

Introduced by Senator LiuFebruary 20, 2014

An act to amend Sections 47612.5, 51745.6 and 51747.5 of, and to add Sections 51749.5, 51749.6, and 51749.7 to, the Education Code, relating to pupil instruction.

LEGISLATIVE COUNSEL'S DIGEST

SB 1143, as introduced, Liu. Pupil instruction: independent study.

(1) 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.

This bill would, notwithstanding any other law, and commencing with the 2015–16 school year, authorize a school district, county office of education, or charter school to offer independent study courses and schoolsite-based blended learning courses in accordance with prescribed conditions, including, among others, that the courses be taught under the general supervision of certificated employees who hold the appropriate subject matter credential, that courses are annually certified, by school district, charter school, or county office of education governing board or body resolution, to be of the same rigor and educational quality as equivalent classroom-based courses, and that certificated employees and each pupil shall communicate in-person, by telephone, or by any other live visual or audio connection at least once per week to assess whether each pupil is making satisfactory educational progress. The bill would also require that a signed learning agreement, as specified, be completed and on file. The bill would prohibit pupils from being required to enroll in the courses.

(2) 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. Existing law authorizes school districts and county offices of education to claim apportionment credit for independent study only to the extent of the time value of pupil work product, as personally judged in each instance by a certificated teacher.

This bill would provide, for purposes of the Charter Schools Act of 1992, that classroom-based instruction shall include courses described above. The bill would specify the computation of average daily attendance for such courses, and would prohibit school districts, charter schools, and county offices of education from having to sign and date pupil work products when assessing its time value for apportionment purposes. The bill would also revise the pupil-to-teacher ratios by grade span, as specified.

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 47612.5 of the Education Code is
 2 amended to read:
 3 47612.5. (a) Notwithstanding any other ~~provision of~~ law and
 4 as a condition of apportionment, a charter school shall do all of
 5 the following:
 6 (1) For each fiscal year, offer, at a minimum, the following
 7 number of minutes of instruction:
 8 (A) To pupils in kindergarten, 36,000 minutes.
 9 (B) To pupils in grades 1 to 3, inclusive, 50,400 minutes.
 10 (C) To pupils in grades 4 to 8, inclusive, 54,000 minutes.
 11 (D) To pupils in grades 9 to 12, inclusive, 64,800 minutes.
 12 (2) Maintain written contemporaneous records that document
 13 all pupil attendance and make these records available for audit and
 14 inspection.
 15 (3) Certify that its pupils have participated in the state testing
 16 programs specified in Chapter 5 (commencing with Section 60600)
 17 of Part 33 in the same manner as other pupils attending public
 18 schools as a condition of apportionment of state funding.
 19 (b) Notwithstanding any other ~~provision of~~ law and except to
 20 the extent inconsistent with this section and Section 47634.2, a
 21 charter school that provides independent study shall comply with
 22 Article 5.5 (commencing with Section 51745) of Chapter 5 of Part

1 28 and implementing regulations adopted thereunder. The ~~State~~
2 ~~Board of Education~~ *state board* shall adopt regulations that apply
3 this article to charter schools. To the extent that these regulations
4 concern the qualifications of instructional personnel, the ~~State~~
5 ~~Board of Education~~ *state board* shall be guided by subdivision (l)
6 of Section 47605.

7 (c) A reduction in apportionment made pursuant to subdivision
8 (a) shall be proportional to the magnitude of the exception that
9 causes the reduction. For purposes of paragraph (1) of subdivision
10 (a), for each charter school that fails to offer pupils the minimum
11 number of minutes of instruction specified in that paragraph, the
12 Superintendent shall withhold from the charter school's
13 apportionment for average daily attendance of the affected pupils,
14 by grade level, the sum of that apportionment multiplied by the
15 percentage of the minimum number of minutes of instruction at
16 each grade level that the charter school failed to offer.

