

AMENDED IN ASSEMBLY APRIL 13, 2010

AMENDED IN ASSEMBLY MARCH 16, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

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~~
An act to add and repeal Section 47612.8 of the Education Code,
relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 1907, as amended, 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 real-time synchronized nonclassroom-based instruction is not required, *as a condition of funding*, to comply with specified provisions relating to independent study ~~except to the extent that the charter school provides independent study~~ *if the charter school satisfies certain requirements relating to the manner in which the real-time synchronized nonclassroom-based instruction is provided.*

This bill would make these provisions inoperative on July 1, 2016, and would repeal it as of January 1, 2017.

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 47612.8 is added to the Education Code,
 2 to read:
 3 47612.8. (a) Commencing with the 2011–12 fiscal year,
 4 nothing in Section 47612.5 or any other provision of law shall be
 5 interpreted to require, as a condition of funding, a charter school
 6 offering real-time synchronized nonclassroom-based instruction
 7 to comply with Article 5.5 (commencing with Section 51745) of
 8 Chapter 5 of Part 28 and any implementing regulations adopted
 9 thereunder, if it satisfies all of the following:
- 10 (1) All online instruction is synchronous, delivered in real time.
 - 11 (2) All teachers providing instruction are highly qualified,
 12 holding the appropriate subject matter credential in the courses
 13 they teach.
 - 14 (3) The ratio of full-time equivalent certificated teachers
 15 teaching through online instruction to pupils engaged in that
 16 instruction is substantially equivalent to the ratio of teachers to
 17 pupils in traditional in-classroom study of the same subject matter.
 - 18 (4) The subject matter content is the same for the online course
 19 as for the corresponding traditional in-classroom course approved
 20 by the chartering authority.
 - 21 (5) All pupils are required to attend classes during normal
 22 school hours and to log in to classes according to a bell schedule
 23 provided by the charter school.
 - 24 (6) Regular pupil attendance is required and documented
 25 consistent with the charter school’s policies. Teachers use
 26 technology and other means to ensure that pupils are attending
 27 the online classroom environment throughout the period of
 28 instruction by means such as live audio discussion, real-time text
 29 messaging, or web-video cameras.
 - 30 (7) Average daily attendance is calculated, maintained, and
 31 reported for each period based on actual pupil attendance and
 32 participation in the online classroom environment.
 - 33 (8) All pupils voluntarily elect to participate in the online course.
 34 The parent or guardian of the pupil shall provide written consent
 35 before the pupil may participate in an online course.
 - 36 (9) Charter school pupils are engaged in educational activities
 37 required of those pupils.

- 1 (10) The charter school is accredited by the Western Association
2 of Schools and Colleges (WASC).
- 3 (11) The charter school develops and implements policies
4 addressing all of the following factors:
- 5 (A) Test integrity.
 - 6 (B) Evaluation of the online courses, including a comparison
7 to traditional in-classroom courses.
 - 8 (C) A procedure for obtaining informed consent from both the
9 parent and pupil regarding course enrollment.
 - 10 (D) The teacher selection process.
 - 11 (E) Criteria regarding pupil priority for online courses.
 - 12 (F) Equity and access in terms of hardware or computer
13 laboratories.
 - 14 (G) Teacher training for online teaching.
 - 15 (H) Teacher evaluation procedures.
 - 16 (I) Protocols for verifying actual attendance and participation
17 by pupils engaged in synchronous learning.
 - 18 (J) Pupil computer skills necessary to take an online course.
 - 19 (K) The provision of onsite support for online pupils.
- 20 (12) The charter school maintains records verifying the time
21 that a pupil spends online in assigned classes, and the time the
22 teacher spends online providing instruction.
- 23 (13) The charter school requires all pupils for whom average
24 daily attendance apportionment is claimed to be enrolled in the
25 charter school for at least 80 percent of the minimum instructional
26 time required to be offered pursuant to paragraph (1) of
27 subdivision (a) of Section 47612.5.
- 28 (b) This section shall become inoperative on July 1, 2016, and,
29 as of January 1, 2017, is repealed, unless a later enacted statute,
30 that becomes operative on or before January 1, 2017, deletes or
31 extends the dates on which it becomes inoperative and is repealed.
- 32 ~~SECTION 1. Section 47612.5 of the Education Code is~~
33 ~~amended to read:~~
- 34 ~~47612.5. (a) Notwithstanding any other provision of law and~~
35 ~~as a condition of apportionment, a charter school shall do all of~~
36 ~~the following:~~
- 37 ~~(1) For each fiscal year, offer, at a minimum, the following~~
38 ~~number of minutes of instruction:~~
 - 39 ~~(A) To pupils in kindergarten, 36,000 minutes.~~
 - 40 ~~(B) To pupils in grades 1 to 3, inclusive, 50,400 minutes.~~

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

1 ~~determination for funding shall be subject to any conditions or~~
2 ~~limitations the state board may prescribe. The state board shall~~
3 ~~adopt regulations on or before February 1, 2002, that define and~~
4 ~~establish general rules governing nonclassroom-based instruction~~
5 ~~that apply to all charter schools and to the process for determining~~
6 ~~funding of nonclassroom-based instruction by charter schools~~
7 ~~offering nonclassroom-based instruction other than the~~
8 ~~nonclassroom-based instruction allowed by paragraph (1) of~~
9 ~~subdivision (c). Nonclassroom-based instruction includes, but is~~
10 ~~not limited to, independent study, home study, work study, and~~
11 ~~distance and computer-based education. In prescribing any~~
12 ~~conditions or limitations relating to the qualifications of~~
13 ~~instructional personnel, the state board shall be guided by~~
14 ~~subdivision (l) of Section 47605.~~

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

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

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

25 ~~(2) For the purposes of this part, “nonclassroom instruction” or~~
 26 ~~“nonclassroom-based instruction” means instruction that does not~~
 27 ~~meet the requirements specified in paragraph (1). The state board~~
 28 ~~may adopt regulations pursuant to paragraph (1) of subdivision~~
 29 ~~(d) specifying other conditions or limitations on what constitutes~~
 30 ~~nonclassroom-based instruction, as it deems appropriate and~~
 31 ~~consistent with this part.~~

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

34 ~~(4) Notwithstanding any other provision of law, neither the state~~
 35 ~~board, nor the Superintendent may waive the requirements of~~
 36 ~~paragraph (1) of subdivision (a).~~

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