

AMENDED IN SENATE JULY 3, 2013
AMENDED IN ASSEMBLY MAY 24, 2013
AMENDED IN ASSEMBLY APRIL 29, 2013
AMENDED IN ASSEMBLY APRIL 2, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 342

Introduced by Assembly Member Blumenfield

February 13, 2013

An act to amend ~~Sections 46300.8~~, *Section 46300.8 of*, and to amend, repeal, and add Sections 51745, 51745.6, and 51747 ~~of of~~, the Education Code, relating to online instruction and independent study.

LEGISLATIVE COUNSEL'S DIGEST

AB 342, as amended, Blumenfield. Online instruction and independent study.

(1) 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.

Existing law, commencing with the 2014–15 school year, authorizes, 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. Existing law requires, 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 a synchronous, online course access to the computer hardware or software necessary for the pupil to participate in the course.

Existing law requires the Superintendent of Public Instruction to establish rules and regulations for purposes of implementing these provisions, and requires those rules and regulations to, at a minimum, address specified matters. Existing law also authorizes the Superintendent to provide guidance regarding the ability of a school district or county office of education to provide synchronous, online instruction.

This bill would make these provisions applicable to technology-based synchronous instruction, as defined, rather than synchronous, online instruction.

(2) Existing law authorizes the governing board of a school district or a county office of education to offer independent study to meet the educational needs of pupils in accordance with prescribed criteria. Existing law requires that not more than 10% of the pupils participating in an opportunity school or program, or a continuation high school, calculated as specified by the State Department of Education, be eligible for apportionment credit for independent study.

This bill, *commencing July 1, 2014*, would require the calculation to be based on the prior year average daily attendance reported to the department.

(3) Existing law requires the ratio of average daily attendance for independent study pupils 18 years of age or less to full-time equivalent certificated employees responsible for independent study to not exceed a specified ratio.

This bill, *commencing July 1, 2014*, would authorize a school district or a county office of education to establish a different ratio of average daily attendance for independent study pupils 18 years of age or less to full-time equivalent certificated employees responsible for independent study through a ~~locally~~ *local collectively* bargained agreement.

(4) Existing law provides that a school district or county office of education is not eligible to receive apportionments for independent study pupils unless it has adopted and implemented certain policies, including, but not limited to, policies related to the maximum length of time that may elapse between the time an independent study

assignment is made and the date by which the pupil must complete the assigned work, the number of missed assignments that will be allowed before an evaluation is conducted to determine whether it is in the best interests of the pupil to remain in independent study, the manner, time, frequency, and place for submitting a pupil's assignments and for reporting his or her progress, and requiring a written agreement for each independent study pupil to be maintained on file.

This bill, *commencing July 1, 2014*, would require a school district or county office of education to adopt different policies to be eligible to receive apportionments for independent study pupils, including policies requiring periodic contact, as defined, between the certificated employee providing instruction and the pupil to assess whether satisfactory educational progress, as ~~defined~~, *described*, is made. The bill would require the written agreement for each independent study pupil that is maintained on file to include additional information, including a copy of the governing board of the school district's, county board of education's, or governing body of a charter school's independent study authorization, and would authorize the written agreement to be maintained in a paper or electronic copy, as defined. The bill would authorize independent study to commence upon receipt of an electronic copy of the agreement.

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 of the Education Code is
2 amended to read:
3 46300.8. (a) Commencing with the 2014–15 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 technology-based synchronous instruction shall be included in
8 computing average daily attendance, provided that all of the
9 following occur:
10 (1) The certificated employee providing the instruction confirms
11 pupil attendance through visual recognition during the class period.
12 A pupil logon, without any other pupil identification, is not
13 sufficient to confirm pupil attendance.

1 (2) The class has regularly scheduled starting and ending times,
2 and the pupil is scheduled to attend the entire class period. Average
3 daily attendance shall be counted only for attendance in classes
4 held at the regularly scheduled time.

5 (3) An individual with exceptional needs, as defined in Section
6 56026, may participate in technology-based synchronous
7 instruction only if his or her individualized education program
8 developed pursuant to Article 3 (commencing with Section 56340)
9 of Chapter 4 of Part 30 specifically provides for that participation.

10 (4) If a school district or county office of education elects to
11 offer technology-based synchronous instruction pursuant to this
12 paragraph, the school district or county office of education shall
13 not deny enrollment to a pupil based solely on the pupil's lack of
14 access to the computer hardware or software necessary to
15 participate in the technology-based synchronous instruction course.
16 If a pupil chooses to enroll in a technology-based synchronous
17 instruction course and does not have access to the necessary
18 equipment, the school district or county office of education shall
19 provide, for each pupil who chooses to enroll in a technology-based
20 synchronous instruction course, access to the computer hardware
21 or software necessary to participate in the technology-based
22 synchronous instruction course.

