AIMS K-12 College Prep Charter District

AIMS Governance Committee Meeting

Date and Time

Tuesday June 1, 2021 at 6:00 PM PDT

Location

Join Zoom Meeting
https://us02web.zoom.us/j/83321876500?pwd=MHQ4QTZURVZpbnc0aU1rQUhqSE1VZz09

Meeting ID: 833 2187 6500
Passcode: 459022
One tap mobile
+16699006833,,83321876500#,,,,*459022# US (San Jose)
+12532158782,,83321876500#,,,,*459022# US (Tacoma)

Dial by your location
- +1 669 900 6833 US (San Jose)
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 929 436 2866 US (New York)
- +1 301 715 8592 US (Washington DC)
- +1 312 626 6799 US (Chicago)

Meeting ID: 833 2187 6500
Passcode: 459022
Find your local number: https://us02web.zoom.us/u/kcnMHc75s

AIMS does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities. Marisol Magana has been designated to receive requests for disability-related

modifications or accommodations in order to enable individuals with disabilities to participate in open and public meetings at AIMS. Please notify Marisol Magana at (510) 220-9985 at least 24 hours in advance of any disability accommodations being needed in order to participate in the meeting.

Agenda

		Purpose	Presenter	Time
I.	**Opening Items**			**6:00 PM**
	Opening Items			
A.	Call the Meeting to Order			1 m
B.	Record Attendance and Guests	Vote		2 m
C.	Adoption of the Agenda	Vote	Toni Cook	2 m
	AIMS Governance Committee will approve the April 13, 2021 Special Governance Committee Agenda			
D.	Approval of the Minutes	Approve Minutes	Corey Hollis	2 m
	AIMS Governance Committee will approve the May 4, 2021 Governance Committee Minutes.			
	Approve minutes for AIMS Governance Committee Meeting on May 4, 2021			
E.	Public Comments on Agenda Items			5 m
	Public Comment on Action Items is set aside for members of the Public to address the items on the Board's agenda prior to each agenda item. The Board of Directors will not respond or take action in response to Public Comment, except that the board may ask clarifying questions or direct staff. **Comments are limited to two (2) minutes per person, and a total time allotted for all public comment will not exceed thirty (30) minutes (10 minutes per section). Please enter all questions via Zoom chat feature.**			
F.	Public Comments on Non-Agenda Items	Discuss		5 m
	Public Comment on Non-Action Items is set aside for members of the Public to address the items on the Board's agenda prior to each agenda item. The Board of Directors will not respond or take action in response to Public Comment, except that the board may ask clarifying questions or direct staff. **Comments are limited to two (2) minutes per person, and a total time allotted for all public comment will not**			

		Purpose	Presenter	Time
	exceed thirty (30) minutes (10 minutes per section). Please enter all questions via Zoom chat feature.			

II. Non-Action Items

III. Action Items — 6:17 PM

Governance

A. AB - 1316 Discussion — Vote — Maya Woods-Cadiz — 5 m

The Governance committee will consider actions the AIMS Board can administer on AB - 1316

IV. Closed Session — 6:22 PM

A. Public Comment on Closed Session Items — FYI — 10 m

Public Comment on Closed Session Items is set aside for members of the Public to address the items in this section prior to closed session. The Committee will not respond or take action in response to **Public Comment, except that the Committee may ask clarifying questions or direct staff. Comments are limited to two (2) minutes per person, and a total time allotted for all public comment will not exceed twenty (20) minutes (10 minutes per section).**

B. Closed Session Items — Vote — Toni Cook — 30 m

Anticipated Litigation

C. Reconvene from Closed Session — Vote — 2 m

V. Closing Items — 7:04 PM

A. Items for Next Agenda — FYI

-
-
-
-
-

B. Adjourn Meeting — Vote

		Purpose	Presenter	Time
C.	NOTICES	FYI	Corey Hollis	1 m

The next regular meeting of the Board of Directors is scheduled to be held on June 15, 2021, at 6:30 pm. AIMS does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, it's programs or activities. Marisol Magana has been designated to receive requests for disability-related modifications or accommodations in order to enable individuals with disabilities to participate in open and public meetings at AIMS. Please notify Marisol Magana at (510)220-9985 at least 24 hours in advance of any disability accommodations being needed in order to participate in the meeting.

I, Corey Hollis, hereby certify that I posted this agenda at the AIMS Campus 171 12th street, Oakland, CA 94607 on, May 29, 2021, at 5:45 PM.
Certification of Posting

Coversheet

Approval of the Minutes

Section: I. Opening Items
Item: D. Approval of the Minutes
Purpose: Approve Minutes
Submitted by:
Related Material: Minutes for AIMS Governance Committee Meeting on May 4, 2021

APPROVED

AIMS K-12 College Prep Charter District

Minutes

AIMS Governance Committee Meeting

Date and Time
Tuesday May 4, 2021 at 6:00 PM

Location
Join Zoom Meeting
https://zoom.us/j/91015241127?pwd=UFVQM2phK1N0K3VXWnR2NHlhNzZCUT09

Meeting ID: 910 1524 1127
Passcode: 258370
One tap mobile
+16699009128,,91015241127# US (San Jose)
+13462487799,,91015241127# US (Houston)

Dial by your location
- +1 669 900 9128 US (San Jose)
- +1 346 248 7799 US (Houston)
- +1 253 215 8782 US (Tacoma)
- +1 301 715 8592 US (Washington DC)
- +1 312 626 6799 US (Chicago)
- +1 646 558 8656 US (New York)

Meeting ID: 910 1524 1127
Find your local number: https://zoom.us/u/ac8knMuBk4

AIMS does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities. Marisol Magana has been designated to receive requests for disability-related modifications or accommodations in order to enable individuals

with disabilities to participate in open and public meetings at AIMS. Please notify Marisol Magana at (510) 220-9985 at least 24 hours in advance of any disability accommodations being needed in order to participate in the meeting.

Committee Members Present
A. Abuyen (remote), M. Woods-Cadiz (remote), T. Cook (remote)

Committee Members Absent
None

Guests Present
C. Hollis (remote), D. Moghadam (remote), M. Magana (remote), Z. Lopez (remote)

I. Opening Items

A. Call the Meeting to Order

T. Cook called a meeting of the Governance Committee of AIMS K-12 College Prep Charter District to order on Tuesday May 4, 2021 at 6:00 PM.

B. Record Attendance and Guests

C. Adoption of the Agenda

A. Abuyen made a motion to approve the AIMS Governance Committee Meeting agenda as presented.
T. Cook seconded the motion.
The committee **VOTED** unanimously to approve the motion.

D. Approval of the Minutes

A. Abuyen made a motion to approve the minutes from April 13, 2021 Special Governance Committee Meeting AIMS Special Governance Committee Meeting on 04-13-21.
T. Cook seconded the motion.
The committee **VOTED** unanimously to approve the motion.

E. Public Comments on Non-Agenda Items

No public comment on non-agenda items.

F. Public Comments on Agenda Items

No public comment on agenda items.

II. Action Items

A. AIMS School Calendar 2021 - 2022

Marisol Magaña presented item III.A. AIMS School Calendar 2021 - 2022.

- Click link to view **AIMS School Calendar 2021 - 2022.**

M. Woods-Cadiz made a motion to approve item III.A. AIMS School Calendar 2021 - 2022.
A. Abuyen seconded the motion.
The committee **VOTED** unanimously to approve the motion.

B. Revisions to Food Service Clerk Job Description

Zeke Lopez presented item III.B. Revision to Food Service Clerk Job Description.

- Click link to view **Revision to Food Service Clerk Job Description.**

M. Woods-Cadiz made a motion to approve item III.B Revisions to Food Service Clerk Job Description.
A. Abuyen seconded the motion.
The committee **VOTED** unanimously to approve the motion.

III. Closed Session

A. Public Comment on Closed Session Items

No public comment on Closed session items.

B. Closed Session Items

C. Reconvene from Closed Session

IV. Closing Items

A. Items for Next Agenda

B. Adjourn Meeting

There being no further business to be transacted, and upon motion duly made, seconded and approved, the meeting was adjourned at 6:30 PM.

Respectfully Submitted,
T. Cook

C. NOTICES

Coversheet

AB - 1316 Discussion

Section: III. Action Items
Item: A. AB - 1316 Discussion
Purpose: Vote
Submitted by:
Related Material:
210420_AB_1316_ODonnell_Coalition_Opposition_Letter_Assembly_Education_Committee.pdf
Assembly-Education-Committee-Bill-Analysis-for-AB-1316.pdf
California Educations Committee Member Contacts.png
2021_AB1316_ Bill.pdf

April 20, 2021

The Honorable Patrick O'Donnell
Assembly Education Committee
1020 N Street, Room 159
Sacramento, California 95814

Dear Chair O'Donnell and Members of the Committee:

On behalf of more than 1,300 nonprofit charter public schools serving over 700,000 California students and their families, the California Charter Schools Association (CCSA), the Charter Schools Development Center (CSDC), the Association of Personalized Learning Schools & Services (APLUS+) with more than 130 organizations that represent over 350 charter public schools are signing on to this letter, in strong and unified **OPPOSITION to Assembly Bill 1316 (O'Donnell)** that would fundamentally damage the operations and missions of the entire California charter public school sector.

As you know, the nonprofit charter public school community has for many years worked with lawmakers on legislation and policy to ensure all nonprofit charter public schools are academically, fiscally and operationally accountable. However, AB 1316 has been introduced without any collaboration or meaningful engagement of the charter public school community. As a result, the bill is a misguided and one-sided approach that will hurt hundreds of thousands of California families and undermines the clear intent of the Charter Schools Act "to provide opportunities for teachers, parents, pupils, and community members to establish and maintain schools that operate independently from the existing school district structure" for the purpose of increased learning opportunities, innovation and expanded choices though a performance-based accountability system (Education Code section 47601).

AB 1316 Ignores Recent Sweeping Changes in Charter Law. A package of bills passed in 2019 made comprehensive reforms to the accountability and transparency for all charter schools. Provisions of AB 1316 would blatantly violate the agreement reached through the negotiations on all these bills to limit further charter restrictions. These recent reforms include:

- **SB 126 (Leyva)** which specifically applies Government Code section 1090, the Brown Act, the Political Reform Act and the Public Records Act to charter schools to provide greater transparency in operations, strengthen conflict of interest prohibitions, and improve public transparency in charter school contracting and other board actions.
- **AB 1505 (O'Donnell)** which provides additional and specific factors for authorizers to consider in chartering decisions, provides clear and specific renewal criteria and imposed new credentialing requirements on charter schools.

- **AB 1507 (Smith)** which enacts significant limitations related to the location of resource centers operated by nonclassroom-based charter schools to improve transparency and authorizer oversight of nonclassroom-based programs.

We supported this package of charter school bills that impose strict regulations on the operations and accountability for all charter public schools, including nonclassroom-based charters public schools (NCBs). Many schools significantly restructured their operations to abide by the new measures. AB 1316 ignores the measures already passed to address the concerns regarding both classroom-based and NCBs.

AB 1316 attempts to paint a broad brush on the charter public school sector by citing a single egregious case of fraud by a school and local authorizers, and ignores the hard work and high ethical standards of the majority of charter public schools. Like the general public, the charter community was shocked and outraged by the criminal fraud and abuse in this case, and in fact, took early whistleblower action to notify the Superintendent of Public Instruction and the State Board of Education, encouraging them to step-in and investigate the troubling and questionable practices of this fraudulent operator. The individuals responsible for these egregious actions have pled guilty or are currently being prosecuted, including at least one school district superintendent, for a large number of criminal violations of existing law. It is important to underscore that these criminal actions occurred prior to the implementation of the new reforms noted above.

AB 1316 Imposes Anti-Student Constraints on ALL Charter Schools, eroding their opportunity to innovate, or deliver mission-driven and student-centered programs. AB 1316 would **prohibit multiple-track** schools that offer additional instructional days than students would otherwise receive, and **restrict instructional day** flexibility for all charter schools that would negatively hurt at-risk students that require scheduling flexibility due to work hours or childcare commitments.

