

AMENDED IN ASSEMBLY JULY 1, 2014
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, of the Education Code, relating to pupil instruction.

LEGISLATIVE COUNSEL'S DIGEST

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

Existing law, notwithstanding any other law, and commencing with the 2015–16 school year, authorizes a school district, charter school, or county office of education to provide independent study courses for pupils enrolled in kindergarten and grades 1 to 12, inclusive, in accordance with prescribed conditions. Existing law requires the Superintendent of Public Instruction to conduct an evaluation, as provided, of independent study courses offered pursuant to these provisions and to report the findings to the Legislature and the Director of Finance no later than September 1, 2019.

This bill would delay the report date to no later than September 15, 2019. The bill also would make nonsubstantive changes.

~~(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 $\frac{1}{2}$ 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 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 51749.5 of the Education Code is amended
2 to read:

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

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

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

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

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

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

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

4 (6) Pupils enrolled in courses authorized by this section shall
5 meet the applicable residency and enrollment requirements
6 established pursuant to Sections 46300.2, 47612, 48204, and
7 51747.3.

8 (7) (A) Certificated employees and each pupil shall communicate
9 in-person, by telephone, or by any other live visual or audio
10 connection no less than twice per calendar month to assess whether
11 each pupil is making satisfactory educational progress.

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

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

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

37 (8) A proctor shall administer examinations.

38 (9) (A) Statewide testing results for pupils enrolled in any course
39 authorized pursuant to this section shall be reported and assigned
40 to the school or charter school at which the pupil is enrolled, and

1 to any school district, charter school, or county office of education
2 within which that school's or charter school's testing results are
3 aggregated.

4 (B) Statewide testing results for pupils enrolled in a course or
5 courses pursuant to this section shall be disaggregated for purposes
6 of comparing the testing results of those pupils to the testing results
7 of pupils enrolled in classroom-based courses.

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

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

13 (12) For each pupil, the combined equivalent daily instructional
14 minutes for enrolled courses authorized by this section and enrolled
15 courses authorized by all other laws and regulations shall meet the
16 minimum instructional day requirements applicable to the local
17 educational agency. Pupils enrolled in courses authorized by this
18 section shall be offered the minimum annual total equivalent
19 instructional minutes pursuant to Sections 46200 to 46208,
20 inclusive, and Section 47612.5.

21 (13) Courses required for high school graduation or for
22 admission to the University of California or California State
23 University shall not be offered exclusively through independent
24 study.

25 (14) A pupil participating in independent study shall not be
26 assessed a fee prohibited by Section 49011.

27 (15) A pupil shall not be prohibited from participating in
28 independent study solely on the basis that he or she does not have
29 the materials, equipment, or Internet access that are necessary to
30 participate in the independent study course.

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

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

38 (B) For each schoolday, add the combined daily instructional
39 minutes of courses authorized by all other laws and regulations in

1 which the pupil is enrolled and for which the pupil meets applicable
2 attendance requirements.

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

5 (2) If subparagraph (C) of paragraph (1) meets applicable
6 minimum schoolday requirements for each schoolday, and all other
7 requirements in this section have been met, credit each schoolday
8 that the pupil is demonstrating satisfactory educational progress
9 pursuant to the requirements of this section, with up to one school
10 day of attendance.

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

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

17 (4) Notwithstanding any other law, average daily attendance
18 computed for pupils enrolled in courses authorized by this section
19 shall not be credited with average daily attendance other than what
20 is specified in this section.

21 (c) For purposes of this section, “equivalent total instructional
22 minutes” means the same number of minutes as required for an
23 equivalent classroom-based course.

24 (d) (1) The Superintendent shall conduct an evaluation of
25 independent study courses offered pursuant to this section and
26 report *the* findings to the Legislature and the Director of Finance
27 no later than September~~4~~, 15, 2019. The report shall, at a
28 minimum, compare the academic performance of pupils in
29 independent study with demographically similar pupils enrolled
30 in equivalent classroom-based courses.

31 (2) The requirement for submitting a report imposed under
32 paragraph (1) is inoperative on September~~4~~, 15, 2023, pursuant
33 to Section 10231.5 of the Government Code.

34 (3) A report to be submitted pursuant to paragraph (1) shall be
35 submitted in compliance with Section 9795 of the Government
36 Code.

37 *SEC. 2. Section 51749.6 of the Education Code is amended to*
38 *read:*

39 51749.6. (a) Before enrolling a pupil in a course authorized
40 by Section 51749.5, each school district, charter school, or county

1 office of education shall provide the pupil and, if the pupil is less
2 than 18 years of age, the pupil’s parent or legal guardian, with a
3 written learning agreement that includes all of the following:

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

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

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

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

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

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

29 (2) The signed learning agreement constitutes permission from
30 a pupil’s parent or legal guardian, if the pupil is less than 18 years
31 of age, for the pupil to receive instruction through independent
32 study.

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

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

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

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**All matter omitted in this version of the bill
appears in the bill as amended in the
Assembly, June 10, 2014. (JR11)**

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