17 (d) (1) Notwithstanding any other ~~provision of law~~ and except
18 as provided in paragraph (1) of subdivision (e), a charter school
19 that has an approved charter may receive funding for
20 nonclassroom-based instruction only if a determination for funding
21 is made pursuant to Section 47634.2 by the ~~State Board of~~
22 ~~Education~~ *state board*. The determination for funding shall be
23 subject to any conditions or limitations the ~~State Board of~~
24 ~~Education~~ *state board* may prescribe. The ~~State Board of Education~~
25 *state board* shall adopt regulations on or before February 1, 2002,
26 that define and establish general rules governing
27 nonclassroom-based instruction that apply to all charter schools
28 and to the process for determining funding of nonclassroom-based
29 instruction by charter schools offering nonclassroom-based
30 instruction other than the nonclassroom-based instruction allowed
31 by paragraph (1) of subdivision (e). Nonclassroom-based
32 instruction includes, but is not limited to, independent study, home
33 study, work study, and distance and computer-based education. In
34 prescribing any conditions or limitations relating to the
35 qualifications of instructional personnel, the ~~State Board of~~
36 ~~Education~~ *state board* shall be guided by subdivision (l) of Section
37 47605.

38 (2) Except as provided in paragraph (2) of subdivision (b) of
39 Section 47634.2, a charter school that receives a determination
40 pursuant to subdivision (b) of Section 47634.2 is not required to

1 reapply annually for a funding determination of its
2 nonclassroom-based instruction program if an update of the
3 information the ~~State Board of Education~~ *state board* reviewed
4 when initially determining funding would not require material
5 revision, as that term is defined in regulations adopted by the *state*
6 board. A charter school that has achieved a rank of 6 or greater on
7 the Academic Performance Index for the two years immediately
8 ~~prior to~~ *before* receiving a funding determination pursuant to
9 subdivision (b) of Section 47634.2 shall receive a five-year
10 determination and is not required to annually reapply for a funding
11 determination of its nonclassroom-based instruction program if an
12 update of the information the ~~State Board of Education~~ *state board*
13 reviewed when initially determining funding would not require
14 material revision, as that term is defined in regulations adopted by
15 the *state* board. Notwithstanding any ~~provision of law~~, the ~~State~~
16 ~~Board of Education~~ *state board* may require a charter school to
17 provide updated information at any time it determines that a review
18 of that information is necessary. The ~~State Board of Education~~
19 *state board* may terminate a determination for funding if updated
20 or additional information requested by the *state* board is not made
21 available to the *state* board by the charter school within a
22 reasonable amount of time or if the information otherwise supports
23 termination. A determination for funding pursuant to Section
24 47634.2 may not exceed five years.

25 (3) A charter school that offers nonclassroom-based instruction
26 in excess of the amount authorized by paragraph (1) of subdivision
27 (e) is subject to the determination for funding requirement of
28 Section 47634.2 to receive funding each time its charter is renewed
29 or materially revised pursuant to Section 47607. A charter school
30 that materially revises its charter to offer nonclassroom-based
31 instruction in excess of the amount authorized by paragraph (1)
32 of subdivision (e) is subject to the determination for funding
33 requirement of Section 47634.2.

34 (e) (1) Notwithstanding any other ~~provision of law~~, and as a
35 condition of apportionment, “classroom-based instruction” in a
36 charter school, for ~~the~~ purposes of this part, occurs only when
37 charter school pupils are engaged in educational activities required
38 of those pupils and are under the immediate supervision and control
39 of an employee of the charter school who possesses a valid teaching
40 certification in accordance with subdivision (l) of Section 47605.

1 For purposes of calculating average daily attendance for
2 classroom-based instruction apportionments, at least 80 percent
3 of the instructional time offered by the charter school shall be at
4 the schoolsite, and the charter school shall require the attendance
5 of all pupils for whom a classroom-based apportionment is claimed
6 at the schoolsite for at least 80 percent of the minimum
7 instructional time required to be offered pursuant to paragraph (1)
8 of subdivision (a) of Section 47612.5: (a). For purposes of this
9 part, “classroom-based instruction” includes independent study
10 courses and schoolsite-based courses authorized pursuant to
11 Sections 51749.5 and 51749.6, respectively.

