

AMENDED IN SENATE APRIL 30, 2014

SENATE BILL

No. 1143

Introduced by Senator Liu

February 20, 2014

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1143, as amended, 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 to pupils enrolled in kindergarten and grades 1 to 12, inclusive,~~ 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 the courses described above. The bill would prohibit school districts, charter schools, and county offices of education from having to sign and date pupil work products when assessing its~~ *their* time value of *pupil work products* 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 law and as a condition~~
 4 ~~of apportionment, a charter school shall do all of the following:~~
 5 ~~(1) For each fiscal year, offer, at a minimum, the following~~
 6 ~~number of minutes of instruction:~~
 7 ~~(A) To pupils in kindergarten, 36,000 minutes.~~
 8 ~~(B) To pupils in grades 1 to 3, inclusive, 50,400 minutes.~~
 9 ~~(C) To pupils in grades 4 to 8, inclusive, 54,000 minutes.~~
 10 ~~(D) To pupils in grades 9 to 12, inclusive, 64,800 minutes.~~
 11 ~~(2) Maintain written contemporaneous records that document~~
 12 ~~all pupil attendance and make these records available for audit and~~
 13 ~~inspection.~~
 14 ~~(3) Certify that its pupils have participated in the state testing~~
 15 ~~programs specified in Chapter 5 (commencing with Section 60600)~~
 16 ~~of Part 33 in the same manner as other pupils attending public~~
 17 ~~schools as a condition of apportionment of state funding.~~

1 ~~(b) Notwithstanding any other law and except to the extent~~
2 ~~inconsistent with this section and Section 47634.2, a charter school~~
3 ~~that provides independent study shall comply with Article 5.5~~
4 ~~(commencing with Section 51745) of Chapter 5 of Part 28 and~~
5 ~~implementing regulations adopted thereunder. The state board~~
6 ~~shall adopt regulations that apply this article to charter schools.~~
7 ~~To the extent that these regulations concern the qualifications of~~
8 ~~instructional personnel, the state board shall be guided by~~
9 ~~subdivision (l) of Section 47605.~~

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

20 ~~(d) (1) Notwithstanding any other law and except as provided~~
21 ~~in paragraph (1) of subdivision (c), a charter school that has an~~
22 ~~approved charter may receive funding for nonclassroom-based~~
23 ~~instruction only if a determination for funding is made pursuant~~
24 ~~to Section 47634.2 by the state board. The determination for~~
25 ~~funding shall be subject to any conditions or limitations the state~~
26 ~~board may prescribe. The state board shall adopt regulations on~~
27 ~~or before February 1, 2002, that define and establish general rules~~
28 ~~governing nonclassroom-based instruction that apply to all charter~~
29 ~~schools and to the process for determining funding of~~
30 ~~nonclassroom-based instruction by charter schools offering~~
31 ~~nonclassroom-based instruction other than the nonclassroom-based~~
32 ~~instruction allowed by paragraph (1) of subdivision (c).~~
33 ~~Nonclassroom-based instruction includes, but is not limited to,~~
34 ~~independent study, home study, work study, and distance and~~
35 ~~computer-based education. In prescribing any conditions or~~
36 ~~limitations relating to the qualifications of instructional personnel,~~
37 ~~the state board shall be guided by subdivision (l) of Section 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 reviewed when initially determining
4 funding would not require material revision, as that term is defined
5 in regulations adopted by the state board. A charter school that has
6 achieved a rank of 6 or greater on the Academic Performance Index
7 for the two years immediately before receiving a funding
8 determination pursuant to subdivision (b) of Section 47634.2 shall
9 receive a five-year determination and is not required to annually
10 reapply for a funding determination of its nonclassroom-based
11 instruction program if an update of the information the state board
12 reviewed when initially determining funding would not require
13 material revision, as that term is defined in regulations adopted by
14 the state board. Notwithstanding any law, the state board may
15 require a charter school to provide updated information at any time
16 it determines that a review of that information is necessary. The
17 state board may terminate a determination for funding if updated
18 or additional information requested by the state board is not made
19 available to the state board by the charter school within a
20 reasonable amount of time or if the information otherwise supports
21 termination. A determination for funding pursuant to Section
22 47634.2 may not exceed five years.