23 (5) The ratio of average daily attendance for technology-based
24 pupils who are 18 years of age or younger to school district
25 full-time equivalent certificated employees responsible for
26 technology-based synchronous instruction, calculated as specified
27 by the department, shall not exceed the equivalent ratio of pupils
28 to full-time certificated employees for all other educational
29 programs operated by the school district, unless a higher or lower
30 ratio is negotiated in a collective bargaining agreement.

31 (6) The ratio of average daily attendance for technology-based
32 pupils who are 18 years of age or younger to county office of
33 education full-time equivalent certificated employees who provide
34 technology-based synchronous instruction, to be calculated in a
35 manner prescribed by the department, shall not exceed the
36 equivalent ratio of pupils to full-time certificated employees for
37 all other educational programs operated by the high school or
38 unified school district with the greatest average daily attendance
39 of pupils in that county, unless a higher or lower ratio is provided
40 for in a collective bargaining agreement. The computation of the

1 ratios specified in paragraph (5) and this paragraph shall be
2 performed annually by the reporting agency at the time of, and in
3 connection with, the second principal apportionment report to the
4 Superintendent.

5 (b) The Superintendent shall establish rules and regulations for
6 purposes of implementing this section that, *at a minimum*, address
7 all of the following:

8 (1) How school districts or county offices of education include
9 pupil attendance in technology-based synchronous instruction
10 courses in the calculation of average daily attendance pursuant to
11 Section 46300.

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

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

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

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

19 (3) Require statewide testing results for technology-based pupils
20 to be reported and assigned to the school in which the pupil is
21 enrolled for regular classroom courses, and to any school district
22 or county office of education within which that school's testing
23 results are aggregated. Testing results may be disaggregated for
24 the purpose of comparing technology-based pupils' testing results
25 to the results of those pupils enrolled in regular classroom courses.

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

28 (c) The Superintendent may provide guidance regarding the
29 ability of a school district or county office of education to provide
30 technology-based synchronous instruction.

31 (d) A technology-based synchronous instruction course shall
32 be approved by the governing board of the school district or county
33 office of education, shall be as rigorous as a classroom-based
34 course, and shall meet or exceed all relevant state content standards.

35 (e) For purposes of this section, "technology-based synchronous
36 instruction" means a class or course in which the pupil and the
37 certificated employee who is providing instruction are online at
38 the same time through the use of electronic means, including, but
39 not necessarily limited to, the use of real-time, Internet-based

1 collaborative software that combines audio, video, file sharing,
2 and other forms of interaction.

3 (f) This section shall become inoperative on July 1, 2019, and,
4 as of January 1, 2020, is repealed, unless a later enacted statute,
5 that becomes operative on or before January 1, 2020, deletes or
6 extends the dates on which it becomes inoperative and is repealed.

7 ~~SEC. 2. Section 51745 of the Education Code is amended to~~
8 ~~read:~~

9 ~~51745. (a) Commencing with the 1990–91 school year, the~~
10 ~~governing board of a school district or a county office of education~~
11 ~~may offer independent study to meet the educational needs of~~
12 ~~pupils in accordance with the requirements of this article.~~
13 ~~Educational opportunities offered through independent study may~~
14 ~~include, but shall not be limited to, the following:~~

15 ~~(1) Special assignments extending the content of regular courses~~
16 ~~of instruction.~~

17 ~~(2) Individualized study in a particular area of interest or in a~~
18 ~~subject not currently available in the regular school curriculum.~~

19 ~~(3) Individualized alternative education designed to teach the~~
20 ~~knowledge and skills of the core curriculum. Independent study~~
21 ~~shall not be provided as an alternative curriculum.~~

22 ~~(4) Continuing and special study during travel.~~

23 ~~(5) Volunteer community service activities and leadership~~
24 ~~opportunities that support and strengthen pupil achievement.~~

25 ~~(b) Not more than 10 percent of the pupils participating in an~~
26 ~~opportunity school or program, or a continuation high school,~~
27 ~~calculated by prior year average daily attendance reported to the~~
28 ~~department, shall be eligible for apportionment credit for~~
29 ~~independent study pursuant to this article. A pupil who is pregnant~~
30 ~~or is a parent who is the primary caregiver for one or more of his~~
31 ~~or her children shall not be counted within the 10-percent cap.~~

32 ~~(c) An individual with exceptional needs, as defined in Section~~
33 ~~56026, shall not participate in independent study, unless his or her~~
34 ~~individualized education program developed pursuant to Article~~
35 ~~3 (commencing with Section 56340) of Chapter 4 of Part 30~~
36 ~~specifically provides for that participation.~~

37 ~~(d) A temporarily disabled pupil shall not receive individual~~
38 ~~instruction pursuant to Section 48206.3 through independent study.~~