12 (2) For the purposes of this part, “nonclassroom instruction” or
13 “nonclassroom-based instruction” means instruction that does not
14 meet the requirements specified in paragraph (1). The State Board
15 of Education state board may adopt regulations pursuant to
16 paragraph (1) of subdivision (d) specifying other conditions or
17 limitations on what constitutes nonclassroom-based instruction,
18 as it deems appropriate and consistent with this part.

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

21 (4) Notwithstanding any other provision of law, neither the State
22 Board of Education, state board, nor the Superintendent may waive
23 the requirements of paragraph (1) of subdivision (a).

24 SEC. 2. Section 51745.6 of the Education Code is amended to
25 read:

26 51745.6. (a) (1) The ratio of average daily attendance for
27 independent study or schoolsite-based blended learning pupils 18
28 years of age or less to school district full-time equivalent
29 certificated employees responsible for independent study, study
30 or schoolsite-based blended learning, by grade span, calculated
31 as specified by the State Department of Education, department,
32 shall not exceed the equivalent ratio of pupils to full-time
33 certificated employees for all other educational programs operated
34 by the school district: district for the applicable grade span, unless
35 a new higher or lower grade span ratio for all other educational
36 programs offered within the respective grade span is negotiated
37 in a collective bargaining agreement or a memorandum of
38 understanding is entered into that indicates an existing collective
39 bargaining agreement contains an alternative grade span ratio
40 for the applicable grade span. The ratio of average daily attendance

1 for independent study *or schoolsite-based blended learning* pupils
 2 18 years of age or less to county office of education full-time
 3 equivalent certificated employees responsible for independent
 4 ~~study~~, *study or schoolsite-based blended learning*, to be calculated
 5 in a manner prescribed by the ~~State Department of Education,~~
 6 *department*, shall not exceed the equivalent ratio of pupils to
 7 full-time certificated employees for all other educational programs
 8 operated by the high school or unified school district with the
 9 largest average daily attendance of pupils in that ~~county~~. *county*
 10 *for the applicable grade span, unless a new higher or lower grade*
 11 *span ratio for all other educational programs offered within the*
 12 *respective grade span is negotiated in a collective bargaining*
 13 *agreement or a memorandum of understanding is entered into that*
 14 *indicates an existing collective bargaining agreement contains an*
 15 *alternative grade span ratio for the applicable grade span.* The
 16 computation of ~~those~~ *the* ratios shall be performed annually by the
 17 reporting agency at the time of, and in connection with, the second
 18 principal apportionment report to the ~~Superintendent of Public~~
 19 ~~Instruction~~. *Superintendent.*

20 (2) *For purposes of this section, the following grade spans shall*
 21 *apply:*

- 22 (A) *Kindergarten and grades 1 to 3, inclusive.*
- 23 (B) *Grades 4 to 6, inclusive.*
- 24 (C) *Grades 7 to 8, inclusive.*
- 25 (D) *Grades 9 to 12, inclusive.*

26 (b) Only those units of average daily attendance for independent
 27 *study or schoolsite-based blended learning* that reflect a
 28 pupil-teacher ratio that does not exceed the ~~ratio~~ *applicable grade*
 29 *span ratios* described in subdivision (a) shall be eligible for
 30 apportionment pursuant to Section ~~42238.5~~, *42238.05*, for school
 31 districts, and Section ~~2558~~, *2575*, for county offices of education.
 32 Nothing in this section shall prevent a school district or county
 33 office of education from serving additional units of average daily
 34 attendance greater than the ~~ratio~~ *applicable grade span ratios*
 35 described in subdivision (a), except that those additional units shall
 36 not be funded pursuant to Section ~~42238.5~~ *42238.05* or Section
 37 ~~2558~~. *2575.*

