

AMENDED IN ASSEMBLY JUNE 10, 2014

AMENDED IN SENATE APRIL 30, 2014

SENATE BILL

No. 1143

Introduced by Senator Liu

February 20, 2014

An act to amend Sections 51745.6, 51747, and 51747.5 of, and to add Sections 51749.5 and 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. *Existing law requires a written agreement, not to exceed one semester or ½ year for a school on a year-round calendar, to be signed by prescribed individuals, for each independent study pupil to be maintained on file.*

This bill would instead require that the signed written agreement not exceed one school year, and would allow the signed written agreement to be maintained on file electronically. The 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 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~~ *no less than twice per calendar month* 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 *independent study* 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 specify the computation of average daily attendance for the *independent study* 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 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 51745.6 of the Education Code is
2 amended to read:
3 51745.6. (a) (1) The ratio of average daily attendance for
4 independent study pupils 18 years of age or less to school district
5 full-time equivalent certificated employees responsible for
6 independent study, ~~by~~ *for the applicable* grade span, calculated as
7 specified by the department, shall not exceed the equivalent ratio
8 of pupils to full-time certificated employees for all other
9 educational programs operated by the school district for the
10 applicable grade span, unless a new higher or lower grade span
11 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

1 indicates an existing collective bargaining agreement contains an
2 alternative grade span ratio for the applicable grade span. The ratio
3 of average daily attendance for independent study pupils 18 years
4 of age or less to county office of education full-time equivalent
5 certificated employees responsible for independent study, *for the*
6 *applicable grade span*, to be calculated in a manner prescribed by
7 the department, shall not exceed the equivalent ratio of pupils to
8 full-time certificated employees for all other educational programs
9 operated by the high school or unified school district with the
10 largest average daily attendance of pupils in that county for the
11 applicable grade span, unless a new higher or lower grade span
12 ratio for all other educational programs offered within the
13 respective grade span is negotiated in a collective bargaining
14 agreement or a memorandum of understanding is entered into that
15 indicates an existing collective bargaining agreement contains an
16 alternative grade span ratio for the applicable grade span. The
17 computation of the ratios shall be performed annually by the
18 reporting agency at the time of, and in connection with, the second
19 principal apportionment report to the 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 that reflect a pupil-teacher ratio that does not exceed the
28 applicable grade span ratios described in subdivision (a) shall be
29 eligible for apportionment pursuant to Section 2575, for county
30 offices of education, and Section 42238.05, for school districts.
31 Nothing in this section shall prevent a school district or county
32 office of education from serving additional units of average daily
33 attendance greater than the applicable grade span ratios described
34 in subdivision (a), except that those additional units shall not be
35 funded pursuant to Section 2575 or 42238.05, as applicable. *If a*
36 *school district, charter school, or county office of education has*
37 *a memorandum of understanding to provide instruction in*
38 *coordination with the school district, charter school, or county*
39 *office of education at which a pupil is enrolled, then the applicable*
40 *grade span ratios that shall apply for purposes of this paragraph*

1 are the ratios for the local educational agency providing the
2 independent study program to the pupil pursuant to Section
3 51749.5.

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.

12 (d) The applicable pupils-to-certificated-employee grade span
13 ratios described in subdivision (a) may, in a charter school, be
14 calculated by using a fixed pupils-to-certificated-employee ratio
15 of 25 to 1, or by being a ratio of less than 25 pupils per certificated
16 employee. All charter school pupils, regardless of age, shall be
17 included in the applicable pupil-to-certificated-employee grade
18 span ratio calculations.

19 *SEC. 2. Section 51747 of the Education Code is amended to*
20 *read:*

21 51747. A school district or county office of education shall not
22 be eligible to receive apportionments for independent study by
23 pupils, regardless of age, unless it has adopted written policies,
24 and has implemented those policies, pursuant to rules and
25 regulations adopted by the ~~Superintendent of Public Instruction,~~
26 *Superintendent*, that include, but are not limited to, all of the
27 following:

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

32 (b) The number of missed assignments that will be allowed
33 before an evaluation is conducted to determine whether it is in the
34 best interests of the pupil to remain in independent study, or
35 whether he or she should return to the regular school program. A
36 written record of the findings of any evaluation made pursuant to
37 this subdivision shall be treated as a mandatory interim pupil
38 record. The record shall be maintained for a period of three years
39 from the date of the evaluation and, if the pupil transfers to another

1 California public school, the record shall be forwarded to that
2 school.

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

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

8 (2) The objectives and methods of study for the pupil's work,
9 and the methods utilized to evaluate that work.

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

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

18 (5) The duration of the independent study agreement, including
19 the beginning and ending dates for the pupil's participation in
20 independent study under the agreement. No independent study
21 agreement shall be valid for any period longer than one ~~semester,~~
22 ~~or one-half year for a school on a year-round calendar.~~ *school year.*

23 (6) A statement of the number of course credits or, for the
24 elementary grades, other measures of academic accomplishment
25 appropriate to the agreement, to be earned by the pupil upon
26 completion.

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

35 (8) (A) Each written agreement shall be signed, ~~prior to~~ *before*
36 the commencement of independent study, by the pupil, the pupil's
37 parent, legal guardian, or caregiver, if the pupil is less than 18
38 years of age, the certificated employee who has been designated
39 as having responsibility for the general supervision of independent
40 study, and all persons who have direct responsibility for providing

1 assistance to the pupil. For purposes of this paragraph “caregiver”
 2 means a person who has met the requirements of Part 1.5
 3 (commencing with Section 6550) of the Family Code.

