

AMENDED IN SENATE AUGUST 6, 2012

AMENDED IN SENATE JUNE 21, 2012

AMENDED IN SENATE MARCH 8, 2012

AMENDED IN SENATE JUNE 14, 2011

AMENDED IN ASSEMBLY MAY 10, 2011

AMENDED IN ASSEMBLY APRIL 25, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

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**ASSEMBLY BILL**

**No. 644**

**Introduced by Assembly Members Blumenfield and Atkins**

February 16, 2011

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An act to add *and repeal* Section 46300.8 ~~to~~ of the Education Code, relating to schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 644, as amended, Blumenfield. Schools: average daily attendance: online instruction.

Existing law establishes the public elementary and secondary school system in this state, and further establishes a funding system pursuant to which the state apportions funds to local educational agencies based on, among other factors, the average daily attendance of pupils at the schools operated by those agencies. Numerous statutes and regulations govern the calculation and reporting of average daily attendance.

This bill, commencing with the 2013–14 school year, would authorize, for purposes of computing average daily attendance, the inclusion of pupils in grades 9 to 12, inclusive, under the *immediate* supervision and control of a certificated employee of the school district or county office

of education who is delivering synchronous, online instruction, as defined, provided that this instruction meets specified criteria. The bill would require, if a school district or county office of education elects to offer synchronous, online instruction, that the school district or county office of education provide all pupils who choose to enroll in an online course access to the computer hardware or software necessary for the pupil to participate in the course. The bill would ~~authorize~~ *require* the Superintendent of Public Instruction to establish rules and regulations for purposes of implementing these provisions *and require those rules and regulations to, at a minimum, address specified matters. The bill would make all of these provisions inoperative on July 1, 2018, and repeal them on January 1, 2019.*

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

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

1 SECTION 1. Section 46300.8 is added to the Education Code,  
 2 to read:  
 3 46300.8. (a) Commencing with the 2013–14 school year,  
 4 attendance of pupils in grades 9 to 12, inclusive, under the  
 5 *immediate* supervision and control of a certificated employee of  
 6 the school district or county office of education who is delivering  
 7 synchronous, online instruction shall be included in computing  
 8 average daily attendance, provided that all of the following occur:  
 9 (1) The certificated employee providing the instruction confirms  
 10 pupil attendance through visual recognition ~~or periodic voice~~  
 11 ~~responses~~ during the class period. A pupil logon, without any other  
 12 pupil identification, is not sufficient to confirm pupil attendance.  
 13 (2) The class has a regularly scheduled starting and ending time,  
 14 and the pupil is scheduled to attend the entire class period. Average  
 15 daily attendance shall be counted only for attendance in classes  
 16 held at the regularly scheduled time.  
 17 (3) An individual with exceptional needs, as defined in Section  
 18 56026, may participate in synchronous, online instruction only if  
 19 his or her individualized education program developed pursuant  
 20 to Article 3 (commencing with Section 56340) of Chapter 4 of  
 21 Part 30 specifically provides for that participation.  
 22 (4) If a school district or county office of education elects to  
 23 offer synchronous, online instruction pursuant to this paragraph,

1 the school district or county office of education shall not deny  
2 enrollment to a pupil based solely on the pupil's lack of access to  
3 the computer hardware or software necessary to participate in the  
4 *synchronous, online* course. If a pupil chooses to enroll in a  
5 *synchronous, online* course and does not have access to the  
6 necessary equipment, the school district or county office of  
7 education shall provide, for each pupil who chooses to enroll in a  
8 synchronous, online course, access to the computer hardware or  
9 software necessary to participate in the *synchronous, online* course.

10 (5) The ratio of average daily attendance for synchronous, online  
11 pupils who are 18 years of age or younger to school district  
12 full-time equivalent certificated employees responsible for  
13 synchronous, online instruction, calculated as specified by the  
14 department, shall not exceed the equivalent ratio of pupils to  
15 full-time certificated employees for all other educational programs  
16 operated by the school district, unless a higher or lower ratio is  
17 negotiated in a collective bargaining agreement.

18 (6) The ratio of average daily attendance for synchronous, online  
19 pupils who are 18 years of age or younger to county office of  
20 education full-time equivalent certificated employees who provide  
21 synchronous, online instruction, to be calculated in a manner  
22 prescribed by the department, shall not exceed the equivalent ratio  
23 of pupils to full-time certificated employees for all other  
24 educational programs operated by the high school or unified school  
25 district with the greatest average daily attendance of pupils in that  
26 county, unless a higher or lower ratio is provided for in a collective  
27 bargaining agreement. The computation of the ratios specified in  
28 paragraph (5) and this paragraph shall be performed annually by  
29 the reporting agency at the time of, and in connection with, the  
30 second principal apportionment report to the Superintendent.

31 (b) The Superintendent ~~may~~ *shall* establish rules and regulations  
32 for purposes of implementing this section: *that, at a minimum,*  
33 *address all of the following:*

34 (1) *How school districts and county offices of education include*  
35 *pupil attendance in online courses in the calculation of average*  
36 *daily attendance pursuant to Section 46300.*

37 (2) *How to ensure a pupil meets minimum instructional time*  
38 *requirements pursuant to the following:*

- 1 (A) Section 46141 and Section 46201, 46201.5, or 46202, as  
2 applicable, for pupils enrolled in a noncharter school in a school  
3 district or county office of education.
- 4 (B) Section 46170, for pupils enrolled in a continuation school.
- 5 (C) Section 46180, for pupils enrolled in an opportunity school.
- 6 (3) Provide guidance to school districts and county offices of  
7 education on how to offer synchronous, online instruction.
- 8 (4) Require statewide testing results for online pupils to be  
9 reported and assigned to the school in which the pupil is enrolled  
10 for regular classroom courses, and to any school district or county  
11 office of education within which that school's testing results are  
12 aggregated.
- 13 (5) Require attendance accounted for pursuant to this section  
14 to be subject to the audit conducted pursuant to Section 41020.
- 15 (c) For purposes of this section, "synchronous, online  
16 instruction" means a class or course in which the pupil and the  
17 certificated employee who is providing instruction are online at  
18 the same time and use real-time, Internet-based collaborative  
19 software that combines audio, video, file sharing, and other forms  
20 of interaction.
- 21 (d) This section shall become inoperative on July 1, 2018, and,  
22 as of January 1, 2019, is repealed, unless a later enacted statute,  
23 that becomes operative on or before January 1, 2019, deletes or  
24 extends the dates on which it becomes inoperative and is repealed.