1 ~~(e) No course included among the courses required for high~~
2 ~~school graduation under Section 51225.3 shall be offered~~
3 ~~exclusively through independent study.~~

4 ~~SEC. 3. Section 51745.6 of the Education Code is amended to~~
5 ~~read:~~

6 ~~51745.6.—(a) The ratio of average daily attendance for~~
7 ~~independent study pupils 18 years of age or less to school district~~
8 ~~full-time equivalent certificated employees responsible for~~
9 ~~independent study, calculated as specified by the department, shall~~
10 ~~not exceed the equivalent ratio of pupils to full-time certificated~~
11 ~~employees for all other educational programs operated by the~~
12 ~~school district, unless a different ratio is established through a~~
13 ~~locally bargained agreement. The ratio of average daily attendance~~
14 ~~for independent study pupils 18 years of age or less to county office~~
15 ~~of education full-time equivalent certificated employees responsible~~
16 ~~for independent study, to be calculated in a manner prescribed by~~
17 ~~the department, shall not exceed the equivalent ratio of pupils to~~
18 ~~full-time certificated employees for all other educational programs~~
19 ~~operated by the high school district or unified school district with~~
20 ~~the largest average daily attendance of pupils in that county, unless~~
21 ~~a different ratio is established through a locally bargained~~
22 ~~agreement. The computation of those ratios shall be performed~~
23 ~~annually by the reporting agency at the time of, and in connection~~
24 ~~with, the second principal apportionment report to the~~
25 ~~Superintendent.~~

26 ~~(b) Only those units of average daily attendance for independent~~
27 ~~study that reflect a pupil-teacher ratio that does not exceed the~~
28 ~~ratio described in subdivision (a) shall be eligible for apportionment~~
29 ~~pursuant to Section 42238.5, for school districts, and Section 2558,~~
30 ~~for county offices of education. This section shall not prevent a~~
31 ~~school district or county office of education from serving additional~~
32 ~~units of average daily attendance greater than the ratio described~~
33 ~~in subdivision (a), except that those additional units shall not be~~
34 ~~funded pursuant to Section 2558 or 42238.5.~~

35 ~~(c) The calculations performed for purposes of this section shall~~
36 ~~not include either of the following:~~

37 ~~(1) The average daily attendance generated by special education~~
38 ~~pupils enrolled in special day classes on a full-time basis, or the~~
39 ~~teachers of those classes.~~

1 ~~(2) The average daily attendance or teachers in necessary small~~
2 ~~schools that are eligible to receive funding pursuant to Article 4~~
3 ~~(commencing with Section 42280) of Chapter 7 of Part 24 of~~
4 ~~Division 3.~~

5 ~~(d) The pupil-teacher ratio described in subdivision (a) in a~~
6 ~~unified school district participating in the class size reduction~~
7 ~~program pursuant to Chapter 6.10 (commencing with Section~~
8 ~~52120) may, at the school district’s option, be calculated separately~~
9 ~~for kindergarten and grades 1 to 6, inclusive, and for grades 7 to~~
10 ~~12, inclusive.~~

11 ~~(e) The pupils-to-certificated-employee ratio described in~~
12 ~~subdivision (a) may, in a charter school, be calculated by using a~~
13 ~~fixed pupils-to-certificated-employee ratio of 25 to one, or by being~~
14 ~~a ratio of less than 25 pupils per certificated employee. All charter~~
15 ~~school pupils, regardless of age, shall be included in~~
16 ~~pupils-to-certificated-employee ratio calculations.~~

17 ~~SEC. 4. Section 51747 of the Education Code is amended to~~
18 ~~read:~~

19 ~~51747. (a) A school district or county office of education shall~~
20 ~~not be eligible to receive apportionments for independent study~~
21 ~~by pupils, regardless of age, unless it has adopted written policies,~~
22 ~~and has implemented those policies, pursuant to rules and~~
23 ~~regulations adopted by the Superintendent, that include, at a~~
24 ~~minimum, all of the following:~~

25 ~~(1) The maximum length of time, by grade level and type of~~
26 ~~program, that may elapse between the time an independent study~~
27 ~~assignment is made and the date by which the pupil must complete~~
28 ~~the assigned work.~~

29 ~~(2) (A) (i) A requirement of periodic contact between the~~
30 ~~certificated employee providing instruction and the pupil to assess~~
31 ~~whether satisfactory educational progress is made.~~

32 ~~(ii) For purposes of this section, “periodic contact” means~~
33 ~~communication that occurs at least twice per month and consists~~
34 ~~of either in-person interaction or interaction through electronic~~
35 ~~means, including, but not necessarily limited to, the use of~~
36 ~~real-time, Internet-based collaborative software that combines~~
37 ~~audio, video, file sharing, and other forms of interaction.~~