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

32 (e) (1) Notwithstanding any other law, and as a condition of
33 apportionment, “classroom-based instruction” in a charter school,
34 for purposes of this part, occurs only when charter school pupils
35 are engaged in educational activities required of those pupils and
36 are under the immediate supervision and control of an employee
37 of the charter school who possesses a valid teaching certification
38 in accordance with subdivision (l) of Section 47605. For purposes
39 of calculating average daily attendance for classroom-based
40 instruction apportionments, at least 80 percent of the instructional

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

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

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

18 (4) Notwithstanding any other law, neither the state board, nor
19 the Superintendent may waive the requirements of paragraph (1)
20 of subdivision (a).

21 ~~SEC. 2.~~

22 *SECTION 1.* Section 51745.6 of the Education Code is
23 amended to read:

24 51745.6. (a) (1) The ratio of average daily attendance for
25 independent study or schoolsite-based blended learning pupils 18
26 years of age or less to school district full-time equivalent
27 certificated employees responsible for independent study or
28 schoolsite-based blended learning, *study*, by grade span, calculated
29 as specified by the department, shall not exceed the equivalent
30 ratio of pupils to full-time certificated employees for all other
31 educational programs operated by the school district for the
32 applicable grade span, unless a new higher or lower grade span
33 ratio for all other educational programs offered within the
34 respective grade span is negotiated in a collective bargaining
35 agreement or a memorandum of understanding is entered into that
36 indicates an existing collective bargaining agreement contains an
37 alternative grade span ratio for the applicable grade span. The ratio
38 of average daily attendance for independent study or
39 schoolsite-based blended learning pupils 18 years of age or less
40 to county office of education full-time equivalent certificated

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

16 (2) For purposes of this section, the following grade spans shall
17 apply:

18 (A) Kindergarten and grades 1 to 3, inclusive.

19 (B) Grades 4 to 6, inclusive.

20 (C) Grades 7 to 8, inclusive.

21 (D) Grades 9 to 12, inclusive.

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

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.

4 (d) The applicable pupils-to-certificated-employee grade span
5 ratios described in subdivision (a) may, in a charter school, be
6 calculated by using a fixed pupils-to-certificated-employee ratio
7 of 25 to 1, or by being a ratio of less than 25 pupils per certificated
8 employee. All charter school pupils, regardless of age, shall be
9 included in the applicable pupil-to-certificated-employee grade
10 span ratio calculations.

11 ~~SEC. 3.~~

12 *SEC. 2.* Section 51747.5 of the Education Code is amended to
13 read:

14 51747.5. (a) The independent study by each pupil shall be
15 coordinated, evaluated, and, notwithstanding subdivision (a) of
16 Section 46300, shall be under the general supervision of an
17 employee of the school district, charter school, or county office
18 of education who possesses a valid certification document pursuant
19 to Section 44865 or an emergency credential pursuant to Section
20 44300, registered as required by law.

21 (b) School districts, charter schools, and county offices of
22 education may claim apportionment credit for independent study
23 only to the extent of the time value of pupil work products, as
24 personally judged in each instance by a certificated teacher.

25 (c) For purposes of this section, school districts, charter schools,
26 and county offices of education shall not be required to sign and
27 date pupil work products when assessing the time value of pupil
28 work products for apportionment purposes.

29 ~~SEC. 4.~~

30 *SEC. 3.* Section 51749.5 is added to the Education Code, to
31 read:

32 51749.5. (a) Notwithstanding any other law, and commencing
33 with the 2015–16 school year, a school district, charter school, or
34 county office of education may, for pupils enrolled in ~~grades 9~~
35 *kindergarten and grades 1* to 12, inclusive, provide independent
36 study courses pursuant to the following conditions:

37 (1) The governing board or body of a participating school
38 district, charter school, or county office of education adopts
39 policies, at a public hearing, that comply with the requirements of

1 this section and any applicable regulations adopted by the state
2 board.

3 (2) A signed learning agreement is completed and on file
4 pursuant to Section ~~51749.7~~: 51749.6.

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

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

22 (B) This certification shall, at a minimum, include the duration,
23 number of equivalent daily instructional minutes for each schoolday
24 that a pupil is enrolled, number of equivalent total instructional
25 minutes, and number of course credits for each course. This
26 information shall be consistent with that of equivalent
27 classroom-based courses.