4 (B) *A signed written agreement may be maintained on file*
 5 *electronically.*

6 ~~SEC. 2.~~

7 SEC. 3. Section 51747.5 of the Education Code is amended to
 8 read:

9 51747.5. (a) The independent study by each pupil shall be
 10 coordinated, evaluated, and, notwithstanding subdivision (a) of
 11 Section 46300, shall be under the general supervision of an
 12 employee of the school district, charter school, or county office
 13 of education who possesses a valid certification document pursuant
 14 to Section 44865 or an emergency credential pursuant to Section
 15 44300, registered as required by law.

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

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

24 ~~SEC. 3.~~

25 SEC. 4. Section 51749.5 is added to the Education Code, to
 26 read:

27 51749.5. (a) Notwithstanding any other law, and commencing
 28 with the 2015–16 school year, a school district, charter school, or
 29 county office of education may, for pupils enrolled in kindergarten
 30 and grades 1 to 12, inclusive, provide independent study courses
 31 pursuant to the following conditions:

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

37 (2) A signed learning agreement is completed and on file
 38 pursuant to Section 51749.6.

39 (3) Courses are taught under the general supervision of
 40 certificated employees who hold the appropriate subject matter

1 credential pursuant to Section 44300 or 44865, or subdivision (I)
2 of Section 47605, meet the requirements for highly qualified
3 teachers pursuant to the federal No Child Left Behind Act of 2001
4 (20 U.S.C. Sec. 6301 et seq.), and are employed by the school
5 district, charter school, or county office of education at which the
6 pupil is enrolled, or by a school district, charter school, or county
7 office of education that has a memorandum of understanding to
8 provide the instruction in coordination with the school district,
9 charter school, or county office of education at which the pupil is
10 enrolled.

11 (4) (A) Courses are annually certified, by school district, charter
12 school, or county office of education governing board or body
13 resolution, to be of the same rigor and educational quality as
14 equivalent classroom-based courses, ~~including and shall be aligned~~
15 *to* all relevant local and state content standards.

16 (B) This certification shall, at a minimum, include the duration,
17 number of equivalent daily instructional minutes for each schoolday
18 that a pupil is enrolled, number of equivalent total instructional
19 minutes, and number of course credits for each course. This
20 information shall be consistent with that of equivalent
21 classroom-based courses.

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

25 (6) Pupils enrolled in courses authorized by this section shall
26 meet the applicable residency and enrollment requirements
27 established pursuant to Sections 46300.2, 47612, 48204, and
28 51747.3.

29 (7) (A) Certificated employees and each pupil shall
30 communicate in-person, by telephone, or by any other live visual
31 or audio connection ~~at least once per week~~ *no less than twice per*
32 *calendar month* to assess whether each pupil is making satisfactory
33 educational progress.

34 (B) For purposes of this section, satisfactory educational
35 progress includes, but is not limited to, applicable statewide
36 accountability measures ~~and assessments~~ and the completion of
37 assignments, examinations, or other indicators that evidence that
38 the pupil is working on assignments, learning required concepts,
39 and progressing toward successful completion of the course, as
40 determined by certificated employees providing instruction.

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

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

19 ~~(8) Examinations given to pupils shall include a proctor or other~~
20 ~~reliable method to ensure exam integrity.~~

21 (8) *A proctor shall administer examinations.*

22 (9) (A) *Statewide testing results for pupils enrolled in any*
23 *course authorized pursuant to this section shall be reported and*
24 *assigned to the school or charter school at which the pupil is*
25 *enrolled, and to any school district, charter school, or county office*
26 *of education within which that school's or charter school's testing*
27 *results are aggregated.*

28 (B) *Statewide testing results for pupils enrolled in a course or*
29 *courses pursuant to this section may be disaggregated for purposes*
30 *of comparing the testing results of those pupils to the testing results*
31 *of pupils enrolled in classroom-based courses.*

32 ~~(9)~~

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

35 ~~(10)~~

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

39 ~~(11)~~

1 (12) For each pupil, the combined equivalent daily instructional
2 minutes for enrolled courses authorized by this section and enrolled
3 courses authorized by all other laws and regulations shall meet the
4 applicable minimum instructional day requirements. ~~requirements~~
5 *applicable to the local educational agency.* Pupils enrolled in
6 courses authorized by this section shall be offered the minimum
7 annual total equivalent instructional minutes pursuant to Sections
8 46200 to 46208, inclusive, and Section 47612.5.

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

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

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

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

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

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

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

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

37 ~~SEC. 4.~~

38 *SEC. 5.* Section 51749.6 is added to the Education Code, to
39 read:

1 51749.6. (a) Before enrolling a pupil in a course authorized
2 by Section 51749.5, each school district, charter school, or county
3 office of education shall provide the pupil and, if the pupil is less
4 than 18 years of age, the pupil's parent or legal guardian, with a
5 written learning agreement that includes all of the following:

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

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

17 (3) The learning objectives and expectations for each course,
18 including, but not limited to, a description of how satisfactory
19 educational progress is measured and when a pupil evaluation is
20 required to determine whether the pupil should remain in the course
21 ~~or return to~~ *be referred to an alternative program, which may*
22 *include, but is not limited to, a regular school program.*

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

25 (5) A statement that the pupil is not required to enroll in courses
26 authorized pursuant to Section 51749.5.

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

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

35 (3) A physical or electronic copy of the signed learning
36 agreement shall be retained by the school district, county office
37 of education, or charter school for at least three ~~years.~~ *years and*
38 *as appropriate for auditing purposes.*

39 (4) For purposes of this section, an electronic copy includes a
40 computer or electronic stored image of an original document,

- 1 including, but not limited to, portable document format, JPEG, or
- 2 other digital image file type, that may be sent via fax machine,
- 3 email, or other electronic means.

O