38 ~~(B) If satisfactory educational progress is not made, a certificated~~
39 ~~employee shall notify the pupil and the pupil’s parent or guardian.~~

1 ~~(C) If satisfactory educational progress is not made, an~~
2 ~~evaluation shall be conducted to determine whether it is in the best~~
3 ~~interests of the pupil to remain in independent study, or whether~~
4 ~~he or she should return to the regular school program. A written~~
5 ~~record of the findings of an evaluation made pursuant to this~~
6 ~~subdivision shall be treated as a mandatory interim pupil record.~~
7 ~~The record shall be maintained for a period of three years from~~
8 ~~the date of the evaluation and, if the pupil transfers to another~~
9 ~~California public school, the record shall be forwarded to that~~
10 ~~school. A pupil shall not continue to participate in independent~~
11 ~~study without evidence of satisfactory educational progress unless~~
12 ~~independent study is determined by the district or county~~
13 ~~superintendent, or charter administrator or designee, to be in the~~
14 ~~best interest of the pupil.~~

15 ~~(D) For purposes of this section, “satisfactory educational~~
16 ~~progress” includes meeting measures such as applicable statewide~~
17 ~~accountability measures and assessments, the completion of~~
18 ~~assignments, locally approved or state-approved formative~~
19 ~~assessments, required laboratories or online workgroups, or other~~
20 ~~indicators that the pupil is working on assignments and learning~~
21 ~~required concepts, as determined by the supervising certificated~~
22 ~~employee.~~

23 ~~(3) A requirement of a current written agreement for each~~
24 ~~independent study pupil that is maintained on file in a paper or~~
25 ~~electronic copy. The written agreement shall include a copy of the~~
26 ~~independent study authorization of the governing board of a school~~
27 ~~district or county board of education, or governing body of a charter~~
28 ~~school, as applicable, and shall include, but is not limited to, all~~
29 ~~of the following:~~

30 ~~(A) The manner, time, frequency, and place for submitting a~~
31 ~~pupil’s assignments and for reporting his or her progress.~~

32 ~~(B) The objectives and methods of study for the pupil’s work,~~
33 ~~and the methods used to evaluate that work.~~

34 ~~(C) The specific resources, including materials and personnel,~~
35 ~~that will be made available to the pupil.~~

36 ~~(D) A statement of the policies adopted pursuant to paragraph~~
37 ~~(2) and as determined by each school district, county office of~~
38 ~~education, or charter school that specifies periodic contact between~~
39 ~~pupils and certificated employees and identifies the accountability~~
40 ~~measures and assessments that will be used to determine~~

1 satisfactory educational progress. In all cases, the authorization
2 for independent study shall include the learning objectives required
3 to achieve satisfactory educational progress.

4 (E) The duration of the independent study agreement, including
5 the beginning and ending dates for the pupil's participation in
6 independent study under the agreement. No independent study
7 agreement shall be valid for any period longer than one semester,
8 or one-half year for a school on a year-round calendar.

9 (F) A statement of the number of course credits or, for the
10 elementary grades, other measures of academic accomplishment
11 appropriate to the agreement, to be earned by the pupil upon
12 completion.

13 (G) The inclusion of a statement in each independent study
14 agreement that independent study is an optional educational
15 alternative in which no pupil may be required to participate. In the
16 case of a pupil who is referred or assigned to any school, class, or
17 program pursuant to Section 48915 or 48917, the agreement also
18 shall include the statement that instruction may be provided to the
19 pupil through independent study only if the pupil is offered the
20 alternative of classroom instruction.

21 (H) The signatures, affixed before the commencement of
22 independent study, of the pupil, the pupil's parent, legal guardian,
23 or caregiver if the pupil is less than 18 years of age, and the
24 certificated employee who has been designated as having
25 responsibility for the general supervision of independent study.
26 For purposes of this paragraph "caregiver" means a person who
27 has met the requirements of Part 1.5 (commencing with Section
28 6550) of Division 11 of the Family Code.

29 (b) Independent study may commence upon receipt of an
30 electronic copy of the agreement specified in paragraph (3) of
31 subdivision (a).

32 (c) For purposes of this section, an "electronic copy" includes
33 a computer or electronic stored image of an original document,
34 including, but not limited to, portable document format (PDF),
35 JPEG, or other digital image file type, which may be sent via fax
36 machine, email, or other electronic means.

37 (d) As a condition of apportionment, school districts, county
38 offices of education, or charter schools shall retain written or
39 electronic documentation that demonstrates satisfactory educational
40 progress for independent study pupils.

1 *SEC. 2. Section 51745 of the Education Code is amended to*
2 *read:*

3 51745. (a) Commencing with the 1990–91 school year, the
4 governing board of a school district or a county office of education
5 may offer independent study to meet the educational needs of
6 pupils in accordance with the requirements of this article.
7 Educational opportunities offered through independent study may
8 include, but shall not be limited to, the following:

9 (1) Special assignments extending the content of regular courses
10 of instruction.

