

**Assembly Bill No. 2007**

**CHAPTER 807**

An act to amend, repeal, and add Section 51747.3 of the Education Code, relating to charter schools.

[Approved by Governor September 29, 2014. Filed with  
Secretary of State September 29, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2007, Grove. Virtual or online charter schools: average daily attendance.

Existing law requires community school and independent study average daily attendance to be claimed by school districts, county superintendents of schools, and charter schools only for pupils who are residents of the county in which the apportionment claim is reported or pupils who are residents of a county immediately adjacent to the county in which the apportionment claim is reported.

This bill, until January 1, 2018, would authorize a virtual or online charter school, as defined, to also claim independent study average daily attendance for a pupil who is enrolled in the school and moves to a residence located outside of the geographic boundaries of the virtual or online charter school, for the duration of the virtual or online charter school course or courses in which the pupil is enrolled or until the end of the school year, whichever occurs first.

The bill would require the State Department of Education to report to the appropriate policy committees of both houses of the Legislature, the Department of Finance, and the Legislative Analyst's Office on or before December 31, 2016, on the department's assessment of the need for a virtual or online charter school to claim the independent study average daily attendance of pupils enrolled in a virtual or online charter school that have moved outside of the geographic boundaries in which the virtual or online charter school is authorized for the duration of the courses in which the pupils are enrolled.

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

SECTION 1. Section 51747.3 of the Education Code is amended to read:  
51747.3. (a) Notwithstanding any other law, a local educational agency, including, but not limited to, a charter school, may not claim state funding for the independent study of a pupil, whether characterized as home study or otherwise, if the local educational agency has provided any funds or other thing of value to the pupil or his or her parent or guardian that the local

educational agency does not provide to pupils who attend regular classes or to their parents or guardians. A charter school may not claim state funding for the independent study of a pupil, whether characterized as home study or otherwise, if the charter school has provided any funds or other thing of value to the pupil or his or her parent or guardian that a school district could not legally provide to a similarly situated pupil of the school district, or to his or her parent or guardian.

(b) (1) Notwithstanding paragraph (1) of subdivision (d) of Section 47605 or any other law, and except as specified in paragraph (2), community school and independent study average daily attendance shall be claimed by school districts, county superintendents of schools, and charter schools only for pupils who are residents of the county in which the apportionment claim is reported, or who are residents of a county immediately adjacent to the county in which the apportionment claim is reported.

(2) In addition to claiming independent study average daily attendance pursuant to paragraph (1), a virtual or online charter school may also claim independent study average daily attendance for a pupil who is enrolled in the school and moves to a residence located outside of the geographical boundaries of the virtual or online charter school. The virtual or online charter school may claim independent study average daily attendance for the pupil under this paragraph only for the duration of the course or courses in which the pupil is enrolled or until the end of the school year, whichever occurs first.

(c) The Superintendent shall not apportion funds for reported average daily attendance, through full-time independent study, of pupils who are enrolled in school pursuant to subdivision (b) of Section 48204.

(d) In conformity with Provisions 25 and 28 of Item 6110-101-001 of Section 2.00 of the Budget Act of 1992, this section is applicable to average daily attendance reported for apportionment purposes beginning July 1, 1992. The provisions of this section are not subject to waiver by the state board, by the Superintendent, or under any provision of Part 26.8 (commencing with Section 47600).

(e) For purposes of this section, “virtual or online charter school” means a charter school in which at least 80 percent of teaching and pupil interaction occurs via the Internet.

(f) This section shall remain in effect only until January 1, 2018, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2018, deletes or extends that date.

SEC. 2. Section 51747.3 is added to the Education Code, to read:

51747.3. (a) Notwithstanding any other law, a local educational agency, including, but not limited to, a charter school, may not claim state funding for the independent study of a pupil, whether characterized as home study or otherwise, if the local educational agency has provided any funds or other thing of value to the pupil or his or her parent or guardian that the local educational agency does not provide to pupils who attend regular classes or to their parents or guardians. A charter school may not claim state funding for the independent study of a pupil, whether characterized as home study

or otherwise, if the charter school has provided any funds or other thing of value to the pupil or his or her parent or guardian that a school district could not legally provide to a similarly situated pupil of the school district, or to his or her parent or guardian.

(b) Notwithstanding paragraph (1) of subdivision (d) of Section 47605 or any other law, community school and independent study average daily attendance shall be claimed by school districts, county superintendents of schools, and charter schools only for pupils who are residents of the county in which the apportionment claim is reported, or who are residents of a county immediately adjacent to the county in which the apportionment claim is reported.

(c) The Superintendent shall not apportion funds for reported average daily attendance, through full-time independent study, of pupils who are enrolled in school pursuant to subdivision (b) of Section 48204.

(d) In conformity with Provisions 25 and 28 of Item 6110-101-001 of Section 2.00 of the Budget Act of 1992, this section is applicable to average daily attendance reported for apportionment purposes beginning July 1, 1992. The provisions of this section are not subject to waiver by the state board, by the Superintendent, or under any provision of Part 26.8 (commencing with Section 47600).

(e) This section shall become operative on January 1, 2018.

SEC. 3. The State Department of Education shall report to the appropriate policy committees of both houses of the Legislature, the Department of Finance, and the Legislative Analyst's Office on or before December 31, 2016, on the department's assessment of the need for a virtual or online charter school to claim the independent study average daily attendance of pupils enrolled in a virtual or online charter school that have moved outside of the geographic boundaries in which the virtual or online charter school is authorized for the duration of the courses in which the pupils are enrolled, as authorized pursuant to paragraph (2) of subdivision (b) of Section 51747.3 of the Education Code.