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

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

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

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

13 (e)

14 (d) The *applicable* pupils-to-certificated-employee ~~ratio~~ *grade*
15 *span ratios* described in subdivision (a) may, in a charter school,
16 be calculated by using a fixed pupils-to-certificated-employee ratio
17 of 25 to one, or by being a ratio of less than 25 pupils per
18 certificated employee. All charter school pupils, regardless of age,
19 shall be included in *the applicable* pupil-to-certificated-employee
20 *grade span* ratio calculations.

21 SEC. 3. Section 51747.5 of the Education Code is amended to
22 read:

23 51747.5. (a) The independent study by each pupil ~~or student~~
24 shall be coordinated, evaluated, and, notwithstanding subdivision
25 (a) of Section 46300, shall be under the general supervision of an
26 employee of the school ~~district~~ *district, charter school*, or county
27 office of education who possesses a valid certification document
28 pursuant to Section 44865 or an emergency credential pursuant to
29 Section 44300, registered as required by law.

30 (b) School ~~districts~~ *districts, charter schools*, and county offices
31 of education may claim apportionment credit for independent study
32 only to the extent of the time value of pupil ~~or student~~ work
33 products, as personally judged in each instance by a certificated
34 teacher.

35 (c) *For purposes of this section, school districts, charter schools,*
36 *and county offices of education shall not be required to sign and*
37 *date pupil work products when assessing the time value of pupil*
38 *work products for apportionment purposes.*

39 SEC. 4. Section 51749.5 is added to the Education Code, to
40 read:

1 51749.5. (a) Notwithstanding any other law, and commencing
2 with the 2015–16 school year, a school district, charter school, or
3 county office of education may, for pupils enrolled in grades 9 to
4 12, inclusive, provide independent study courses pursuant to the
5 following conditions:

6 (1) The governing board or body of a participating school
7 district, charter school, or county office of education adopts
8 policies, at a public hearing, that comply with the requirements of
9 this section and any applicable regulations adopted by the state
10 board.

11 (2) A signed learning agreement is completed and on file
12 pursuant to Section 51749.7.

13 (3) Courses are taught under the general supervision of
14 certificated employees who hold the appropriate subject matter
15 credential pursuant to Section 44300 or 44865, or subdivision (I)
16 of Section 47605, meet the requirements for highly qualified
17 teachers pursuant to the federal No Child Left Behind Act of 2001
18 (20 U.S.C. Sec. 6301 et seq.), and are employed by the school
19 district, charter school, or county office of education at which the
20 pupil is enrolled, or by a school district, charter school, or county
21 office of education that has a memorandum of understanding to
22 provide the instruction in coordination with the school district,
23 charter school, or county office of education at which the pupil is
24 enrolled.

25 (4) (A) Courses are annually certified, by school district, charter
26 school, or county office of education governing board or body
27 resolution, to be of the same rigor and educational quality as
28 equivalent classroom-based courses, including all relevant local
29 and state content standards.

30 (B) This certification shall, at a minimum, include the duration,
31 number of equivalent daily instructional minutes for each school
32 day that a pupil is enrolled, number of equivalent total instructional
33 minutes, and number of course credits for each course. This
34 information shall be consistent with that of equivalent
35 classroom-based courses.

36 (5) Pupils enrolled in courses authorized by this section shall
37 meet the applicable age requirements established pursuant to
38 Sections 46300.1, 46300.4, 47612, and 47612.1.

39 (6) Pupils enrolled in courses authorized by this section shall
40 meet the applicable residency and enrollment requirements

1 established pursuant to Sections 46300.2, 47612, 48204, and
2 51747.3.

3 (7) (A) Certificated employees and each pupil shall
4 communicate in-person, by telephone, or by any other live visual
5 or audio connection at least once per week to assess whether each
6 pupil is making satisfactory educational progress.