11 (2) Individualized study in a particular area of interest or in a
12 subject not currently available in the regular school curriculum.

13 (3) Individualized alternative education designed to teach the
14 knowledge and skills of the core curriculum. Independent study
15 shall not be provided as an alternative curriculum.

16 (4) Continuing and special study during travel.

17 (5) Volunteer community service activities and leadership
18 opportunities that support and strengthen pupil achievement.

19 (b) Not more than 10 percent of the pupils participating in an
20 opportunity school or program, or a continuation high school,
21 calculated as specified by the department, shall be eligible for
22 apportionment credit for independent study pursuant to this article.
23 A pupil who is pregnant or is a parent who is the primary caregiver
24 for one or more of his or her children shall not be counted within
25 the ~~10 percent~~ 10-percent cap.

26 (c) An individual with exceptional needs, as defined in Section
27 56026, shall not participate in independent study, unless his or her
28 individualized education program developed pursuant to Article
29 3 (commencing with Section 56340) of Chapter 4 of Part 30
30 specifically provides for that participation.

31 (d) A temporarily disabled pupil shall not receive individual
32 instruction pursuant to Section 48206.3 through independent study.

33 (e) No course included among the courses required for high
34 school graduation under Section 51225.3 shall be offered
35 exclusively through independent study.

36 (f) *This section shall become inoperative on July 1, 2014, and,*
37 *as of January 1, 2015, is repealed, unless a later enacted statute,*
38 *that becomes operative on or before January 1, 2015, deletes or*
39 *extends the dates on which it becomes inoperative and is repealed.*

40 *SEC. 3. Section 51745 is added to the Education Code, to read:*

1 51745. (a) Commencing with the 1990–91 school year, the
 2 governing board of a school district or a county office of education
 3 may offer independent study to meet the educational needs of pupils
 4 in accordance with the requirements of this article. Educational
 5 opportunities offered through independent study may include, but
 6 shall not be limited to, the following:

7 (1) Special assignments extending the content of regular courses
 8 of instruction.

9 (2) Individualized study in a particular area of interest or in a
 10 subject not currently available in the regular school curriculum.

11 (3) Individualized alternative education designed to teach the
 12 knowledge and skills of the core curriculum. Independent study
 13 shall not be provided as an alternative curriculum.

14 (4) Continuing and special study during travel.

15 (5) Volunteer community service activities and leadership
 16 opportunities that support and strengthen pupil achievement.

17 (b) Not more than 10 percent of the pupils participating in an
 18 opportunity school or program, or a continuation high school,
 19 calculated using prior year average daily attendance reported to
 20 the department, shall be eligible for apportionment credit for
 21 independent study pursuant to this article. A pupil who is pregnant
 22 or is a parent who is the primary caregiver for one or more of his
 23 or her children shall not be counted within the 10-percent cap.

24 (c) An individual with exceptional needs, as defined in Section
 25 56026, shall not participate in independent study, unless his or
 26 her individualized education program developed pursuant to
 27 Article 3 (commencing with Section 56340) of Chapter 4 of Part
 28 30 specifically provides for that participation.

29 (d) A temporarily disabled pupil shall not receive individual
 30 instruction pursuant to Section 48206.3 through independent study.

31 (e) No course included among the courses required for high
 32 school graduation under Section 51225.3 shall be offered
 33 exclusively through independent study.

34 (f) This section shall become operative on July 1, 2014.

35 SEC. 4. Section 51745.6 of the Education Code is amended to
 36 read:

37 51745.6. (a) The ratio of average daily attendance for
 38 independent study pupils 18 years of age or less to school district
 39 full-time equivalent certificated employees responsible for
 40 independent study, calculated as specified by the State Department

1 of Education, *department*, shall not exceed the equivalent ratio of
2 pupils to full-time certificated employees for all other educational
3 programs operated by the school district. The ratio of average daily
4 attendance for independent study pupils 18 years of age or less to
5 county office of education full-time equivalent certificated
6 employees responsible for independent study, to be calculated in
7 a manner prescribed by the ~~State Department of Education,~~
8 *department*, shall not exceed the equivalent ratio of pupils to
9 full-time certificated employees for all other educational programs
10 operated by the high school or unified school district with the
11 largest average daily attendance of pupils in that county. The
12 computation of those ratios shall be performed annually by the
13 reporting agency at the time of, and in connection with, the second
14 principal apportionment report to the Superintendent of Public
15 Instruction.