AB 1316 ignores the significant **new credentialing requirements** enacted in AB 1505 and diminishes the value of paraprofessionals in offering a comprehensive educational program by imposing new and more stringent credentialing requirements. AB 1316 also **increases charter oversight fees** without any basis or accountability for the use of these funds. By increasing fees without any reasonable accountability for the use of those fees by authorizers, funds intended for charter students will be diminished and program quality could suffer directly impacting a student's education.

AB 1316 would essentially eliminate "nonclassroom-based" charter schools by imposing unworkable mandates for site-based programming, excessive limits on enrollment, and mandatory funding cuts.

CCSA recently released the report ***Serving Diverse Student Needs in the Golden State: Practices and Programs of Nonclassroom-based Charter Public Schools (NCBs)***. NCBs currently serve more than 190,000 students in California and have served 25-30 percent of all charter public

school students since at least 2008. The flexibility of NCBs allows them to offer students a tailored blend of distance learning, independent study, home study, site-based instruction, other services at resource center facilities, and/or access to career technical education pathways. Many of these schools maximize the learning potential and academic gains by offering a range of instructional support, with particular emphasis on individualized learning for some of the state's most vulnerable students – including those who have been expelled multiple times, dropped out of school, are chronically absent, teenage parents, medically fragile, and/or have mental health issues – and require more intensive tutoring and teacher supervision. These schools serve students who have failed to succeed in a traditional site-based setting yet are now thriving in a personalized learning environment which is the hallmark of all NCBs.

AB 1316 would require all NCBs to offer a **parallel site-based program** for all high school students and any student who is not succeeding in the independent study setting. This nonsensical and wasteful approach to offering an alternative to traditional classroom-based programming is even more troubling given the significant constraints on physical operations of NCBs just imposed in AB 1507. By further limiting the geographic scope of enrollment and **capping enrollment** relative to district size, AB 1316 upends the reforms recently imposed in AB 1507 and would require even more operational restructuring and reorganization, without any evidence the reforms in AB 1507 are working. AB 1316 would **mandate funding cuts** for all NCBs solely based on the level of classroom instruction, without any quantifiable evidence that correlates to student academic success with in-person instruction. These students have chosen alternative instructional models because they are not academically successful in a classroom-only learning environment. Mandating program cuts without regard to program effectiveness or individual student needs, and based on a single metric, will severely limit the capacity of schools to provide meaningful, innovative and flexible learning opportunities to the most disenfranchised students in California, as well as undermine student success and increase the state's school dropout rate.

AB 1316 ignores the good work and commitment that NCBs offer their community. It is important to note that during the pandemic, all schools became "nonclassroom-based", and many of the leaders in this charter sector openly offered best practices, support and resources to other charter schools and traditional school districts to transition to a more successful distance learning environment for all of California students. These schools were also held to their pre-pandemic requirements for student progress and attendance reporting. We must be careful not to "throw the baby out with the bathwater" as we consider what narrow additional controls may be appropriate to further limit exposure to fraud.

New Audit and Fiscal Reporting and Oversight Requirements are Excessive and Duplicative. AB 1316 would overlay broad new fiscal and operational accountability on ALL charter schools by ignoring the existing annual audit requirements, and the significant impact of fiscal and operational accountability reforms already implemented under AB 1505, AB 1507 and SB 126. By imposing the entirety of the **Public Contract Code** on charter schools, this bill would blatantly violate the recent agreement on which school district laws should apply to charter

schools, and eliminate flexibility, a fundamental element of the charter school model. The new **fiscal reporting requirements and audit provisions** in this bill are particularly cumbersome and convoluted through the imposition of duplicative and wasteful oversight across many agencies, including independent auditors, charter authorizers, county offices of education, the California Department of Education (CDE) and the State Controller. While some narrow additional accountability may still be considered for the NCB sector, this bill goes too far. We note that SB 593 (Glazer), also introduced this session, attempts to address fiscal accountability concerns for NCBs in a much more strategic and targeted manner.

California's charter schools provide a meaningful and accountable educational opportunity for many of California's students. The essential value of the flexibility of charter schools was on full display during the pandemic. Charters were the first to transition to distance learning, led by the leadership of the nonclassroom based sector. Charter schools also led the education community to provide critical community support such as student meals. We take seriously our commitment to educational outcomes, and fiscal and operational accountability and transparency, but the value of our responsiveness and flexibility must not be diminished.

Unfortunately, AB 1316 is the wrong approach. For the reasons stated above, we respectfully, but firmly **OPPOSE AB 1316.**

Respectfully,

Myrna Castrejón/Ella/She/Her
President and CEO
California Charter Schools Association
(916) 261-1372
mcastrejon@ccsa.org

Eric Premack | Executive Director
Charter Schools Development Center, Inc.
(916) 538-6612 x 205
epremack@chartercenter.org

Jeff Rice, Founder/Director, APLUS+
530-432-3609
jeffrice@jps.net

cc: Members and Staff, Assembly Education Committee
Bob Becker, Assembly Republican Office of Policy

Drew Furedi
President and Chief Executive Officer
Para Los Ninos
dfuredi@paralosninos.org
5000 Hollywood Blvd, Los Angeles, California 90027
(213) 250-4800

Adriana Abich
Chief Executive Officer
Camino Nuevo Charter Academy
Adriana.abich@caminonuevo.org
3500 W Temple St, Los Angeles, CA 90004
(213) 736-5566

Steve Barr
Founder
Future Is Now Schools
sbarr@finschools.org
626 Wilshire Blvd, Los Angeles, CA 90017
(213) 488-1168

Parker Hudnut
CEO
ICEF Public Schools
phudnut@icefps.org
3855 W Slauson Ave, Los Angeles, CA 90056
323-290-6900

Peter Sagebiel
Executive Director
Forest Charter School
psagebiel@forestcharter.com
470 Searls Ave, Nevada City, CA 95959
(530) 265-4823

Krista Croteau
Director
Redwood Preparatory Charter
kcroteau@redwoodprep.org
1480 Ross Hill Rd, Fortuna, CA 95540
707-682-6149

Beth Thompson
CEO
KIPP Bay Area Public Schools
Beth.thompson@kippbayarea.org
1000 Broadway Street #460
Oakland, CA 94607
510.465.5477

Shawn T. Loescher, Ed. D.
Chief Executive Officer
Urban Discovery Academy
sloescher@urbansd.com
840 14th St, San Diego, CA 92101
(619) 788-4668

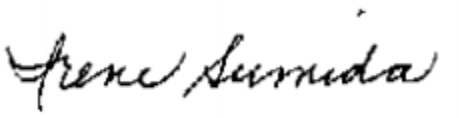
Kathleen Hermsmeyer, Ed. D.
Superintendent
Springs Charter School
kathleen.hermsmeyer@springscs.org
27740 Jefferson Avenue, Temecula, CA 92590
951-252-8800

Beatriz Gutierrez
Founder & Executive Director
Soleil Academy
bgutierrez@soleilacademy.org
3900 Agnes Ave, Lynwood, CA 90262
(323) 409-0801

Gayle Nadler
Executive Director
Multicultural Learning Center
gayle@mlccharter.org
7510 De Soto Ave, Canoga Park, CA 91303
(818) 716-5783

Carrie Wagner
Executive Director
GALS LA
cwagner@galsla.org
8015 Van Nuys Blvd, 4th Floor,
Panorama City, CA 91402
(818) 389-1184





Irene Sumida
Executive Director
Fenton Charter Public Schools
isumida@fentoncharter.net
8928 Sunland Blvd Sun Valley, CA 91352
(818) 962-3630





Myranda S. Marsh, Ed. D.
Founder/Executive Director
James Jordan Middle School
marsh@jamesjordanms.com
7911 Winnetka Ave, Winnetka, CA 91306
(818) 882-2496





Cameron Curry
Chief Executive Officer
The Classical Academies
ccurry@classicalacademy.com
2950 Bear Valley Pkwy, Escondido, CA 92025
760-546-0101





Meg Rydman
Executive Director
Olive Grove Charter Schools
mrydman@olivegrovecharter.org
733 Marsh St #210, San Luis Obispo, CA 93401
805-623-1111

Tim Warner
Director
Alder Grove Charter School
Tim.Warner@aldergrovecharter.org
714 F St, Eureka, CA 95501
707-268-0854

Trisha Lancaster
Executive Director
SOAR Charter Academy
Tlancaster0630@gmail.com
198 W Mill St, San Bernardino, CA 92408
(909) 888-3300

Anthony Saba
Executive Director
Samueli Academy
asaba@samueliacademy.org
1901 N Fairview St, Santa Ana, CA 92706
(714) 619-0245

Mary Galvin
Director of Operations
Ventura Charter School of Arts & Global Education
mary@venturacharterschool.org
2060 Cameron St, Ventura, CA 93001
(805) 648-5503

Kevin Humphrey
Charter School Superintendent
Guajome Schools
humphreyke@guajome.net
2000 N Santa Fe Ave, Vista, CA 92083
(760) 631-8500

Paul MacGregor
Executive Director
Epic Charter School
Paul.macgregor@epiccharterschools.org
100 S Anaheim Blvd #150, Anaheim, CA 92805
(657) 220-1000

Elna Gordon
Principal
Redwood Academy of Ukiah
egordon@redwoodacademy.org
1059 N State St, Ukiah, CA 95482
(707) 467-0500

Amy Held
Executive Director
Larchmont Charter School
Amy.held@larchmontcharter.org
444 N.Larchmont Blvd. Ste. #207, Los Angeles, CA 90004
323-380-7893

Patricia Reguerin
Executive Director
Escuela Popular
patricia@escuelapopular.org
149 N White Rd, San Jose, CA 95127
(408) 275-7191

Fidel Ramirez
CEO
Vaughn Next Century Learning Center
framirez@myvaughncharter.com
13330 Vaughn St, San Fernando, CA 91340
818-896-7461

Robert Hennings, Ed.D.
Executive Director
Santa Rosa Academy
Ph: (951) 672-2400
http://www.sra.mn
27587 La Piedra Rd, Menifee, CA 92584

Kalin Balcomb
Director of Schools
Arts in Action Community Charter Schools
kalinb@artsinactioncharter.org
1241 S Soto St, Los Angeles, CA 90023
(323) 266-4371

Dr. Richard Savage, Executive Director
California Connections Academy
580 N Wilma Ave G, Ripon, CA 95366
(209) 253-1208

Jim Scheible
Executive Director
Clayton Valley Charter High School
Jim.scheible@claytonvalley.org
1101 Alberta Way, Concord, CA 94521
(925) 682-7474

Erin Feeley
Executive Director
Bella Mente Montessori Academy
efeeley@bellamentecharter.org
1737 W Vista Way, Vista, CA 92083
760-621-8948

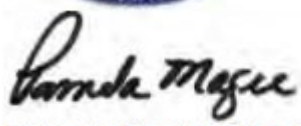
Dr. Donald Wilson
Superintendent
Vista Charter Public Schools
dwilson@vistacharterpublicschools.org
2900 W. Temple St., Los Angeles, CA 90026
(213) 269-4767

Tera Napier
Principal
Sherman Thomas Charter School
tnapier@mystcs.org
101 W Adell St, Madera, CA 93638
(559) 674-1192

Jared Austin
Founder and Executive Director
Kairos Public Schools
jaustin@kairospublicschools.org
129 Elm St, Vacaville, CA 95688
(707) 453-7234

Alexa Greenland
Principal
Kavod Charter School
Alexa.greenland@kavodcharter.org
6991 Balboa Ave, San Diego, CA 92111
(858) 386-0887





Pamela Magee, Ed. D.
Executive Director
Palisades Charter High School
pmagee@palihigh.org
15777 Bowdoin St, Pacific Palisades, CA 90272
(310) 230-6623



Josh Stock
Executive Director
Lashon Academy
josh@lashonacademy.org
7477 Kester Ave, Van Nuys, CA 91405
(818) 514-4566