7 (B) For purposes of this section, satisfactory educational
8 progress includes, but is not limited to, applicable statewide
9 accountability measures and assessments and the completion of
10 assignments, examinations, or other indicators that evidence that
11 the pupil is working on assignments, learning required concepts,
12 and progressing toward successful completion of the course, as
13 determined by certificated employees providing instruction.

14 (C) If satisfactory educational progress is not being made,
15 certificated employees providing instruction shall notify the pupil
16 and, if the pupil is less than 18 years of age, the pupil's parent or
17 legal guardian, and conduct an evaluation to determine whether it
18 is in the best interest of the pupil to remain in the course or whether
19 he or she should return to a regular school program. A written
20 record of the findings of an evaluation made pursuant to this
21 subdivision shall be treated as a mandatory interim pupil record.
22 The record shall be maintained for a period of three years from
23 the date of the evaluation and, if the pupil transfers to another
24 California public school, the record shall be forwarded to that
25 school.

26 (D) Written or computer-based evidence of satisfactory
27 educational progress, as defined in subparagraph (B), shall be
28 retained for each course and pupil. At a minimum, this evidence
29 shall include a grade book or summary document that, for each
30 course, lists all assignments, examinations, and associated grades.

31 (8) Examinations given to pupils shall include a proctor or other
32 reliable method to ensure exam integrity.

33 (9) A pupil shall not be required to enroll in courses authorized
34 by this section.

35 (10) The pupil-to-certificated employee ratio limitations
36 established pursuant to Section 51745.6 are applicable to courses
37 authorized by this section.

38 (11) For each pupil, the combined equivalent daily instructional
39 minutes for enrolled courses authorized by this section and enrolled
40 courses authorized by all other laws and regulations shall meet the

1 applicable minimum instructional day requirements. Pupils enrolled
2 in courses authorized by this section shall be offered the minimum
3 annual total equivalent instructional minutes pursuant to Sections
4 46200 to 46208, inclusive, and Section 47612.5.

5 (b) For purposes of computing average daily attendance for
6 each pupil enrolled in one or more courses authorized by this
7 section, the following computations shall apply:

8 (1) (A) For each school day, add the combined equivalent daily
9 instructional minutes, as certified in paragraph (4) of subdivision
10 (a), for courses authorized by this section in which the pupil is
11 enrolled.

12 (B) For each school day, add the combined daily instructional
13 minutes of courses authorized by all other laws and regulations in
14 which the pupil is enrolled and for which the pupil meets applicable
15 attendance requirements.

16 (C) For each school day, add the sum of subparagraphs (A) and
17 (B).

18 (2) If subparagraph (C) of paragraph (1) meets applicable
19 minimum school day requirements for each school day, credit each
20 school day that the pupil is demonstrating satisfactory educational
21 progress pursuant to the requirements of this section, with up to
22 one school day of attendance.

23 (3) (A) Using credited school day attendance pursuant to
24 paragraph (2), calculate average daily attendance pursuant to
25 Section 41601 or 47612, whichever is applicable, for each pupil.

26 (B) The average daily attendance computed pursuant to this
27 subdivision shall not result in more than one unit of average daily
28 attendance per pupil.

29 (4) Notwithstanding any other law, average daily attendance
30 computed for pupils enrolled in courses authorized by this section
31 shall not be credited with average daily attendance other than what
32 is specified in this section.

33 SEC. 5. Section 51749.6 is added to the Education Code, to
34 read:

35 51749.6. (a) Notwithstanding any other law, and commencing
36 with the 2015–16 school year, a school district, charter school, or
37 county office of education may, for pupils enrolled in kindergarten
38 and grades 1 to 12, inclusive, provide schoolsite-based blended
39 learning courses pursuant to the following conditions:

1 (1) The governing board or body of a participating school
2 district, charter school, or county office of education adopts
3 policies, at a public hearing, that comply with the requirements of
4 this section and any applicable regulations adopted by the state
5 board.

