

AMENDED IN SENATE AUGUST 24, 2012
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

ASSEMBLY BILL

No. 644

Introduced by Assembly Members Blumenfield and Atkins

February 16, 2011

An act to add and repeal Section 46300.8 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~~ 2014–15 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 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 also authorize the Superintendent to provide guidance regarding the ability of a school district or county office of education to provide synchronous, online instruction.* The bill would make all of these provisions inoperative on July 1, ~~2018~~, 2019, and repeal them on January 1, ~~2019~~ 2020.

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~~ 2014–15 school
 4 year, 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 during the class period.
 11 A pupil logon, without any other pupil identification, is not
 12 sufficient to confirm pupil attendance.
 13 (2) The class has a regularly scheduled starting and ending ~~time~~,
 14 *times*, and the pupil is scheduled to attend the entire class period.
 15 Average daily attendance shall be counted only for attendance in
 16 classes 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

1 his or her individualized education program developed pursuant
2 to Article 3 (commencing with Section 56340) of Chapter 4 of
3 Part 30 specifically provides for that participation.

4 (4) If a school district or county office of education elects to
5 offer synchronous, online instruction pursuant to this paragraph,
6 the school district or county office of education shall not deny
7 enrollment to a pupil based solely on the pupil's lack of access to
8 the computer hardware or software necessary to participate in the
9 synchronous, online course. If a pupil chooses to enroll in a
10 synchronous, online course and does not have access to the
11 necessary equipment, the school district or county office of
12 education shall provide, for each pupil who chooses to enroll in a
13 synchronous, online course, access to the computer hardware or
14 software necessary to participate in the synchronous, online course.

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

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

36 (b) The Superintendent shall establish rules and regulations for
37 purposes of implementing this section that, at a minimum, address
38 all of the following:

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

4 (2) How to ensure a pupil meets minimum instructional time
5 requirements pursuant to the following:

6 (A) Section 46141 and Section 46201, 46201.5, or 46202, as
7 applicable, for pupils enrolled in a noncharter school in a school
8 district or county office of education.

9 (B) Section 46170, for pupils enrolled in a continuation school.

10 (C) Section 46180, for pupils enrolled in an opportunity school.

11 ~~(3) Provide guidance to school districts and county offices of
12 education on how to offer synchronous, online instruction.~~

13 ~~(4)~~

14 (3) Require statewide testing results for online pupils to be
15 reported and assigned to the school in which the pupil is enrolled
16 for regular classroom courses, and to any school district or county
17 office of education within which that school’s testing results are
18 aggregated.

19 ~~(5)~~

20 (4) Require attendance accounted for pursuant to this section
21 to be subject to the audit conducted pursuant to Section 41020.

22 (c) *The Superintendent may provide guidance regarding the
23 ability of a school district or county office of education to provide
24 synchronous, online instruction.*

25 ~~(e)~~

26 (d) For purposes of this section, “synchronous, online
27 instruction” means a class or course in which the pupil and the
28 certificated employee who is providing instruction are online at
29 the same time and use real-time, Internet-based collaborative
30 software that combines audio, video, file sharing, and other forms
31 of interaction.

32 ~~(f)~~

33 (e) This section shall become inoperative on July 1, ~~2018; 2019,~~
34 and, as of January 1, ~~2019; 2020,~~ is repealed, unless a later enacted
35 statute, that becomes operative on or before January 1, ~~2019; 2020,~~
36 deletes or extends the dates on which it becomes inoperative and
37 is repealed.