Denice Burchett
Executive Director
Gorman Learning Charter Network
dburchett@gormanlc.org
1826 Orange Tree Lane, Redlands, CA 92374
(909) 307-6312





Patricia Gould
Principal
International School for Science and Culture
patty@mrsschool.com
2131 Tustin Avenue, Costa Mesa, California 92627
(949) 441-4500



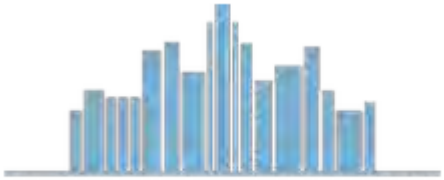


Kathleen Mallamo
Director
Kid Street Learning Center Charter School
kathleenm@kstreet.org
709 Davis St, Santa Rosa, CA 95401
(707) 525-9223





Benjamin Claassen
Director
Shasta Charter Academy
bclaassen@sca-edu.org
307 Park Marina Cir, Redding, CA 96001
(530) 245-2600





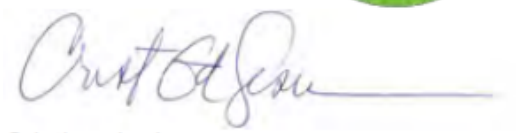
Valerie Braimah
Executive Director
City Charter Schools
vbraimah@citycharterschools.org
4001 Venice Blvd. Los Angeles, CA 90019
323-294-4937





Frank Ogwaro
President
Baypoint Preparatory Academy
frankogwaro@gmail.com
26089 Girard St, Hemet, CA 92544
(951) 658-1700





Cristina de Jesus
Chief Executive Officer & President
Green Dot Public Schools California
cdejesus@greendot.org
1149 S Hill St Suite 600, Los Angeles, CA 90015
(323) 565-1600





Jennifer Stickel
School Principal
Public Safety Academy of San Bernardino
jstickel@psasb.us
1482 Enterprise Dr, San Bernardino, CA 92408
(909) 382-2211





Linda Lee
Executive Director/Principal
Los Feliz Charter School for the Arts
linda@losfelizarts.org
2709 Media Center Dr, Los Angeles, CA 90065
(323) 539-2810



Mary Cox, M.Ed.
Mary Cox, M.Ed.
Executive Director/ Superintendent
mcox@corebutte.org
2847 Notre Dame Blvd, Chico, CA 95928
(530) 809-0599





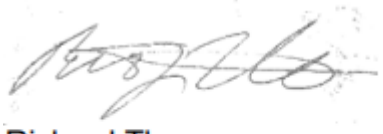
Chris Topham
Executive Director
Sebastopol Independent Charter School
ctopham@sebastopolcharter.org
1111 Gravenstein Hwy N, Sebastopol, CA 95472
(707) 824-9700





Erin Studer
Executive Director
CHIME Institute
Erin.studer@chimeinstitute.org
19722 Collier St, Woodland Hills, CA 91364
(818) 346-5100





Richard Thomas
Executive Director and Principal
New Horizons Charter Academy
rthomas@nhcharteracademy.com
5955 Lankershim Blvd, North Hollywood, CA 91601
(818) 655-9602

Wonderful college prep ACADEMY

Dr. Adrian C. Manuel
Superintendent
Wonderful College Prep Academy
Adrian.Manuel@wonderfulcollegeprep.org
2070 Veneto Street, Delano, CA 93215
(661) 721-2887

PERSEVERANCE PREP

Alex LeeNatali
Founder and Executive Director
Perseverance Prep
aleenatali@perseveranceprep.org
484 E. San Fernando Street, San Jose, CA 95112
408-600-2057

extera public schools

Corri Tate Ravare
Chief Executive Officer
Extera Public Schools
cravare@exteraschools.org
3626 East Fifth Street, Los Angeles, CA 90063
3232610059

CHAMPS Charter High School of the Arts

Linda Pierce
Principal/Director
CHAMPS Charter High School of the Arts
lpierce@champscharter.org
6842 Van Nuys Blvd, Van Nuys, CA 91405
(818) 994-7614

hawkin s.t.e.a.m. charter

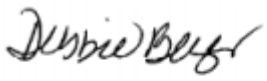
Lorena Chavez, Ed. D.
Executive Director
Hawking STEAM Charter School
lchavez@hawkingcharter.org
489 E Street, Chula Vista, CA 91910
(619) 349-3700





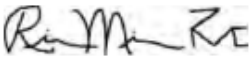
Sharon Weir Ed.D
Principal/Executive Director
New West Charter School
sweir@newwestcharter.org
1905 Armacost Ave, Los Angeles, CA 90025
(310) 943-5444



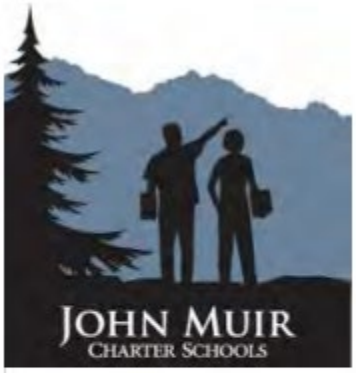


Debbie Beyer
Executive Director
Literacy First Charter Schools
Debbie.beyer@lfcsinc.org
799 E Washington Ave, El Cajon, CA 92020
(619) 579-7232





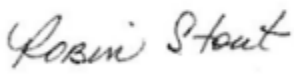
Ricardo Mireles
Executive Director
Academia Avance
Ricardo.Mireles@AcademiaAvance.com
115 N Ave 53, Los Angeles, CA 90042
(323) 230-7270





R.J. Guess
Chief Executive Officer
John Muir Charter Schools
rjguess@johnmuircs.com
117 New Mohawk Rd suite f, Nevada City, CA 95959
(530) 272-4008





Robin Stout
Executive Director
Rocklin Academy Family of Schools
rstout@rocklinacademy.org
2204 Plaza Dr. Suite 200, Rocklin, CA 95765
(916) 778-4544



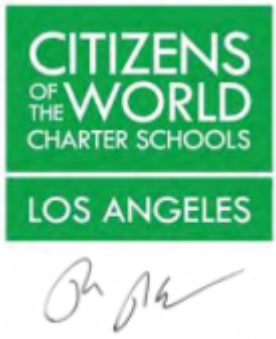
Oliver Sicat
CEO and Co-Founder
Ednovate
osicat@ednovate.org
350 S. Figueroa St., Suite 250, Los Angeles, CA 90071
213-454-0599



Michael Cox
Executive Director
Western Sierra Charter Schools
mcox@wscsfamily.org
41267 Highway 41, Oakhurst, CA 93644
559.642.1422



Ann A. Kelly
Executive Director
La Vida Charter School
annk@lavidaschool.org
11785 Orchard Ln, Willits, CA 95490
707-459-6344



Mark Kleger-Heine
Executive Director
Citizens of the World Charter School
Mkleger-heine@cwclosangeles.org
1316 N Bronson Ave, Los Angeles, CA 90028
(323) 435 1677



Dawn Evenson
Founder & CEO
iLEAD California Charter Schools
dawn.evenson@ileadschools.org
29477 The Old Road, Castaic, CA 91384
661-434-1755

CaliberSchools

Jennifer Moses
Co-Founder
Caliber Schools
jennifer@caliberschools.org
500 Oregon St, Vallejo, CA 94590
(510) 685-9886

JCS FAMILY
20 YEARS OF EMPOWERING LEARNERS

Jennifer Cauzza
Executive Director
Julian Charter School
jcauzza@juliancharterschool.org
1704 Cape Horn Ave, Julian, CA 92036
(760) 765-3847

OCASA

Kapil Mathur
Executive Director
Orange County Academy of Sciences and Arts
kcmathur@ocasacharter.org
29292 Crown Valley Pkwy, Laguna Niguel, CA 92677
(949) 269-3290

DA VINCI SCHOOLS

Matt Wunder, Ed. D.
Chief Executive Officer
Da Vinci Schools
mwunder@davincischools.org
201 N Douglas St, El Segundo, CA 90245
(310) 725-5800

LOS ANGELES LEADERSHIP ACADEMY

Arina Goldring
Chief Executive Officer
Los Angeles Leadership Academy
agoldring@laleadership.org
2670 Griffin Ave, Los Angeles, CA 90031
(213) 381-8484

Dr. Emilio Pack
CEO
STEM Prep Schools
epack@stem-prep.org
3200 W Adams Blvd, Los Angeles, CA 90018
(323) 795-0695

Chris Mahurin
Founder
AeroSTEM Academy
cmahurin@aerostem.org
82 Second Street, Yuba City, CA 95991
(530) 742-2531

Karen Miller
Learn4Life Assurance Learning Academy
kmiller@assurancelearning.org
43145 Business Center Pkwy suite 102-103, Lancaster, CA 93535
(877) 360-5327

Brian Bauer
Executive Director
Granada Hills Charter School (Grades TK-12)
senorbbauer@aol.com
10535 Zelzah Ave, Granada Hills, CA 91344
818-332-1363

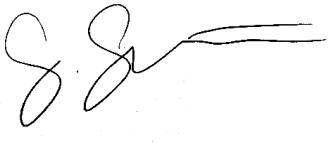
Steve Korvink
Chief Business Officer
Westlake Charter School
skorvink@westlakecharter.com
2680 Mabry Dr, Sacramento, CA 95835
(916) 567-5760

L.A. Coalition for Excellent Public Schools



Angelica Solis-Montero
Executive Director
LA Coalition for Excellent Public Schools
angelica@lacfeps.org
1055 Wilshire Blvd | Suite 1750 | Los Angeles | CA 90017
(323) 240-6403

THE CoOP SCHOOLS



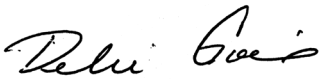
Sarah Saluta
Executive Director
San Diego Cooperative Charter Schools
sarah@sdccs.org
7260 Linda Vista Rd, San Diego, CA 92111
(858) 496-1613

five keys schools and programs



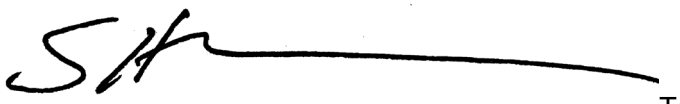
Steve Good
President and CEO
Five Keys Charter School
steveg@fivekeys.org
70 Oak Grove St, San Francisco, CA 94107
(415) 734-3310

TLC THE LEARNING CHOICE ACADEMY



Debi Gooding
Executive Director
The Learning Choice Academy
dgooding@learningchoice.org
881 Kuhn Drive #106, Chula Vista, CA 91914
619.656.4220 (P)

LCHS



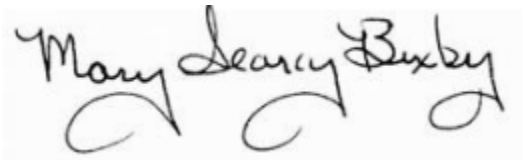
Steve Robinson
Liberty Charter High School
Steve.robinson@lfcsinc.org
8425 Palm St, Lemon Grove, CA 91945
(619) 668-2131

Plumas Charter School
Providing personalized learning opportunities



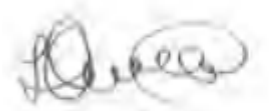
Taletha Washburn
Executive Director
Plumas Charter School
taletha@plumascharterschool.org
546 Lawrence St, Quincy, CA 95971
(530) 283-3851

Audeo Charter School | Audeo Charter School II | Audeo Charter School III | AUDEO Grow with us! K12 | The Charter School of San Diego | Grossmont Secondary School | Mirus Secondary School



Founder and CEO
Audeo Charter School
Audeo Charter School II
Audeo Charter School III
The Charter School of San Diego
Grossmont Secondary School
Mirus Secondary School
Sweetwater Secondary School
10170 Huennekens St, San Diego, CA 92121
858-203-4632

Odyssey Charter Schools



Lauren O'Neill
Executive Director
Odyssey Charter Schools
laureno@ocsmail.org
725 W. Altadena Drive, Altadena, California 91001
(626) 229-0993

CORE Charter School
Personalized Learning for Student Success!