6 (2) A signed learning agreement is completed and on file
7 pursuant to Section 51749.7.

8 (3) (A) Courses are taught under the general supervision of
9 certificated employees who hold the appropriate subject matter
10 credential pursuant to Section 44300 or 44865, or subdivision (I)
11 of Section 47605, meet the requirements for highly qualified
12 teachers pursuant to the federal No Child Left Behind Act of 2001
13 (20 U.S.C. Sec. 6301 et seq.), and are employed by the school
14 district, charter school, or county office of education at which the
15 pupil is enrolled.

16 (B) Pupils must be at a physical schoolsite each day school is
17 in session and under the immediate supervision of a school district,
18 charter school, or county office of education paraprofessional, as
19 defined in Section 44392, in coordination with the certificated
20 employee teaching the course or under the immediate supervision
21 of the certificated employee teaching the course.

22 (4) (A) Courses are annually certified, through school district,
23 charter school, or county office of education governing board or
24 body resolution, to be of the same rigor and educational quality
25 as equivalent classroom-based courses including all relevant local
26 and state content standards.

27 (B) This certification shall, at a minimum, include the duration,
28 number of equivalent daily instructional minutes for each school
29 day that a pupil is enrolled, number of equivalent total instructional
30 minutes, and number of course credits for each course. This
31 information shall be consistent with that of equivalent
32 classroom-based courses.

33 (5) Pupils enrolled in courses authorized by this section shall
34 meet the applicable age requirements established pursuant to
35 Sections 46300.1, 46300.4, 47612, and 47612.1.

36 (6) Pupils enrolled in courses authorized by this section shall
37 meet the applicable residency and enrollment requirements
38 established pursuant to Sections 46300.2, 47612, 48204, and
39 51747.3.

1 (7) (A) Certificated employees and each pupil shall
2 communicate in-person, by telephone, or by any other live visual
3 or audio connection at least once per week to assess whether each
4 pupil is making satisfactory educational progress.

5 (B) For purposes of this section, satisfactory educational
6 progress includes, but is not limited to, applicable statewide
7 accountability measures and assessments and the completion of
8 assignments, examinations, or other indicators that evidence that
9 the pupil is working on assignments, learning required concepts,
10 and progressing toward successful completion of the course, as
11 determined by certificated employees providing instruction.

12 (C) If satisfactory educational progress is not being made,
13 certificated employees providing instruction shall notify the pupil
14 and, if the pupil is less than 18 years of age, the pupil's parent or
15 legal guardian, and conduct an evaluation to determine whether it
16 is in the best interest of the pupil to remain in the course or whether
17 he or she should return to a regular school program. A written
18 record of the findings of any evaluation made pursuant to this
19 subdivision shall be treated as a mandatory interim pupil record.
20 The record shall be maintained for a period of three years from
21 the date of the evaluation and, if the pupil transfers to another
22 California public school, the record shall be forwarded to that
23 school.

24 (D) Written or computer-based evidence of satisfactory
25 educational progress, as defined in subparagraph (B), shall be
26 retained for each course and pupil. At a minimum, this evidence
27 shall include a grade book or summary document that, for each
28 course, lists all assignments, examinations, and associated grades.

29 (8) Examinations given to pupils shall include a proctor or other
30 reliable method to ensure exam integrity.

31 (9) A pupil shall not be required to enroll in the courses
32 authorized by this section.

33 (10) The pupil-to-certificated employee ratio limitations
34 established pursuant to Section 51745.6 are applicable to courses
35 authorized by this section.

36 (11) For each pupil, the combined equivalent daily instructional
37 minutes for enrolled courses authorized by this section and enrolled
38 courses authorized by all other laws and regulations shall meet
39 applicable minimum instructional day requirements. Pupils enrolled
40 in courses authorized by this section shall be offered the minimum

1 annual total equivalent instructional minutes pursuant to Sections
2 46200 to 46208, inclusive, and Section 47612.5.

