400 minutes.
5 (C) To pupils in grades 4 to 8, inclusive, 54,000 minutes.
6 (D) To pupils in grades 9 to 12, inclusive, 64,800 minutes.
7 (2) Maintain written contemporaneous records that document
8 all pupil attendance and make these records available for audit and
9 inspection.
10 (3) Certify that its pupils have participated in the state testing
11 programs specified in Chapter 5 (commencing with Section 60600)
12 of Part 33 in the same manner as other pupils attending public
13 schools as a condition of apportionment of state funding.
14 (b) (1) Notwithstanding any other provision of law and except
15 to the extent inconsistent with this section and Section 47634.2, a
16 charter school that provides independent study shall comply with
17 Article 5.5 (commencing with Section 51745) of Chapter 5 of Part
18 28 and implementing regulations adopted thereunder. The State
19 Board of Education shall adopt regulations that apply this article
20 to charter schools. To the extent that these regulations concern the
21 qualifications of instructional personnel, the State Board of
22 Education shall be guided by subdivision (l) of Section 47605.
23 (2) *Commencing with the 2005–06 fiscal year, nothing in this*
24 *subdivision or in any other provision of law shall be interpreted*
25 *to require a charter school offering nonclassroom-based*
26 *instruction to comply with Article 5.5 (commencing with Section*
27 *51745) of Chapter 5 of Part 28 and implementing regulations*
28 *adopted thereunder, except to the extent that the charter school*
29 *provides independent study.*
30 (c) A reduction in apportionment made pursuant to subdivision
31 (a) shall be proportional to the magnitude of the exception that
32 causes the reduction. For purposes of paragraph (1) of subdivision
33 (a), for each charter school that fails to offer pupils the minimum
34 number of minutes of instruction specified in that paragraph, the
35 Superintendent shall withhold from the charter school's
36 apportionment for average daily attendance of the affected pupils,
37 by grade level, the sum of that apportionment multiplied by the
38 percentage of the minimum number of minutes of instruction at
39 each grade level that the charter school failed to offer.

1 (d) (1) Notwithstanding any other provision of law and except
2 as provided in paragraph (1) of subdivision (e), a charter school
3 that has an approved charter may receive funding for
4 nonclassroom-based instruction only if a determination for funding
5 is made pursuant to Section 47634.2 by the State Board of
6 Education. The determination for funding shall be subject to any
7 conditions or limitations the State Board of Education may
8 prescribe. The State Board of Education shall adopt regulations
9 on or before February 1, 2002, that define and establish general
10 rules governing nonclassroom-based instruction that apply to all
11 charter schools and to the process for determining funding of
12 nonclassroom-based instruction by charter schools offering
13 nonclassroom-based instruction other than the nonclassroom-based
14 instruction allowed by paragraph (1) of subdivision (e).
15 Nonclassroom-based instruction includes, but is not limited to,
16 independent study, home study, work study, and distance and
17 computer-based education. In prescribing any conditions or
18 limitations relating to the qualifications of instructional personnel,
19 the State Board of Education shall be guided by subdivision (I) of
20 Section 47605.

21 (2) Except as provided in paragraph (2) of subdivision (b) of
22 Section 47634.2, a charter school that receives a determination
23 pursuant to subdivision (b) of Section 47634.2 is not required to
24 reapply annually for a funding determination of its
25 nonclassroom-based instruction program if an update of the
26 information the State Board of Education reviewed when initially
27 determining funding would not require material revision, as that
28 term is defined in regulations adopted by the board. A charter
29 school that has achieved a rank of 6 or greater on the Academic
30 Performance Index for the two years immediately prior to receiving
31 a funding determination pursuant to subdivision (b) of Section
32 47634.2 shall receive a five-year determination and is not required
33 to annually reapply for a funding determination of its
34 nonclassroom-based instruction program if an update of the
35 information the State Board of Education reviewed when initially
36 determining funding would not require material revision, as that
37 term is defined in regulations adopted by the board.
38 Notwithstanding any provision of law, the State Board of Education
39 may require a charter school to provide updated information at
40 any time it determines that a review of that information is

1 necessary. The State Board of Education may terminate a
2 determination for funding if updated or additional information
3 requested by the board is not made available to the board by the
4 charter school within a reasonable amount of time or if the
5 information otherwise supports termination. A determination for
6 funding pursuant to Section 47634.2 may not exceed five years.

7 (3) A charter school that offers nonclassroom-based instruction
8 in excess of the amount authorized by paragraph (1) of subdivision
9 (e) is subject to the determination for funding requirement of
10 Section 47634.2 to receive funding each time its charter is renewed
11 or materially revised pursuant to Section 47607. A charter school
12 that materially revises its charter to offer nonclassroom-based
13 instruction in excess of the amount authorized by paragraph (1)
14 of subdivision (e) is subject to the determination for funding
15 requirement of Section 47634.2.

16 (e) (1) Notwithstanding any other provision of law, and as a
17 condition of apportionment, “classroom-based instruction” in a
18 charter school, for the purposes of this part, occurs only when
19 charter school pupils are engaged in educational activities required
20 of those pupils and are under the immediate supervision and control
21 of an employee of the charter school who possesses a valid teaching
22 certification in accordance with subdivision (l) of Section 47605.
23 For purposes of calculating average daily attendance for
24 classroom-based instruction apportionments, at least 80 percent
25 of the instructional time offered by the charter school shall be at
26 the schoolsite, and the charter school shall require the attendance
27 of all pupils for whom a classroom-based apportionment is claimed
28 at the schoolsite for at least 80 percent of the minimum
29 instructional time required to be offered pursuant to paragraph (1)
30 of subdivision (a) of Section 47612.5.

31 (2) For the purposes of this part, “nonclassroom instruction” or
32 “nonclassroom-based instruction” means instruction that does not
33 meet the requirements specified in paragraph (1). The State Board
34 of Education may adopt regulations pursuant to paragraph (1) of
35 subdivision (d) specifying other conditions or limitations on what
36 constitutes nonclassroom-based instruction, as it deems appropriate
37 and consistent with this part.

38 (3) For purposes of this part, a schoolsite is a facility that is used
39 principally for classroom instruction.

1 (4) Notwithstanding any other provision of law, neither the State
2 Board of Education, nor the Superintendent may waive the
3 requirements of paragraph (1) of subdivision (a).

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