Chris Mahurin
Executive Director
CORE Charter School
cmahurin@corecharter.org
321 16th St, Marysville, CA 95901
(530) 742-2786

YPICS
YPI CHARTER SCHOOLS



Yvette King-Berg
Executive Director
Youth Policy Institute Charter Schools
ykingberg@ypics.org
10660 White Oak Ave STE B101, Granada Hills, CA 91344
818.834.5805

YM&C
YOUNG, MINNEY & CORR, LLP
THE CHARTER LAW FIRM



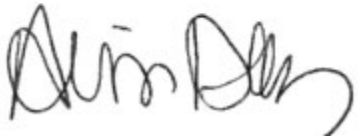
Lisa Corr
Partner
Young, Minney & Corr, LLP
lcorr@mycharterlaw.com
655 University Ave STE 150, Sacramento, CA 95825
(916) 646-1400





Marcia Aaron
Founder & CEO
KIPP SoCal Public Schools
maaron@kippsocal.org
3601 E 1st St, Los Angeles, CA 90063
(213) 489-4461





Alison Diaz
Founder
Environmental Charter School
alison@ecsonline.org



Farnaz Golshani Flechner
Executive Director/CEO
Environmental Charter School
farnazgolshani@ecsonline.org
6315 Grevillea Ave, Lawndale, CA 90260
310 214 3400





Kate Gottfredson
Director of Government Affairs
Summit Public Schools
kgottfredson@summitps.org
780 Broadway, Redwood City, CA 94063
(650) 257 9880





Christine Feher
Executive Director
California Pacific Charter Schools
cfeher@cal-pacs.org
4101 Birch St, Newport Beach, CA 92660
(949) 752-0527

Gary S. Bowman
Interim Superintendent
Visions in Education
gbowman@viedu.org
5030 El Camino Ave, Carmichael, CA 95608
(833) 883-1601

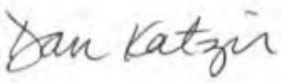
Paul Keefer, Ed. D.
Executive Director
Heritage Peak Charter School
Rio Valley Charter School
Sutter Peak Charter Academy
Pacific Charter Institute
pkeefer@heritagepeak.org
1401 El Camino Ave. Ste. 510, Sacramento, CA 95815
(866) 992-9033

Jeff Sands
CEO/President
360 Accelerator Education Partners
Jeff.sands@360accelerator.org
2014 Tulare St. Suite 830, Fresno, CA 93721
(559) 960.5129

Audria Johnson
Executive Director
Growth Public Schools
ajohnson@growthps.org
9320 Tech Center Dr, Sacramento, CA 95826
916-394-5007

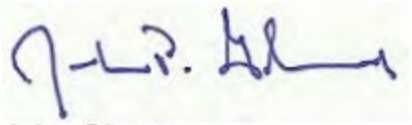
Mala Batra
CEO
Aspire Public Schools
Mala.batra@aspirepublicschools.org
5901 E. Slauson Avenue, Commerce, CA 90040
323-837-9920





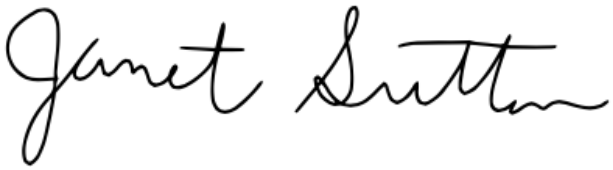
Dan Katzir
President and CEO
Alliance College-Ready Public Schools
dkatzir@laalliance.org
644 N Fuller Ave, PMB 7068, Los Angeles, CA 90036
(213) 943-4930





John Glover
CEO
Alpha Public Schools
john@alphapublicschools.org
PO BOX 21366, San Jose, CA 95151
408-455-6355





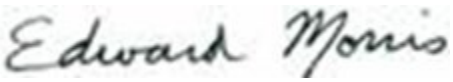
Janet Sutton
Executive Director
Harvest Ridge Cooperative Charter School
jsutton@harvestridgeschool.org
9050 Old State Hwy, Newcastle, CA 95658
(916) 259-1425





Casey Taylor
Executive Director
Achieve Charter School of Paradise
ctaylor@achievecharter.org
1494 East Ave, Chico, CA 95926
(530) 872-4100





Edward Morris
Co-Founder and Chief External Officer
Endeavor College Preparatory Charter School
emorris@endeavorcollegeprep.org
1263 S Soto St, Los Angeles, CA 90023
(323) 800-4125

David Calvo
Principal
Los Angeles Academy of Arts and Enterprise
dcalvo@laaae.org
1200 Colton St #320, Los Angeles, CA 90026
(213) 487-0600

Kerry Kletter
Director of Instruction
Village Charter Academy
k.kletter@villagecharteracademy.com
7357 Jordan Ave, Canoga Park, CA 91303
(818) 716-2887

TyAnthony Davis
Head of School
Vox Collegiate of Los Angeles
tdavis@voxcollegiate.org
1100 W Manchester Ave, Los Angeles, CA 90044
(323) 570-2915

Natasha Barriga
Executive Director
Resolute Academy
nbarriga@resoluteacademy.org
E 112th St, Los Angeles, CA 90059
(323) 559-6284

BRIGHTSTAR SCHOOLS



Hrag M. Hamalian
Executive Director
Bright Star Schools
hhamalian@brightstarschools.org
600 S La Fayette Park Pl, Los Angeles, CA 90057
(323) 954-9957





Paul Okaiteye
CEO
New Designs Charter School
paul.okaiteye@newdesignscharter.net
1342 W Adams Blvd., Los Angeles, CA 90007
(323) 730-0330

ROCKETSHIP PUBLIC SCHOOLS



Marie Alvarado-Gil
Regional Director, Bay Area
Rocketship Public Schools
mgil@rsed.org
350 Twin Dolphin Dr #109, Redwood City, CA 94065
877-806-0920

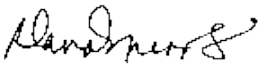


GOETHE INTERNATIONAL CHARTER SCHOOL



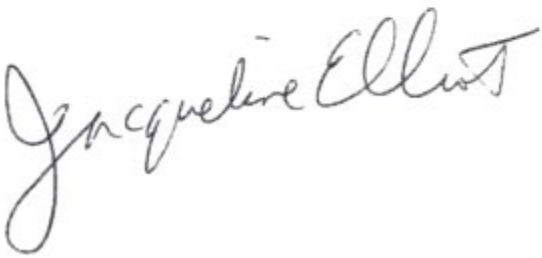
Dr. Chris Jones
Executive Director
Goethe International Charter School
Chris.jones@goethecharterschool.org
12500 Braddock Dr, Los Angeles, CA 90066
(310) 306-3484





Dana Means
Principal
Century Community Charter School
dmeans@centurycharter.org
901 Maple St, Inglewood, CA 90301
(310) 412-2286





Dr. Jacqueline Elliot
Co-Founder PUC Schools
CEO Partnerships to Uplift Communities (PUC) National
j.elliot@pucschools.org
1405 N. San Fernando Boulevard, Suite 303, Burbank, CA 91504
(818) 559-7699 x1400



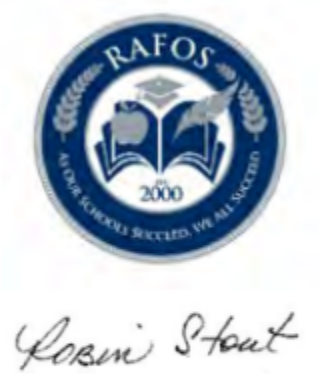


Ontrece Ellerbe
Executive Director
Global Education Academy Schools
oellerbe@geaschool.com
4141 S. Figueroa St., Los Angeles, CA 90037
(323) 232-9588





PK Candaux
Executive Director
Renaissance Arts Academy
pk@renarts.org
2558 N San Fernando Rd, Los Angeles, CA 90065
(323) 259-5700



Robin Stout
Executive Director
Rocklin Academy Family of Schools
rstout@rocklinacademy.org
2204 Plaza Dr. Suite 200, Rocklin, CA 95765
(916) 778-4544





Jason Watts
Co-Founder & Executive Director
Scholarship Prep Public School
jwatts@scholarshipschools.org
1010 W. 17th St. Santa Ana, CA 92706
(714) 795-3498





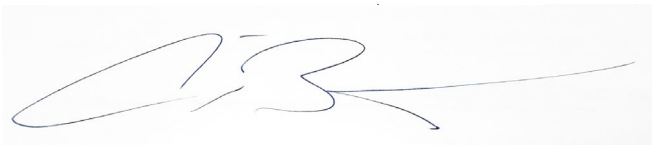
Rhonda Deomampo
CEO
Synergy Academies
rdeomampo@wearesynergy.org
900 E 33rd St, Los Angeles, CA 90011
(323) 235-7960





Cesar Lopez
Co-Director
Apex Academy
clopez@apexacademyhs.info
444 N American St, Stockton, CA 95202
(209) 466-3861

BIRMINGHAM COMMUNITY CHARTER HIGH SCHOOL



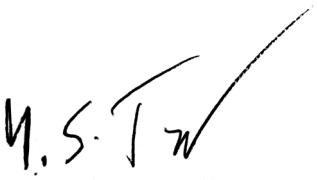
Ari Bennett
Principal
Birmingham Community Charter High School
A.Bennett@birminghamcharter.com
17000 Haynes St, Van Nuys, CA 91406
(818) 758-5200

MATRIX FOR SUCCESS ACADEMY



Alfonso Paz
Matrix for Success Academy
apaz@apexacademyhs.info
1010 E 34th St, Los Angeles, CA 90011
(323) 897-5971

PUBLIC POLICY CHARTER SCHOOL



Sonali Tucker, Ed. D.
Founder/Executive Director
Public Policy Charter School
stucker@publicpolicycharterschools.org
1701 Browning Blvd, Los Angeles, CA 90062
(323) 205-7920

HTLA High Tech Los Angeles Charter Middle School



Rachel Garber
Principal
High Tech LA Middle School
Ms.garber@htla-ms.org
5435 Vesper Ave, Van Nuys, CA 91411
818.583.6229

NEW MILLENNIUM SECONDARY SCHOOL



Samantha Navarro
Principal
New Millennium Secondary School
snavarro@newmillenniumschool.org
1301 W 182nd St, Gardena, CA 90248
(310) 999-6162





Laurilie Keay
Director
Alma Fuerte Public School
Laurilie.keay@almafuerteps.org
119 W Palm St, Altadena, CA 91001
(626) 204-5265





Amy Berfield
Executive Director/Founder
New Heights Charter School
aberfield@newheightscharter.org
2202 W Martin Luther King Jr Blvd, Los Angeles, CA 90008
(323) 508-0155

Date of Hearing: April 28, 2021

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 1316 (O'Donnell) – As Amended April 14, 2021

SUBJECT: School accountability: financial and performance audits: charter schools: contracts

SUMMARY: Establishes new requirements for nonclassroom based (NCB) charter schools in the areas of auditing and accounting standards, the funding determination process, adding requirements to the contracting process, Independent Study (IS) program requirements, required teacher to pupil ratios, limiting authorization of NCB charters by small districts, and adding specificity to the authorizer oversight process, as specified. Specifically, **this bill**:

Audit and Accounting Standards

1) Requires charter schools to follow the same audit procedures and audit schedules, and use the same Standardized Account Code Structure, as school districts.

2) Requires training for school district and charter school auditors as a condition of their licensure, and requires school district and charter school audits to be peer reviewed.

3) Creates the Office of Inspector General at the California Department of Education (CDE), to be appointed by the Governor.

4) Requires the K-12 audit guide to include sampling guidance, and audit requirements for minimum school day, time value of pupil work, pupil to teacher ratios, the 25 largest monetary transfers, and pupil attendance.