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

31 (6) Pupils enrolled in courses authorized by this section shall
32 meet the applicable residency and enrollment requirements
33 established pursuant to Sections 46300.2, 47612, 48204, and
34 51747.3.

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

39 (B) For purposes of this section, satisfactory educational
40 progress includes, but is not limited to, applicable statewide

1 accountability measures and assessments and the completion of
2 assignments, examinations, or other indicators that evidence that
3 the pupil is working on assignments, learning required concepts,
4 and progressing toward successful completion of the course, as
5 determined by certificated employees providing instruction.

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

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

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

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

27 (10) The pupil-to-certificated employee ratio limitations
28 established pursuant to Section 51745.6 are applicable to courses
29 authorized by this section.

30 (11) For each pupil, the combined equivalent daily instructional
31 minutes for enrolled courses authorized by this section and enrolled
32 courses authorized by all other laws and regulations shall meet the
33 applicable minimum instructional day requirements. Pupils enrolled
34 in courses authorized by this section shall be offered the minimum
35 annual total equivalent instructional minutes pursuant to Sections
36 46200 to 46208, inclusive, and Section 47612.5.

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

1 (1) (A) For each schoolday, add the combined equivalent daily
2 instructional minutes, as certified in paragraph (4) of subdivision
3 (a), for courses authorized by this section in which the pupil is
4 enrolled.

5 (B) For each schoolday, add the combined daily instructional
6 minutes of courses authorized by all other laws and regulations in
7 which the pupil is enrolled and for which the pupil meets applicable
8 attendance requirements.

9 (C) For each schoolday, add the sum of subparagraphs (A) and
10 (B).

11 (2) If subparagraph (C) of paragraph (1) meets applicable
12 minimum schoolday requirements for each schoolday, credit each
13 schoolday that the pupil is demonstrating satisfactory educational
14 progress pursuant to the requirements of this section, with up to
15 one school day of attendance.

16 (3) (A) Using credited schoolday attendance pursuant to
17 paragraph (2), calculate average daily attendance pursuant to
18 Section 41601 or 47612, whichever is applicable, for each pupil.

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

22 (4) Notwithstanding any other law, average daily attendance
23 computed for pupils enrolled in courses authorized by this section
24 shall not be credited with average daily attendance other than what
25 is specified in this section.

26 ~~SEC. 5.—Section 51749.6 is added to the Education Code, to~~
27 ~~read:~~

28 ~~51749.6.—(a) Notwithstanding any other law, and commencing~~
29 ~~with the 2015–16 school year, a school district, charter school, or~~
30 ~~county office of education may, for pupils enrolled in kindergarten~~
31 ~~and grades 1 to 12, inclusive, provide schoolsite-based blended~~
32 ~~learning courses pursuant to the following conditions:~~

33 ~~(1) The governing board or body of a participating school~~
34 ~~district, charter school, or county office of education adopts~~
35 ~~policies, at a public hearing, that comply with the requirements of~~
36 ~~this section and any applicable regulations adopted by the state~~
37 ~~board.~~

38 ~~(2) A signed learning agreement is completed and on file~~
39 ~~pursuant to Section 51749.7.~~

1 ~~(3) (A) Courses are taught under the general supervision of~~
2 ~~certificated employees who hold the appropriate subject matter~~
3 ~~credential pursuant to Section 44300 or 44865, or subdivision (l)~~
4 ~~of Section 47605, meet the requirements for highly qualified~~
5 ~~teachers pursuant to the federal No Child Left Behind Act of 2001~~
6 ~~(20 U.S.C. Sec. 6301 et seq.), and are employed by the school~~
7 ~~district, charter school, or county office of education at which the~~
8 ~~pupil is enrolled.~~

9 ~~(B) Pupils must be at a physical schoolsite each day school is~~
10 ~~in session and under the immediate supervision of a school district,~~
11 ~~charter school, or county office of education paraprofessional, as~~
12 ~~defined in Section 44392, in coordination with the certificated~~
13 ~~employee teaching the course or under the immediate supervision~~
14 ~~of the certificated employee teaching the course.~~

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

20 ~~(B) This certification shall, at a minimum, include the duration,~~
21 ~~number of equivalent daily instructional minutes for each school~~
22 ~~day that a pupil is enrolled, number of equivalent total instructional~~
23 ~~minutes, and number of course credits for each course. This~~
24 ~~information shall be consistent with that of equivalent~~
25 ~~classroom-based courses.~~