16 (b) Only those units of average daily attendance for independent
17 study that reflect a pupil-teacher ratio that does not exceed the
18 ratio described in subdivision (a) shall be eligible for apportionment
19 pursuant to Section 42238.5, for school districts, and Section 2558,
20 for county offices of education. ~~Nothing in this~~ *This* section shall
21 *not* prevent a school district or county office of education from
22 serving additional units of average daily attendance greater than
23 the ratio described in subdivision (a), except that those additional
24 units shall not be funded pursuant to Section 2558 *or* 42238.5 ~~or~~
25 ~~Section 2558.~~

26 (c) The calculations performed for purposes of this section shall
27 not include either of the following:

28 (1) The average daily attendance generated by special education
29 pupils enrolled in special day classes on a full-time basis, or the
30 teachers of those classes.

31 (2) The average daily attendance or teachers in necessary small
32 schools that are eligible to receive funding pursuant to Article 4
33 (commencing with Section 42280) of Chapter 7 of Part 24 of
34 *Division 3*.

35 (d) The pupil-teacher ratio described in subdivision (a) in a
36 unified school district participating in the class size reduction
37 program pursuant to Chapter 6.10 (commencing with Section
38 52120) may, at the school district's option, be calculated separately
39 for kindergarten and grades 1 to 6, inclusive, and for grades 7 to
40 12, inclusive.

1 (e) The pupils-to-certificated-employee ratio described in
2 subdivision (a) may, in a charter school, be calculated by using a
3 fixed pupils-to-certificated-employee ratio of 25 to ~~one~~, 1, or by
4 being a ratio of less than 25 pupils per certificated employee. All
5 charter school pupils, regardless of age, shall be included in
6 ~~pupil-to-certificated-employee~~ *pupils-to-certificated-employee*
7 ratio calculations.

8 (f) *This section shall become inoperative on July 1, 2014, and,*
9 *as of January 1, 2015, is repealed, unless a later enacted statute,*
10 *that becomes operative on or before January 1, 2015, deletes or*
11 *extends the dates on which it becomes inoperative and is repealed.*

12 SEC. 5. Section 51745.6 is added to the Education Code, to
13 read:

14 51745.6. (a) *The ratio of average daily attendance for*
15 *independent study pupils 18 years of age or less to school district*
16 *full-time equivalent certificated employees responsible for*
17 *independent study, calculated as specified by the department, shall*
18 *not exceed the equivalent ratio of pupils to full-time certificated*
19 *employees for all other educational programs operated by the*
20 *school district, unless a different ratio is established through a*
21 *local collectively bargained agreement. The ratio of average daily*
22 *attendance for independent study pupils 18 years of age or less to*
23 *county office of education full-time equivalent certificated*
24 *employees responsible for independent study, to be calculated in*
25 *a manner prescribed by the department, shall not exceed the*
26 *equivalent ratio of pupils to full-time certificated employees for*
27 *all other educational programs operated by the high school district*
28 *or unified school district with the largest average daily attendance*
29 *of pupils in that county, unless a different ratio is established*
30 *through a local collectively bargained agreement. The computation*
31 *of those ratios shall be performed annually by the reporting agency*
32 *at the time of, and in connection with, the second principal*
33 *apportionment report to the Superintendent.*

34 (b) *Only those units of average daily attendance for independent*
35 *study that reflect a pupil-teacher ratio that does not exceed the*
36 *ratio described in subdivision (a) shall be eligible for*
37 *apportionment pursuant to Section 42238.5, for school districts,*
38 *and Section 2558, for county offices of education. This section*
39 *shall not prevent a school district or county office of education*
40 *from serving additional units of average daily attendance greater*

1 *than the ratio described in subdivision (a), except that those*
2 *additional units shall not be funded pursuant to Section 2558 or*
3 *42238.5.*

4 *(c) The calculations performed for purposes of this section shall*
5 *not include either of the following:*

6 *(1) The average daily attendance generated by special education*
7 *pupils enrolled in special day classes on a full-time basis, or the*
8 *teachers of those classes.*

9 *(2) The average daily attendance or teachers in necessary small*
10 *schools that are eligible to receive funding pursuant to Article 4*
11 *(commencing with Section 42280) of Chapter 7 of Part 24 of*
12 *Division 3.*

13 *(d) The pupil-teacher ratio described in subdivision (a) in a*
14 *unified school district participating in the class size reduction*
15 *program pursuant to Chapter 6.10 (commencing with Section*
16 *52120) may, at the school district's option, be calculated separately*
17 *for kindergarten and grades 1 to 6, inclusive, and for grades 7 to*
18 *12, inclusive.*

19 *(e) The pupils-to-certificated-employee ratio described in*
20 *subdivision (a) may, in a charter school, be calculated by using a*
21 *fixed pupils-to-certificated-employee ratio of 25 to 1, or by being*
22 *a ratio of less than 25 pupils per certificated employee. All charter*
23 *school pupils, regardless of age, shall be included in*
24 *pupils-to-certificated-employee ratio calculations.*

25 *(f) This section shall become operative on July 1, 2014.*

26 *SEC. 6. Section 51747 of the Education Code is amended to*
27 *read:*

28 51747. A school district or county office of education shall not
29 be eligible to receive apportionments for independent study by
30 pupils, regardless of age, unless it has adopted written policies,
31 and has implemented those policies, pursuant to rules and
32 regulations adopted by the ~~Superintendent of Public Instruction,~~
33 *Superintendent*, that include, but are not limited to, all of the
34 following:

35 (a) The maximum length of time, by grade level and type of
36 program, that may elapse between the time an independent study
37 assignment is made and the date by which the pupil must complete
38 the assigned work.