NCB Charter School Funding Determination

5) Establishes, beginning July 1, 2022, a funding formula for NCB charter schools based on the amount of in-classroom instruction provided to pupils as follows:

   a) Pupils engaged in classroom-based instruction for at least 80% of their attendance, generate 100% attendance for state apportionment.

   b) Pupils engaged in classroom-based instruction for between 60% and 79% of their attendance, generate 92.5% attendance for state apportionment.

   c) Pupils engaged in classroom-based instruction for between 40% and 59% of their attendance, generate 85% attendance for state apportionment.

   d) Pupils engaged in classroom-based instruction for between 20% and 39% of their attendance, generate 77.5% attendance for state apportionment.

   e) Pupils engaged in classroom-based instruction for between 0% and 19% of their attendance, generate 70% attendance for state apportionment.

Independent Study for School Districts, County Offices of Education and Charter Schools

6) Establishes, beginning with the 2022-23 school year, a single set of criteria for Independent Study (IS) for school districts, county offices of education (COEs), and charter schools, including:

   a) Requiring a minimum frequency of teacher and pupil contact once every three school days, including a requirement for more contact for struggling pupils;

   b) Requiring teacher communication to be via in-person, live visual or audio connection;

   c) Requiring a minimum school day;

   d) Requiring a NCB charter school to offer an in-person option as an alternative to serve pupils with exceptional needs and struggling pupils; and

   e) Requiring governing board policies and governing body policies to include attendance and academic metrics for ending a pupil's IS agreement.

Charter School Contracts

7) Requires vendor personnel who provide direct services to pupils that count toward instructional minutes to hold the appropriate credential.

8) Prohibits private religious organizations or schools from serving as vendors.

9) Requires charter schools to participate in competitive bidding of contracts in the same manner as school districts.

10) Prohibits contracts from being calculated as a percentage of charter school apportionment.

Pupil Attendance Data Study

11) Requires the CDE to study the feasibility of connecting the California Longitudinal Pupil Achievement Data System (CALPADS) and the attendance accounting system.

Teacher Assignments, School Calendars, and Pupil Attendance

12) Requires school districts, COEs and charter schools to calculate pupil-to-teacher ratios in independent study programs by one of the following methods:

   a) A 25 to 1 pupil-to-teacher ratio;

   b) An alternative pupil-to-teacher ratio negotiated as part of a collective bargaining agreement; or

   c) The prior year pupil-to-teacher ratio at programs operated by the high school or unified school district with the largest average daily attendance of pupils in the county or the

collectively bargained alternative ratio used by that high school or unified school district in the prior year.

13) Prohibits multi-track year-round schedules for school districts and charter schools. Authorizes the State Board of Education (SBE) to waive this prohibition in cases of facility shortages.

14) Permits NCB charter attendance only for pupils residing within the county in which the school is authorized.

Small School District Authorizers of NCB Charter Schools

15) Permits a NCB charter school to be authorized as follows:

a) School districts < 2,500 in Average Daily Attendance (ADA) may authorize NCB charters up to 100% of district ADA;

b) School districts of 2,500-5,000 ADA may authorize NCB charters up to 2,500 ADA; and

c) School districts of 5,000-10,000 ADA may authorize NCB charters up to 50% of district ADA.

Authorizer Oversight and Oversight Fees for Charter Schools

16) Establishes the Charter Authorizing Support Team at the Fiscal Crisis and Management Assistance Team (FCMAT).

17) Requires charter school authorizers to perform the following oversight responsibilities for NCB charter schools:

a) Annually verify that an appropriate methodology exists for teachers to determine the time value of pupil work product used to compute ADA.

b) Annually verify the ADA-to-certificated-teacher ratio used by the charter school.

c) Verify average daily attendance at the first, second, and annual principal apportionment reporting, including subsequent corrected reports, after performing reasonable testing of monthly enrollment and monthly attendance reports to be submitted to the chartering authority by the charter school, to determine enrollment and attendance trends and averages.

18) Permits a charter authorizer to charge oversight fees not to exceed actual costs up to 2% for the 2022-23 fiscal year; and, effective July 1, 2023, permits a charter authorizer to charge oversight fees not to exceed actual costs up to 3%.

EXISTING LAW:

1) Establishes the Charter Schools Act of 1992 which authorizes a school district governing board or county board of education to approve or deny a petition for a charter school to

operate independently from the existing school district structure as a method of accomplishing, among other things, improved pupil learning, increased learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving, holding charter schools accountable for meeting measurable pupil outcomes, and providing the schools with a method to change from rule-based to performance-based accountability systems. (Education Code (EC) 47605)

2) Establishes a process for the submission of a petition for the establishment of a charter school. Authorizes a petition, identifying a single charter school to operate within the geographical boundaries of the school district, to be submitted to the school district. Authorizes, if the governing board of a school district denies a petition for the establishment of a charter school, the petitioner to elect to submit the petition to the county board of education. Authorizes, if the county board of education denies the charter, the petitioner to submit the petition to the SBE only if the petitioner demonstrates that the school district governing board or county board of education abused its discretion in denying the charter school. Authorizes a school that serves a countywide purpose to submit the charter petition directly to the county office of education.

3) Requires, upon renewal, a charter school to be identified as either low performing, middle performing or high performing based on state dashboard accountability data. Requires that low performing charter schools be denied, however, the school may be renewed for a two year period if the authorizer is presented with verified data that meet specified criteria and the authorizer finds it compelling. Authorizes middle performing charter schools to be renewed for 5 years. Authorizes high performing charter schools to be renewed for 5-7 years.

4) Prohibits the authorization and establishment of new nonclassroom based charter schools between January 1, 2020 and January 1, 2022.

5) Prohibits a charter school from receiving any public funds for a pupil if the pupil also attends a private school that charges the pupil's family for tuition. Prohibits a charter from being granted that authorizes the conversion of any private school to a charter school. (EC 47602)

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

7) Authorizes a charter school to receive funding for nonclassroom-based instruction only if a determination for funding is made by the SBE. Requires the determination for funding to be subject to any conditions or limitations the SBE may prescribe. Requires the SBE to adopt regulations that define and establish general rules governing nonclassroom-based instruction that apply to all charter schools and to the process for determining funding of nonclassroom-based instruction by charter schools offering nonclassroom-based instruction. Defines nonclassroom-based instruction to include, but not be limited to, independent study, home study, work study, and distance and computer-based education. (EC 47612.5)

8) Requires the SBE to adopt regulations setting forth criteria for the determination of funding for nonclassroom-based instruction, at a minimum the regulation to specify that the

nonclassroom-based instruction is conducted for the instructional benefit of the pupil and is substantially dedicated to that function. Requires the SBE to consider, among other factors it deems appropriate, the amount of the charter school's total budget expended on certificated employee salaries and benefits and on schoolsites, and the teacher-to-pupil ratio in the school. Requires, for the 2003–04 fiscal year and each fiscal year thereafter, the amount of funding determined by the SBE to not be more than 70% of the unadjusted amount to which a charter school would otherwise be entitled, unless the SBE determines that a greater or lesser amount is appropriate. (EC 47634.2)

9) Requires a charter school to transmit a copy of its annual, independent financial audit report for the preceding fiscal year to its chartering entity, the State Controller's Office (SCO), the county superintendent of schools of the county in which the charter school is sited, (unless the county board of education of the county in which the charter school is sited is the chartering entity) and the CDE, by December 15 of each year. (EC 47605)

10) Requires a charter school that operates a multitrack year round calendar to comply with all of the following:

    a) Calculate attendance separately for each track. The divisor in the calculation must be the calendar days in which school was taught for pupils in each track;

    b) Operate no more than five tracks;

    c) Operate each track for a minimum of 175 days. If the charter school is a conversion school, the charter school may continue its previous schedule as long as it provides no fewer than 163 days of instruction in each track;

    d) For each track, provide the total number of instructional minutes, as specified in Section 47612.5; and

    e) No track may have less than 55% of its schooldays before April 15. (EC 47612)

11) Authorizes a school district to operate a program of multitrack year-round scheduling at one or more schools within the district. Authorizes a program of multitrack year-round scheduling to operate at a schoolsite for as few as 163 days in each fiscal year if the governing board of the school district adopts a resolution at a regularly scheduled board meeting certifying that both of the following criteria are met at the schoolsite:

    a) The number of annual instructional minutes is not less than that of schools of the same grade levels utilizing the traditional school calendar; and

    b) It is not possible for the school to maintain a multitrack schedule containing the same number of instructional days as are provided in schools of the district utilizing the traditional school calendar given the facilities, program, class sizes, and projected number of pupils enrolled at the schoolsite. (EC 37670)

12) Requires financial and compliance audits to be performed in accordance with General Accounting Office standards for financial and compliance audits. Requires that the audit guide prepared by the SCO be used in the performance of these audits until an audit guide is adopted by the Education Audits Appeal Panel. When an audit guide is adopted by that

panel, the adopted audit guide be used in the performance of these audits, and that every audit report specifically and separately address each of the state program compliance requirements included in the audit guide, stating whether or not the district is in compliance with those requirements. (EC 14503)

13) Authorizes the IS program for school districts, COEs and charter schools. Requires local educational agencies (LEAs) that offer IS to adopt written policies that include the length of time that may elapse between the time an independent study assignment is made and the date the pupil must complete the assigned work, missed work assignments, and there be a written agreement between the pupil and the IS program. Requires that the written agreement include processes for submitting pupil work, objectives and methods of study for the pupil's work, resource that will be made available to the pupil, duration of the agreement, and number of credits to be earned upon completion. A pupil with an Individualized Education Program (IEP) is not authorized to participate in an IS program unless their IEP specifically provides for that participation. Requires that the IS of each pupil be coordinated, evaluated under the general supervision of an employee of the LEA who possesses a valid certification document or an emergency credential. Establishes certificated employee-to-pupil ratios, as specified. (EC 51745–51749.3)

14) Authorizes the Course Based Independent Study (CBIS) program for school districts, COEs and charter schools for pupils enrolled in kindergarten and grades 1-12, inclusive, under the following conditions: completion of a signed learning agreement between the pupil and school, courses are taught under the general supervision of certificated employees who old the appropriate subject matter credential, and are employed by the LEA, courses are annually certified by the LEA governing board or body to be of the same rigor and educational quality as equivalent classroom-based courses and aligned to all relevant local and state content standards, requires certificated employees and pupils to communicate in person, by telephone, or by any other live visual or audio connection no less than twice per calendar month to assess whether the pupil is making satisfactory educational progress, requires an evaluation if the pupil is not making satisfactory educational progress. Requires a written agreement between the CBIS program and the pupil. Specifies that if more than 10% of the total ADA of a school district, charter school, or COE is claimed then the amount of ADA for all pupils enrolled by that LEA that is in excess of 10% of the total ADA for the LEA be reduced, as specified. (EC 51749.5–51749.6)

15) Requires each chartering authority to do all of the following with respect to each charter school under its authority:

    a) Identify at least one staff member as a contact person for the charter school;

    b) Visit each charter school at least annually;

    c) Ensure that each charter school under its authority complies with all reports required of charter schools by law, including the local control and accountability plan (LCAP) and annual update to the LCAP required pursuant to Section 47606.5;

    d) Monitor the fiscal condition of each charter school under its authority; and

    e) Provide timely notification to the CDE if any of the following circumstances occur or will occur with regard to a charter school for which it is the chartering authority:

i. A renewal of the charter is granted or denied;

ii. The charter is revoked; or

iii. The charter school will cease operation for any reason. (EC 47604.32)

16) Authorizes a chartering authority to charge for the actual costs of supervisorial oversight of a charter school not to exceed 1% of the revenue of the charter school. Authorizes a chartering authority to charge for the actual costs of supervisorial oversight of a charter school not to exceed 3% of the revenue of the charter school if the charter school is able to obtain substantially rent free facilities from the chartering authority. Authorizes a LEA that is given the responsibility for supervisorial oversight of a charter school by the SBE to charge for the actual costs of supervisorial oversight, and administrative costs necessary to secure charter school funding. (EC 47613)

FISCAL EFFECT: Unknown

COMMENTS:

Need for the bill. According to the author, "Upon the discovery of large scale fraud perpetrated by a number of nonclassroom based charter schools, the Legislature imposed a two-year moratorium on the establishment of new NCB charter schools in 2020, with a commitment to reform NCB charter schools during that time period.