3 (b) For purposes of computing average daily attendance for
4 each pupil enrolled in one or more courses authorized by this
5 section, the following computations shall apply:

6 (1) (A) For each school day, add the combined equivalent daily
7 instructional minutes, as certified in paragraph (4) of subdivision
8 (a), for courses authorized by this section in which the pupil is
9 enrolled, at a physical schoolsite, and under the immediate
10 supervision specified in subparagraph (B) of paragraph (3) of
11 subdivision (a).

12 (B) For each school day, add the combined daily instructional
13 minutes of courses authorized by any other law or regulation in
14 which the pupil is enrolled and for which the pupil meets the
15 applicable attendance requirements.

16 (C) For each school day, add the sum of subparagraphs (A) and
17 (B).

18 (2) If subparagraph (C) of paragraph (1) meets applicable
19 minimum school day requirements for each school day, credit each
20 school day that the pupil is demonstrating satisfactory educational
21 progress pursuant to the requirements of this section and attends
22 school at a physical schoolsite under the immediate supervision,
23 as specified in subparagraph (B) of paragraph (3) of subdivision
24 (a), with up to one school day of attendance.

25 (3) (A) Using credited school day attendance pursuant to
26 paragraph (2), calculate the average daily attendance pursuant to
27 Section 41601 or 47612, whichever is applicable, for each pupil.

28 (B) The average daily attendance computed pursuant to this
29 subdivision shall not result in more than one unit of average daily
30 attendance per pupil.

31 (4) Notwithstanding any other law, average daily attendance
32 computed for pupils enrolled in courses authorized by this section
33 shall not be credited with average daily attendance other than what
34 is specified in this section.

35 SEC. 6. Section 51749.7 is added to the Education Code, to
36 read:

37 51749.7. (a) Before enrolling a pupil in a course authorized
38 by Section 51749.5 or 51749.6, each school district, charter school,
39 or county office of education shall provide the pupil and, if the
40 pupil is less than 18 years of age, the pupil's parent or legal

1 guardian, with a written learning agreement that includes all of
2 the following:

3 (1) A summary of the policies and procedures adopted by the
4 governing board or body of the school district, charter school, or
5 county office of education pursuant to Section 51749.5 or 51749.6,
6 as applicable.

7 (2) The duration of the enrolled course or courses, the duration
8 of the learning agreement, and the number of course credits for
9 each enrolled course consistent with the certifications adopted by
10 the governing board or body of the school district, charter school,
11 or county office of education pursuant to Section 51749.5 or
12 51749.6, as applicable. The duration of a learning agreement shall
13 not exceed a school year or span multiple school years.

14 (3) The learning objectives and expectations for each course,
15 including, but not limited to, a description of how satisfactory
16 educational progress is measured and when a pupil evaluation is
17 required to determine whether the pupil should remain in the course
18 or return to a regular school program.

19 (4) The specific resources, including materials and personnel,
20 that will be made available to the pupil.

21 (5) A statement that the pupil is not required to enroll in courses
22 authorized pursuant to Section 51749.5 or 51749.6.

23 (b) (1) The learning agreement shall be signed by the pupil and,
24 if the pupil is less than 18 years of age, the pupil’s parent or legal
25 guardian, and all certificated employees providing instruction
26 before instruction may commence.

27 (2) The signed learning agreement constitutes permission from
28 a pupil’s parent or legal guardian, if the student is less than 18
29 years of age, for the pupil to receive instruction through
30 independent study or schoolsite-based blended learning, as
31 applicable.

32 (3) A physical or electronic copy of the signed learning
33 agreement shall be retained by the school district, county office
34 of education, or charter school for at least three years.

35 (4) For purposes of this section, an electronic copy includes a
36 computer or electronic stored image of an original document,
37 including, but not limited to, portable document format, JPEG, or

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

O