39 (b) The number of missed assignments that will be allowed
40 before an evaluation is conducted to determine whether it is in the

1 best interests of the pupil to remain in independent study, or
2 whether he or she should return to the regular school program. A
3 written record of the findings of ~~any~~ *an* evaluation made pursuant
4 to this subdivision shall be treated as a mandatory interim pupil
5 record. The record shall be maintained for a period of three years
6 from the date of the evaluation and, if the pupil transfers to another
7 California public school, the record shall be forwarded to that
8 school.

9 (c) A requirement that a current written agreement for each
10 independent study pupil shall be maintained on file including, but
11 not limited to, all of the following:

12 (1) The manner, time, frequency, and place for submitting a
13 pupil's assignments and for reporting his or her progress.

14 (2) The objectives and methods of study for the pupil's work,
15 and the methods ~~utilized~~ *used* to evaluate that work.

16 (3) The specific resources, including materials and personnel,
17 that will be made available to the pupil.

18 (4) A statement of the policies adopted pursuant to subdivisions
19 (a) and (b) regarding the maximum length of time allowed between
20 the assignment and the completion of a pupil's assigned work, and
21 the number of missed assignments allowed ~~prior to~~ *before* an
22 evaluation of whether or not the pupil should be allowed to
23 continue in independent study.

24 (5) The duration of the independent study agreement, including
25 the beginning and ending dates for the pupil's participation in
26 independent study under the agreement. No independent study
27 agreement shall be valid for any period longer than one semester,
28 or one-half year for a school on a year-round calendar.

29 (6) A statement of the number of course credits or, for the
30 elementary grades, other measures of academic accomplishment
31 appropriate to the agreement, to be earned by the pupil upon
32 completion.

33 (7) The inclusion of a statement in each independent study
34 agreement that independent study is an optional educational
35 alternative in which no pupil may be required to participate. In the
36 case of a pupil who is referred or assigned to any school, class, or
37 program pursuant to Section 48915 or 48917, the agreement also
38 shall include the statement that instruction may be provided to the
39 pupil through independent study only if the pupil is offered the
40 alternative of classroom instruction.

1 (8) Each written agreement shall be signed, ~~prior to~~ *before* the
2 commencement of independent study, by the pupil, the pupil's
3 parent, legal guardian, or caregiver, if the pupil is less than 18
4 years of age, the certificated employee who has been designated
5 as having responsibility for the general supervision of independent
6 study, and all persons who have direct responsibility for providing
7 assistance to the pupil. For purposes of this paragraph "caregiver"
8 means a person who has met the requirements of Part 1.5
9 (commencing with Section 6550) of *Division 11* of the Family
10 Code.

11 *(d) This section shall become inoperative on July 1, 2014, and,*
12 *as of January 1, 2015, is repealed, unless a later enacted statute,*
13 *that becomes operative on or before January 1, 2015, deletes or*
14 *extends the dates on which it becomes inoperative and is repealed.*

15 *SEC. 7. Section 51747 is added to the Education Code, to read:*

16 *51747. (a) A school district or county office of education shall*
17 *not be eligible to receive apportionments for independent study*
18 *by pupils, regardless of age, unless it has adopted written policies,*
19 *and has implemented those policies, pursuant to rules and*
20 *regulations adopted by the Superintendent, that include, at a*
21 *minimum, all of the following:*

22 *(1) The maximum length of time, by grade level and type of*
23 *program, that may elapse between the time an independent study*
24 *assignment is made and the date by which the pupil must complete*
25 *the assigned work.*

26 *(2) (A) (i) A requirement of periodic contact between the*
27 *certificated employee providing instruction and the pupil to assess*
28 *whether satisfactory educational progress is made.*

29 *(ii) For purposes of this section, "periodic contact" means*
30 *communication that occurs at least twice per month, with those*
31 *two communications occurring at least five days apart each month,*
32 *and consists of either in-person interaction or interaction through*
33 *electronic means, including, but not necessarily limited to, the use*
34 *of real-time, Internet-based collaborative software that combines*
35 *audio, video, file sharing, and other forms of interaction. If a*
36 *school district or county office of education chooses to interact*
37 *through electronic means and the pupil that chooses to enroll in*
38 *independent study does not have access to the necessary computer*
39 *hardware or software, the school district or county office of*
40 *education shall provide, for each pupil who chooses to enroll in*