One example of such fraud includes *People v. McManus,* where the San Diego County District Attorney's Office indicted 11 defendants in a fraud scheme involving nineteen A3 Charter Schools. A3 Charter Schools created a partnership with a little league summer sports program and enrolled little league players in their charter school during the summer months to generate state attendance funding, despite A3 Charter Schools having never provided instruction to these little league players. A3 Charter Schools also transferred pupils between charter schools in their network to collect more than one school year of funding per pupil. The A3 Charter Schools case revealed many weaknesses in the State's education system in the areas of pupil data tracking, auditing, and school finance.

There are also examples of NCB charter schools paying for multi-day family passes to Disneyland, paying for pupil courses at private religious organizations or schools, and paying uncredentialed instructors to provide instruction to pupils.

Loopholes in state law have allowed these unscrupulous practices at NCB charter schools to continue unchecked, wasting State taxpayer dollars. It is time for a correction in State law to halt the hundreds of millions of dollars in fraud and abuse recently seen among NCB charter schools. AB 1316 corrects flaws in current law and improves parity between independent study programs offered by school districts and NCB charter schools."

Background on charter schools. According to the CDE, as of April 2021, there are 1,294 charter schools in California, with an enrollment of over 675,000 pupils. Some charter schools are new, while others are conversions from existing public schools. Charter schools are part of the state's public education system and are funded by public dollars. A charter school is usually created or organized by a group of teachers, parents, community leaders, a community-based organization, or an education management organization. Charter schools are authorized by school district

boards and county boards of education. A charter school is generally exempt from most laws governing school districts, except where specifically noted in the law. Specific goals and operating procedures for the charter school are detailed in an agreement (or "charter") between the authorizing board and charter organizers.

What is nonclassroom based instruction? Nonclassroom based instruction includes computer-based instruction using software modules, teacher-directed independent study, and traditional home school parents who enroll their children in independent study charter school programs.

A nonclassroom based charter school is defined as a school with less than 80% of its total ADA that is classroom based, in which instruction takes place in a classroom setting. As of April 2021, there were 304 charter schools considered to be NCB. Of that number, 105 charter schools self-identified as providing exclusively virtual or primarily virtual instruction.

Existing law defines charter school nonclassroom based instruction as instruction that does **not** meet the requirements of classroom-based instruction. Those requirements are:

- Charter school pupils are engaged in required educational activities and are under the immediate supervision and control of a certificated teacher;
- At least 80% of the instructional time offered by the charter school is at the schoolsite (defined as a facility that is used primarily for classroom instruction); and
- Pupil attendance at the schoolsite is required for at least 80% of the minimum instructional time.

What does research say about pupil academic achievement at NCB charter schools and virtual schools? Research indicates that students at NCB charters and virtual schools achieve lower rates of academic achievement compared to students at classroom based schools. One review notes, "By any measure, online charter schools perform significantly worse than traditional public schools, and this negative impact carries across every demographic of pupils. So while online schools are indeed needed for pupils whose requirements cannot be met by brick-and-mortar schools, it's clear that the quality of education offered by online charter schools is significantly below the state average. As public policy, legislators should be looking to limit the number of students in online charter schools and should resist calls to expand this sector." (Lafer, 2021)

A 2015 national analysis of NCB charter schools found, "The differences were much larger between classroom-based and non-classroom-based charter schools with the nonclassroom-based charter schools having lower achievement. This result is consistent with a study of Ohio charter schools that found virtual schools performing poorly relative to traditional public schools (TPSs) and other charter schools (Zimmer, et al., 2009). It is consistent as well with findings for Pennsylvania, which has among the highest proportion of online charter pupils. The CREDO (2011) report on Pennsylvania charter schools found that all eight cyber schools then operating performed significantly and substantially worse on both mathematics and reading than TPSs." (Epple, et al., 2015)

The following chart shows the California statewide average student achievment at traditional brick and mortar schools, versus the average pupil performance at online charter schools. This data excludes all schools that mainly serve pupils who are credit deficient (known as DASS alternative schools), however, when DASS schools are included the difference in pupil performance between classroom based schools and online charter schools is even more significant.

Academic Performance, Online Charter Schools, and Statewide Average, Except Alternative Schools

	California statewide average (excluding DASS alternative schools)	Online charter schools (excluding DASS alternative schools)
Distance from Standard, English Language Arts/Literacy	-2	-17.3
ELA Percentile Rank		43.5%
Distance from Standard, Math	-30.4	-78.4
Math Percentile Rank		20.9%
Career & College Readiness	45.5	18.2
Career/College Percentile Rank		37.7%
Graduation Rate	88.5	73.1
Graduation Rate Percentile Rank		23.2%

(Source: In the Public Interest (Lafer, 2021))

Numerous studies indicate online instruction is not as effective as regular classroom instruction:

- A 2011 study of charter school performance in Pennsylvania by the Center for Research on Education Outcomes (CREDO) at Stanford University found that each of that state's 8 online charter schools ("cyber schools") significantly underperformed brick and mortar schools and regular (non-virtual) charter schools in reading and math.

- A CREDO study in 2015 concluded that the learning deficit of virtual schools is equivalent to receiving 180 fewer days of math instruction and 72 fewer days of reading instruction. The study's author said that the learning in math was so small that it was "literally as though the student did not go to school for the entire year."

- A year review of virtual schools in Wisconsin by the Gannett Wisconsin Media Investigative Team found that pupils receiving online instruction "often struggle to complete their degrees and repeat grades four times as often as their brick-and-mortar counterparts," and they "trail traditional students in every subject but reading."

- A 2011 report from the Office of the Legislative Auditor in Minnesota reported that full-time online pupils were more likely to completely drop out of school and made less progress on state standardized math tests than pupils in traditional schools.

- A 2011 report from the Ohio Department of Education rated only three of Ohio's 27 virtual schools as "effective" or "excellent."

- A 2006 performance audit by the Colorado Department of Education of that state's virtual schools found that, "in the aggregate, online students performed poorly on the CSAP (Colorado State Assessment Program) exams and had higher repeater, attrition, and dropout rates."

A report by In the Public Interest (*Virtual Public Education in California*, 2015) focused specifically on California Virtual Academy (CAVA) schools, and concluded that "students at CAVA are at risk of low quality educational outcomes, and some are falling through the cracks entirely, in a poorly resourced and troubled educational environment." Among the concerns identified by the report are the following:

- In every year since it began graduating pupils, except 2013, CAVA has had more dropouts than graduates.

- Pupils are eligible to be counted as having attended with as little as one minute of log in time each day.

- K12 California (the California subsidiary of K-12, Inc.) pays itself for services out of CAVA school bank accounts that it (K12 California) manages.

- Competitive bidding is prohibited: K12 California contractually prohibits CAVA schools from seeking another vendor for services that K12 California is willing and able to perform.

- CAVA teachers report that the "vast majority" of the work they do is clerical, preventing them from spending sufficient time teaching.

- Limited local control: individual CAVA location governing boards operate under contract to K12 California and do not "have much leeway in terms of budget, program and contracting decisions independent from K12 California."

- K12, Inc. charges CAVA schools more than they can reasonably pay for administrative and technology services. The shortfall is covered by "budget credits" that are extended by K12, Inc., which results in a "perpetual debt" relationship between CAVA schools and K12, Inc.

- CAVA pupils have lower academic achievement, higher dropout rates, and higher turnover than pupils enrolled in brick-and-mortar schools.

Virtual schools have consistently been shown to underperform brick-and-mortar schools by wide margins. At the same time, California has invested heavily in policies to improve pupil outcomes, including the adoption of rigorous academic content standards, assessments aligned to those standards, and the use of evaluation rubrics (the "California School Dashboard") to monitor school and district performance and identify districts for targeted assistance.

Recent A3 Charter Schools fraud case reveals significant weaknesses in nonclassroom based charter school law. In *People v. McManus* the San Diego County District Attorney's Office indicted 11 defendants in a fraud scheme involving nineteen charter schools (A3 Charter Schools). The case revealed many weaknesses in state public charter school law in the areas of pupil data tracking, auditing, school finance, and oversight, which resulted in A3 schools repaying more than $210 million, 13 houses, and numerous shares in third-party companies.

- *Lack of pupil data tracking.* Currently, charter schools submit aggregate attendance data for each school without any information about individual pupils. Oversight agencies do not maintain individual pupil data about enrollments in charter schools they oversee for state funding purposes. One A3 charter school was found to be paying a private company to recruit and collect personal information from pupil athletes. The school then enrolled the athletes in the charter school without their knowledge—thereby fraudulently generating ADA—and paid the recruiting company a portion of the public funds generated as a finder's fee.

- *Multi-track calendar abuses.* The A3 schools were found to have deceived the state into paying them significantly more funds by manipulating the "multi-track year round calendar," which charter schools are currently authorized to use. The A3 schools would (1) run a fake summer school to collect funding for pupils that never knowingly enrolled, (2) inflate their fraudulent summer school attendance numbers—to the tune of about 60 percent—by offering fewer days of fake summer school instruction, and (3) transfer pupils between different A3 schools, increasing attendance fraudulently by another roughly 40 percent.

- *Lack of meaningful audit requirements.* The annual audits required by law found little to no malpractice by A3 schools. First, auditors are not required to complete any specialized up-front or ongoing training in school finance or law to audit a charter school. Second, charter schools can choose their auditors—A3 schools were shown to have fired their auditing firms and hired less experienced firms in the rare event that audit findings were made. Third, NCB charter schools are allowed to pick their own samples of pupil documentation showing compliance with independent study laws—enabling A3 to hide the fraudulent aspects of their operation from auditors. Fourth, auditors are not required to audit the education program received by pupils, only compliance with documentation. In the A3 schools, many children were enrolled from sports teams believing they were participating in a fundraiser and had no knowledge they were enrolled in a charter school at all.

- *Flawed funding determination process.* While existing law requires that NCB charter schools only receive full funding in exceptional circumstances—when at least 80% of funding is spent directly serving pupils—the current funding determination process essentially funds all schools at 100%. This is because existing regulations define "instructional and related services" very broadly and charter schools can meet these spending benchmarks without necessarily spending money on pupils. Further, NCB charter schools are only required to request a funding determination, and provide compliance documentation to the SBE, every five years.

- *Perverse financial incentives for charter school authorizers.* Existing law allows charter authorizers to collect oversight fees from charter schools under their authority but does not require authorizers to demonstrate that the fees are spent on meaningful school oversight. Small school districts that approve NCB charter schools serving pupils not located in the district can earn significant oversight fees—creating a built-in incentive to overlook poor charter school practices. For example, Dehesa Elementary School District approved over ten charter schools all providing NCB programs. The district's oversight fees for the 2017-2018 school year were more than its entire expenditures for all employees hired by the district. When the district learned of improprieties from their charter schools it took no meaningful action. Ultimately, the district collected the oversight fees and only acted to revoke the A3 Charter Schools under its authority once law enforcement was involved.

The chart below illustrates a sampling of current small school districts that have authorized large numbers of nonclassroom based charter schools.

School District Name	School District ADA	Authorized Charter School ADA
New Jerusalem Elementary	22	4,500
Oro Grande	109	3,738
Dehesa Elementary	145	8,532
Maricopa Unified	300	6,067
Julian Union Elementary	311	3,502
Campbell Union	876	6,417
Acton-Agua Dulce Unified	1,080	13,775

(Source: California School Board Association)

Some homeschool charter schools give education dollars to parents. The term homeschool has traditionally been used to describe private homeschool instruction. Some homeschool parents choose to enroll their children in NCB charter schools. When a pupil enrolls in any public charter school, that pupil becomes a public school pupil and is no longer a private school homeschool pupil. Some NCB charter schools cater to these families and offer to share state funding with parents or allow parents to direct how their children's homeschool funds are spent.