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

29 ~~(6) Pupils enrolled in courses authorized by this section shall~~
30 ~~meet the applicable residency and enrollment requirements~~
31 ~~established pursuant to Sections 46300.2, 47612, 48204, and~~
32 ~~51747.3.~~

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

37 ~~(B) For purposes of this section, satisfactory educational~~
38 ~~progress includes, but is not limited to, applicable statewide~~
39 ~~accountability measures and assessments and the completion of~~
40 ~~assignments, examinations, or other indicators that evidence that~~

1 the pupil is working on assignments, learning required concepts,
2 and progressing toward successful completion of the course, as
3 determined by certificated employees providing instruction.

4 (C) If satisfactory educational progress is not being made,
5 certificated employees providing instruction shall notify the pupil
6 and, if the pupil is less than 18 years of age, the pupil's parent or
7 legal guardian, and conduct an evaluation to determine whether it
8 is in the best interest of the pupil to remain in the course or whether
9 he or she should return to a regular school program. A written
10 record of the findings of any 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.

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

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

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

25 (10) The pupil-to-certificated-employee-ratio limitations
26 established pursuant to Section 51745.6 are applicable to courses
27 authorized by this section.

28 (11) For each pupil, the combined equivalent daily instructional
29 minutes for enrolled courses authorized by this section and enrolled
30 courses authorized by all other laws and regulations shall meet
31 applicable minimum instructional day requirements. Pupils enrolled
32 in courses authorized by this section shall be offered the minimum
33 annual total equivalent instructional minutes pursuant to Sections
34 46200 to 46208, inclusive, and Section 47612.5.

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

38 (1) (A) For each school day, add the combined equivalent daily
39 instructional minutes, as certified in paragraph (4) of subdivision
40 (a), for courses authorized by this section in which the pupil is

1 enrolled, at a physical schoolsite, and under the immediate
2 supervision specified in subparagraph (B) of paragraph (3) of
3 subdivision (a):

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

8 (C) For each school day, add the sum of subparagraphs (A) and
9 (B):

10 (2) If subparagraph (C) of paragraph (1) meets applicable
11 minimum school day requirements for each school day, credit each
12 school day that the pupil is demonstrating satisfactory educational
13 progress pursuant to the requirements of this section and attends
14 school at a physical schoolsite under the immediate supervision,
15 as specified in subparagraph (B) of paragraph (3) of subdivision
16 (a), with up to one school day of attendance.

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

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

23 (4) Notwithstanding any other law, average daily attendance
24 computed for pupils enrolled in courses authorized by this section
25 shall not be credited with average daily attendance other than what
26 is specified in this section.

27 ~~SEC. 6.~~

28 ~~SEC. 4.~~ Section ~~51749.7~~ 51749.6 is added to the Education
29 Code, to read:

30 ~~51749.7.~~

31 51749.6. (a) Before enrolling a pupil in a course authorized
32 by Section ~~51749.5 or 51749.6~~, 51749.5, each school district,
33 charter school, or county office of education shall provide the pupil
34 and, if the pupil is less than 18 years of age, the pupil's parent or
35 legal guardian, with a written learning agreement that includes all
36 of the following:

37 (1) A summary of the policies and procedures adopted by the
38 governing board or body of the school district, charter school, or
39 county office of education pursuant to Section ~~51749.5 or 51749.6~~,
40 51749.5, as applicable.

1 (2) The duration of the enrolled course or courses, the duration
2 of the learning agreement, and the number of course credits for
3 each enrolled course consistent with the certifications adopted by
4 the governing board or body of the school district, charter school,
5 or county office of education pursuant to Section ~~51749.5 or~~
6 ~~51749.6, 51749.5~~, as applicable. The duration of a learning
7 agreement shall not exceed a school year or span multiple school
8 years.

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

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

16 (5) A statement that the pupil is not required to enroll in courses
17 authorized pursuant to Section ~~51749.5 or 51749.6, 51749.5~~.

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

22 (2) The signed learning agreement constitutes permission from
23 a pupil's parent or legal guardian, if the ~~student~~ *pupil* is less than
24 18 years of age, for the pupil to receive instruction through
25 independent study or schoolsite-based blended learning, as
26 applicable.

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

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