1 *independent study, access to the computer hardware or software*
2 *necessary to participate in independent study.*

3 *(B) If satisfactory educational progress is not made, the*
4 *certificated employee shall notify the pupil and the pupil's parent*
5 *or guardian.*

6 *(C) If satisfactory educational progress is not made, an*
7 *evaluation shall be conducted to determine whether it is in the best*
8 *interests of the pupil to remain in independent study, or whether*
9 *he or she should return to the regular school program. A written*
10 *record of the findings of an evaluation made pursuant to this*
11 *subdivision shall be treated as a mandatory interim pupil record.*
12 *The record shall be maintained for a period of three years from*
13 *the date of the evaluation and, if the pupil transfers to another*
14 *California public school, the record shall be forwarded to that*
15 *school. A pupil shall not continue to participate in independent*
16 *study without evidence of satisfactory educational progress unless*
17 *independent study is determined by the district or county*
18 *superintendent, or charter administrator or designee, to be in the*
19 *best interest of the pupil.*

20 *(D) For purposes of this section, "satisfactory educational*
21 *progress" includes increases in pupil achievement, measured as*
22 *described in paragraph (4) of subdivision (d) of Section 52060,*
23 *the completion of assignments, locally approved or state-approved*
24 *formative assessments, required laboratories or online workgroups,*
25 *or other indicators that the pupil is working on assignments and*
26 *learning required concepts, as determined by the supervising*
27 *certificated employee.*

28 *(3) A requirement of a current written agreement for each*
29 *independent study pupil that is maintained on file in a paper or*
30 *electronic copy. The written agreement shall include a copy of the*
31 *independent study authorization of the governing board of a school*
32 *district, county board of education, or governing body of a charter*
33 *school, as applicable, and shall include, but is not limited to, all*
34 *of the following:*

35 *(A) The manner, time, frequency, and place for submitting a*
36 *pupil's assignments and for reporting his or her progress.*

37 *(B) The objectives and methods of study for the pupil's work,*
38 *and the methods used to evaluate that work.*

39 *(C) The specific resources, including materials and personnel,*
40 *that will be made available to the pupil.*

1 (D) A statement of the policies adopted pursuant to paragraph
2 (2) and as determined by each school district, county office of
3 education, or charter school that specifies the minimum required
4 periodic contact between pupils and certificated employees and
5 identifies the accountability measures and assessments that will
6 be used to determine satisfactory educational progress. In all
7 cases, the authorization for independent study shall include the
8 learning objectives required to achieve satisfactory educational
9 progress.

10 (E) The duration of the independent study agreement, including
11 the beginning and ending dates for the pupil's participation in
12 independent study under the agreement. No independent study
13 agreement shall be valid for any period longer than one semester,
14 or one-half year for a school on a year-round calendar.

15 (F) A statement of the number of course credits or, for the
16 elementary grades, other measures of academic accomplishment
17 appropriate to the agreement, to be earned by the pupil upon
18 completion.

19 (G) The inclusion of a statement in each independent study
20 agreement that independent study is an optional educational
21 alternative in which no pupil may be required to participate. In
22 the case of a pupil who is referred or assigned to any school, class,
23 or program pursuant to Section 48915 or 48917, the agreement
24 also shall include the statement that instruction may be provided
25 to the pupil through independent study only if the pupil is offered
26 the alternative of classroom instruction.

27 (H) The signatures, affixed before the commencement of
28 independent study, of the pupil, the pupil's parent, legal guardian,
29 or caregiver if the pupil is less than 18 years of age, and the
30 certificated employee who has been designated as having
31 responsibility for the general supervision of independent study.
32 For purposes of this paragraph "caregiver" means a person who
33 has met the requirements of Part 1.5 (commencing with Section
34 6550) of Division 11 of the Family Code.

35 (b) Independent study may commence upon receipt of an
36 electronic copy of the agreement specified in paragraph (3) of
37 subdivision (a).

38 (c) For purposes of this section, an "electronic copy" includes
39 a computer or electronic stored image of an original document,
40 including, but not limited to, portable document format (PDF),

1 *JPEG, or other digital image file type, which may be sent via fax*
2 *machine, e-mail, or other electronic means.*

3 *(d) As a condition of apportionment, school districts, county*
4 *offices of education, or charter schools shall retain written or*
5 *electronic documentation that demonstrates satisfactory*
6 *educational progress for independent study pupils.*

7 *(e) The Superintendent shall develop and adopt regulations*
8 *related to the electronic copies, documents, or signatures described*
9 *in this section.*

10 *(f) This section shall become operative on July 1, 2014.*