The Horizon Charter Schools website advertises that they offer "More Student Funds for Educational Needs" and states, "Since we're a public charter school, there are never any tuition fees and most classes, study trips and educational materials can be paid for with your state-provided student funds. To help families get even more from their homeschooling experience, this year we raised the amount of funds you have to spend -- $2,600 per K-8th grade student and $2,800 for high school students. That's $1,000 more per student than the previous years and more than most other area charter schools provide. In addition, funds can be shared between family members, providing even greater flexibility and choices for parents."

Feather River Charter School, which is part of the Inspire Public Schools, provides the following description of the instructional funds available to pupils on their website:

	Enrollment Date	Total Fund Amount	Funds upon Enrollment	Funds available December 1, 2019
TK-8th grade	July 1-October 9, 2019	$2,600	$1,500	$1,100
High School	July 1-October 9, 2019	$2,800	$1,700	$1,100

Inspire describes the appropriate use of these funds to include but not be limited to the following:

Product	Service
• Academic Enrichment Materials • Curriculum • Technology Items • Educational Field Trips	• Fine Art Lessons & Classes • Performing Art Lessons & Classes • Academic Enrichment Classes • Tutoring Services • Driver's Education Courses • Cooking Classes • Gardening Classes • Reading and Writing Classes • STEM Classes

Investigative journalism found examples of inappropriate use of public school funds through vendor contracts. Investigations into the operations of a few NCB charter schools regarding possible inappropriate use of public school funds are on-going. A 2019 investigation by the San Diego Union Tribune found:

- ***Trips to Disneyland and SeaWorld***. "In California, there's a way parents can use money from the government to buy multi-day Disneyland Park Hopper passes, San Diego Zoo family memberships, tickets to Medieval Times and dolphin encounters at SeaWorld. There are a handful of charter schools that give pupils' families as much as $2,800 to $3,200 — tax dollars sent to the charter schools — every year to spend on anything they want from a list of thousands of home-school vendors approved by the charters, according to the schools' websites. 'If you live in California and you're not taking advantage of this, I don't know what to say,' said Karen Akpan, a home-school charter parent of four who lives in Beaumont. She wrote a recent blog article describing how she used the educational funds to pay for a family trip to Disneyland, Chicago CityPASSes and Legoland tickets, as well as computer coding kits, educational toys, books and subscription cooking kits for her kids."

- ***California is the only state paying for these types of services***. "'I don't know of any states where they're paying for the kinds of things they're paying for in California,' said Mike Smith, president of the Home School Legal Defense Assn. a national group that advocates for home-schooling families. 'Those schools don't have as many fixed costs as a school that

would have a large campus, paying for heat and custodians and all of that. But yet, they get the same amount of money per student from the state,' said Stephanie Hood, a charter school adviser with the Homeschool Assn. of California. It is relatively easy for home-school charters to recruit pupils, because enrollment happens online and families can request vendors near where they live. Valiant advertised enrollment to families in 34 counties on its website, even though its schools were authorized to operate in only three counties. 'As you know, that's why some of the problems have occurred, because there's so much money in it,' Smith said. 'It's very easy to do. ... It's just ripe for the kind of things that are going on.'"

- ***Public education dollars spent at private schools***. Some charter school vendors are businesses or nonprofits that cater to home-schoolers and operate like private schools in that they charge tuition and employ their own teachers, who often are not credentialed by the state. Some vendors provide a wide variety of classes, ranging from electives such as sewing and cooking, to core classes such as traditional English, math and science. Many of these vendors do not call themselves schools, but rather enrichment centers, learning centers, home school co-ops or tutoring academies. Some larger vendors, such as Homeschool Campus and Discovery of Learning, have several campuses, often at churches. Enrolling in a home school charter can allow the pupil to use the charter school's funds to pay the tuition for these schools, if their assigned charter schoolteacher approves it.

- ***Public education dollars spent at religious schools***. There also are religiously affiliated vendors, like the Christian-owned Eden Learning Academy, which until recently said on its website that it is based on a 'Christian Worldview,' or the Christian Youth Theater, which says on its website that part of its objective is to 'share the love of Christ in word and deed.'" Inspire Charter School lists Eden Learning Academy and the Christian Youth Theater as vendors on their website.

Funding determination. As noted earlier in this analysis, NCB charter schools are required to obtain a funding determination that is approved by the SBE. This funding determination establishes the percentage of funding the NCB charter school will receive compared to all other traditional classroom based schools. Most charter schools apply for a 100% NCB funding determination. To do so, they must meet the following criteria:

- Spend at least 40% of total public revenue on instructional certificated salary and benefits;

- Spend at least 80% of total public revenue on instruction related services; and,

- Not exceed a 25:1 pupil to teacher ratio.

As of April 2021, only two NCB charter schools receive less than a 100% funding determination. This indicates that despite the analysis performed by the CDE and SBE, the process is not working as intended.

A 2021 report by In the Public Interest illustrates the possible profiteering permitted by the flawed funding determination system at California's NCB charter schools. The report states:

Overpayment for online charter schools is dramatically illustrated in the case of Connections Academy and its parent corporation Pearson. Alongside the Connections Academy schools, Pearson also operates an online private school, the Pearson Online Academy, for Americans stationed abroad who want their children to get an American education or for those in states that do not allow charter schools.
The curriculum for Pearson Online Academy and California Connections Academy schools are the same – both the list of courses and the description of each course's content are virtually identical in both schools. Indeed, when asked if the two schools' classes are sufficiently similar so that a student could seamlessly transfer between one and the other in the middle of a school year, a Pearson company representative stated that the courses line up "apples to apples – so close it's ridiculous." Another Pearson representative explained that "the private side [Pearson Online Academy] writes the curriculum for the Connections side," and as a result "transferring credits is no problem."

But while the product may be the same, the costs for these courses are dramatically different. California taxpayers pay approximately $10,300 for every student who attends a Connections Academy school. By contrast, the tuition for enrolling in the Pearson Online Academy is just $4,800 for an elementary school student, $5,880 for middle school, and $6,880 for high school. It seems then that California taxpayers are paying a markup of at least 35 percent (approximately $3,500 per student) above all costs, including reasonable profit. So across all the schools in this chain, California taxpayers are wasting over $22 million per year.

In other words, if the state of California simply paid all Connections Academy students to attend Pearson's private online school, taxpayers would save over $22 million per year.

Audit standards. The A3 Charter case illustrated many faults in the way that charter schools are audited compared to school districts.

- Current law allows charter schools to be audited as nonprofit corporations rather than as governmental entities. Nonprofit corporation audits are not nearly as detailed as governmental entity audits. This bill creates parity between charter schools and school districts with regard to audit procedures and schedules so that charter school audits will be as detailed as school districts, and use the Standardized Account Code Structure required of school districts.

- Current law does not require school district and charter school auditors to receive any special training on auditing schools. This bill requires training for school district and charter auditors as a condition of their licensure and updates the audit peer review process to include school audits.

- The law does not provide the CDE the authority to investigate wrongdoing among school districts and charter schools. The federal government has established an Office of the Inspector General at each federal department, including the Department of Education. This bill emulates the federal process and creates the Office of Inspector General at the CDE.

- Current law does not direct auditors to review many aspects of independent study programs at charter schools. This bill updates the audit guide to include sampling guidance, minimum school day, time value of pupil work, pupil to teacher ratios, the 25 largest monetary transfers, and pupil attendance.

Independent Study. School districts, COEs and charter schools are authorized, but not required, to offer an IS program. Current law provides two options. The first, Independent Study, established in 1989, is the most popular option. The second, Course Based Independent Study, established in 2014, was utilized by approximately 1,000 pupils statewide in the 2019-20 school year. LEAs may administer either, both, or neither program type. IS is the program through which NCB charter schools provide instruction. If either program is offered, it may be done through a variety of formats for pupils in kindergarten through grade 12.

- As a program or class within a comprehensive school;
- Through an alternative school or program of choice;
- Through charter schools;
- In a home-based format;
- Short term (not less than five days);
- Through online courses;
- As an accommodation for pupil travel;
- As special and/or advanced courses; or
- A credit recovery method.

For the most utilized program, IS, local boards or bodies that agree to offer pupils the option of IS as an instructional delivery alternative must make it voluntary. Then they must establish and adopt board policies, including the maximum length of time between assignment and due date, the number of missed assignments that require an evaluation of whether the pupil should remain in IS. They must also have the current written agreement containing all required elements on file for each pupil. The written agreement may be for a term no longer than one year, and is required include the beginning and end dates of the agreement, list of subjects/courses in which the pupil is enrolled and number of course credits to be earned, the methods of evaluation that will be used to determine if the pupil met the learning objective, processes for returning assignments to teachers, among other provisions.

The IS program for each pupil is coordinated and evaluated under the general supervision of an employee of the school district, COE, or charter school who possesses a valid certification document or an emergency credential. There is no minimum requirement or standard for teacher-pupil contact; a pupil may go an entire semester without seeing their teacher. School districts, COEs, and charter schools may claim apportionment credit for IS only to the extent of the time value of pupil work products, as personally judged in each instance by a certificated teacher. IS teachers are required to be employees of the school district, charter school, or COE

who possess a valid certification document. Current law establishes options to calculate the ratio of ADA for independent study pupils to certificated employees, but the options are different for school districts, COEs, and charter schools.

CBIS also requires a board policy and written agreement, and the requirements of both are largely more rigorous than the other IS program. Courses must be annually certified by the governing board of body school district, COE or charter school to be of the same rigor and educational quality as equivalent classroom-based courses, and must be aligned to all relevant state and local content standards. Courses are taught under the general supervision of certificated employees who hold the appropriate subject matter credential, and are employed by the school district, charter school, or COE at which the pupil is enrolled, as specified. Certificated employees and pupils are required to communicate in person, by telephone, or by another live visual or audio connection no less than twice per calendar month to assess whether each pupil is making satisfactory educational progress. If satisfactory educational progress is not being made, the parent/guardian is required to be contacted and an evaluation is conducted to determine whether it is in the best interest of the pupil to remain in the course or whether they should be referred to another program.

Beginning with the 2022-23 school year, this bill creates parity between charter schools and school districts by establishing a single set of criteria for Independent Study (IS) including:

- Frequency of teacher and pupil contact including tiered re-engagement;
- Mode of teacher communication via in-person, live visual or audio connection;
- Minimum school day;
- Requirement to offer an in-person option as an alternative to serve pupils with exceptional needs and struggling pupils; and
- Metrics for ending a pupil's IS agreement.

A conflict exists in current statute regarding special education pupils in NCB charter schools. This bill corrects an existing conflict in State statute. Currently, some NCB charter schools that do not have an in-person instructional option, counsel pupils to return to their home school district for in-person instruction when independent study isn't the appropriate placement for that pupil. The education budget trailer bill of 2019, however, prohibited charter schools from counseling students out of charter schools for any reason. In order to ensure that NCB charter schools are able to serve all pupils who wish to attend, this bill requires NCB charter schools to offer an in-person option if independent study is not a suitable placement. This is consistent with state and federal law for pupils who have an Individualized Educational Program (IEP), for whom all LEAs and charter schools are required to provide whatever services are called for in a pupil's IEP.

Teacher assignments, school calendars, and pupil attendance. Current law requires IS programs to operate with specified pupil to teacher ratios. Some charter school networks, however, have exceeded these ratios by assigning teachers different groups of pupils at multiple

schools. While on paper, it appears that a teacher has a 25-to-one pupil-to-teacher ratio at a single school, in reality, the teacher has a much higher pupil-to-teacher ratio across their entire teaching assignment at multiple schools. This bill requires parity in pupil-to-teacher ratios in independent study programs across a teacher's assignment.

The A3 Charter School case demonstrated the ability of schools to manipulate their calendars to collect far more than one year of attendance funding per pupil from the State. The A3 Charter School used the multitrack year round calendar to run a summer program and erroneously enrolled little league players over the summer months, enrolled them without their parents knowledge, and collected attendance funding without providing any instruction to these children. Further, A3 Charter Schools transferred students between multiple schools in their network over the summer months, using the multitrack year round schedule, and altered their calendar, to collect much more than one year of attendance funding per student. This bill prohibits multi-year-round track calendars for school districts and charter schools to protect the State from paying more than one year of attendance per pupil. The bill further provides a SBE waiver in the case of severe facility shortages, for example those facility shortages seen in Elk Grove Unified School District.

AB 1507 (Smith, McCarty, O'Donnell) in the 2019-20 Session, prohibits NCB charters from establishing satellite facilities outside the boundaries of the district in which they are authorized. Due to the fact that these schools cannot establish facilities in adjacent counties, this bill proposes to permit NCB charter attendance only within the county in which the school is authorized to facilitate increased in-person instructional opportunities. With the attendance boundary more closely matching the area in which the school is authorized to have facilities, more children will be afforded the opportunity to have in-classroom learning opportunities.

CALPADS and ADA data systems. The State's attendance accounting system is not connected to the California Longitudinal Pupil Achievement Data System (CALPADS). In other words, when a charter school or school district submits its ADA information to the State, that ADA is not reported along with pupil identification. The State, therefore, does not know for which pupils ADA is being claimed when it processes attendance apportionments. Current law prohibits a school from claiming more than one year of attendance per pupil, however, more than one year of attendance can be paid per pupil if the pupil attends more than one school. This bill requires, by January 2024, the CDE to study the feasibility of connecting CALPADS and the attendance accounting system to allow the State to determine when a pupil generates more than one year of attendance within one calendar year. This is the only way for the State to know precisely when one year of attendance has been generated for a particular pupil, and when the State is paying more than one year of attendance per pupil, per year.

Small district authorizers. Most NCB charter schools are authorized by small rural school districts. Many of these small districts are stretched thin with regard to staff, and in some cases the Superintendent holds many roles like math teacher and school bus driver. These small districts do not have the capacity to provide meaningful charter school oversight. In some cases, these small school districts authorize NCB charter schools as a means to balance their district budgets, through the collection of oversight fees. There are very small school districts authorizing large NCB charter schools. For example, as outlined in the chart on page 12, there is a school district with 22 district ADA that has authorized 4,500 in charter school ADA. Another district with 1,000 district ADA has authorized over 13,000 in charter school ADA. This bill

matches the capacity of small school districts to provide meaningful charter oversight and permits NCB charter schools to be authorized as follows:

- School districts < 2,500 in Average Daily Attendance (ADA) may authorize NCB charters up to 100% of district ADA;
- School Districts of 2,500-5,000 ADA may authorize NCB charters up to 2,500 ADA; and
- School Districts of 5,000-10,000 ADA may authorize NCB charters up to 50% of district ADA.

These requirements will significantly limit, and in some cases stop, the authorization of NCB charters by districts less than 2,500 ADA, and will slow the growth of authorization of NCB charters at districts between 2,500-10,000 ADA.

Authorizer oversight and oversight fees. Charter school authorizers play a vital role in providing oversight over both the academic and fiscal aspects of the charter schools they authorize. In order to provide better oversight, this bill requires increased targeted oversight by authorizers in the following areas:

- Attendance accounting;
- Pupil to teacher ratios; and
- Time value assigned to pupil work.

In order to compensate authorizers for these increased oversight responsibilities this bill proposes to increase oversight fees from 1% of the charter school's revenue (current law) to 3% of the charter school's revenue by July 1, 2023.

Charter school authorizers have very few resources for technical assistance and support of their charter authorizing and oversight work. A few charter authorizers have an office of staff focused on charter school authorizing and oversight, however most authorizers are so small that they do not have any dedicated charter school staff. In the past, these LEAs have relied on the assistance of the Charter Authorizer Regional Support Network (CARSNet), while the program was funded with a federal grant. Through CARSNet, authorizers received training and attended conferences to polish their expertise in authorizing and oversight. During its tenure, CARSNet held 67 regional trainings and conferences with nearly 1,300 participants from across California. The federal grant funding expired and the program lapsed over the last few years.

This bill proposes to re-establish the program as the Charter Authorizing Support Team managed by the Fiscal Crisis Management and Assistance Team (FCMAT). This program will provide the necessary training and technical assistance that charter authorizers need as they consider charter school petitions and provide meaningful oversight of the charter schools they authorize.

Arguments in support. The San Diego District Attorney states, "AB 1316 is a tremendous step forward to reforming California's education system. Many of the proposed reforms, if implemented, would have prevented the fraud in *People v. McManus* from occurring, or would have severely

mitigated losses to the State. We emphatically support AB 1316, especially the following proposed measures:

• AB 1316 establishes the office of Inspector General to give the state the ability to provide its own oversight of potential fraud and theft of public funds by public education entities.

• AB 1316 significantly revises the auditing procedures for the California public-school system to include common sense reforms like continuing education, auditor generated sampling and disclosure of related party transactions.

• AB 1316 recognizes the importance of the student master agreement (which serves as the legal justification to obtain public funds) by requiring parties to sign the agreement under penalty of perjury. In *People v. McManus* teachers, at the direction of defendants signed student master agreements for students they did not know giving defendants a ticket to collect millions from the state. Also, well intentioned parents signed student master agreements to help their child fundraise without understanding the legal significance that the documents changed their child's academic placement and educational record for life.

• AB 1316 eliminates the multi-track calendar system in most circumstances. The multitrack calendar system was the primary means used by the defendants in *People v. McManus* to obtain fraudulent attendance revenue from sports teams over the summer.

• AB 1316 defines the length of a school day for charter schools to receive funding. Due to a lack of clarity and enforcement of existing law, the defendants in *People v. McManus* collected public funds for full school days when students only participated in short sports practices.

• AB 1316 requires third-party vendors providing instruction to students to be qualified.

• AB 1316 limits the ability for a school district to authorize a charter school with nonclassroom-based attendance significantly larger in number than its own student body. Oversight is fundamental to ensuring students are protected and authorizers cannot provide meaningful oversight of schools significantly larger than themselves.

• AB 1316 further clarifies existing law that oversight fees are a reimbursement mechanism—school district authorizers may only legally charge for the actual costs of oversight services provided up to a set percentage and cannot profit from oversight fees from charter schools.

• AB 1316 eliminates the ability for a charter school to enroll students in adjacent counties. The geographic scope of all adjacent counties makes oversight impracticable for most school districts.

• AB 1316 implements a competitive bidding process for charter school vendors like other public educational agencies. This will significantly reduce the risk of related party transactions and fraud."

Arguments in opposition. The California Charter Schools Association states, "AB 1316 would require all NCBs to offer a parallel site-based program for all high school students and any student who is not succeeding in the independent study setting. This nonsensical and wasteful approach to offering an alternative to traditional classroom-based programming is even more troubling given the significant constraints on physical operations of NCBs just imposed in AB 1507. By further limiting the geographic scope of enrollment and capping enrollment relative to district size, AB 1316 upends the reforms recently imposed in AB 1507 and would require even

more operational restructuring and reorganization, without any evidence the reforms in AB 1507 are working. AB 1316 would mandate funding cuts for all NCBs solely based on the level of classroom instruction, without any quantifiable evidence that correlates to student academic success with in-person instruction. These students have chosen alternative instructional models because they are not academically successful in a classroom-only learning environment. Mandating program cuts without regard to program effectiveness or individual student needs, and based on a single metric, will severely limit the capacity of schools to provide meaningful, innovative and flexible learning opportunities to the most disenfranchised students in California, as well as undermine student success and increase the state's school dropout rate.

AB 1316 ignores the good work and commitment that NCBs offer their community. It is important to note that during the pandemic, all schools became "nonclassroom-based", and many of the leaders in this charter sector openly offered best practices, support and resources to other charter schools and traditional school districts to transition to a more successful distance learning environment for all of California students. These schools were also held to their pre-pandemic requirements for student progress and attendance reporting. We must be careful not to "throw the baby out with the bathwater" as we consider what narrow additional controls may be appropriate to further limit exposure to fraud.

New Audit and Fiscal Reporting and Oversight Requirements are Excessive and Duplicative. AB 1316 would overlay broad new fiscal and operational accountability on ALL charter schools by ignoring the existing annual audit requirements, and the significant impact of fiscal and operational accountability reforms already implemented under AB 1505, AB 1507 and SB 126. By imposing the entirety of the Public Contract Code on charter schools, this bill would blatantly violate the recent agreement on which school district laws should apply to charter schools, and eliminate flexibility, a fundamental element of the charter school model. The new fiscal reporting requirements and audit provisions in this bill are particularly cumbersome and convoluted through the imposition of duplicative and wasteful oversight across many agencies, including independent auditors, charter authorizers, county offices of education, the California Department of Education (CDE) and the State Controller."

Committee amendments. Committee staff recommends *the bill be amended as follows:*

1) Correct a drafting error by removing COEs from the limitation on the number of NCB charters that can be authorized by an authorizing entity.

2) Clarify that continuing education training hours are required by all auditors of school districts, county offices of education and charter schools.

3) Prohibit payment to charter school employees or employees of an entity managing a charter school for courses completed by pupils; and prohibit gifts to teachers, students and parents for participation in school activities or meetings.

4) Clarify that charter schools are authorized to participate in all IS programs, in parity with school districts and COEs.

5) Require IS teachers to grade all pupil work; requires schools to keep all pupil work for 2 years for auditing purposes; and requires all pupil work to be dated.

6) Require auditors to verify addresses in IS master agreements and sample enrollment every attendance month instead of only one learning period.

7) Grandfather in NCB charter schools currently authorized by school districts outside the ADA requirements.

8) Authorize a pupil to transfer to a classroom based charter school operated by the same entity.

9) Require teachers to assign pupil work prior to the start of each learning period and prohibit the deletion of pupil assignments after the learning period has begun.

10) Require a teacher's time value assigned for pupil work to be under the penalty of perjury.

11) Technical clean up amendments.

Previous legislation. AB 2990 (C. Garcia) of the 2019-20 Session would have prohibited a charter school from providing financial incentives to a pupil or a parent of a pupil for educational enrichment activities; required a nonclassroom-based charter school to enter into an agreement for the provision of an educational enrichment activity only with a vendor that has been properly vetted and approved; required the governing body of a nonclassroom-based charter school to establish policies and procedures to ensure educational value, pupil safety and fiscal reasonableness before approving any contract for educational enrichment activities; and prohibited educational enrichment activity funds from being used for tuition at a private school or for activities, materials and programs that are religious in nature. This bill was held on the Assembly Floor.

AB 1505 (O'Donnell), Chapter 486, Statutes of 2019, established a two year moratorium on the establishment of nonclassroom based charter schools until January 1, 2022.

AB 1507 (Smith), Chapter 487, Statutes of 2019, prohibits charter schools from being located outside the boundaries of their authorizer and, authorizes nonclassroom-based charter schools to establish one resource center within the jurisdiction of the school district where the charter school is located.

SB 1362 (Beall) of the 2017-18 Session would have expanded the existing oversight requirements of, and increased the oversight fees that can be charged by, charter school authorizers; changed the charter petition review process for school district and COEs governing boards; added special education and fiscal and business operations content to the information that must be included in a charter petition; expanded the authority of a governing board to deny charter petitions; and, required the Legislative Analyst to submit a report to the Legislature on special education services by charter schools. This bill was held in the Senate Education Committee.

SB 329 (Mendoza) of the 2015-16 Session would have required a school district or COE, as part of its review of a charter petition, to consider 1) a report assessing its capacity to conduct oversight of the charter school and 2) a report of the anticipated financial and educational impact on the other schools for which the school district has oversight obligations. This bill was held in the Senate Appropriations Committee.

AB 8 X5 (Brownley) of the 2009-10 Session, proposed comprehensive changes to the Education Code consistent with the federal Race to the Top (RTTT) program. This bill would have addressed the four RTTT policy reform areas of standards and assessments, data systems to support instruction, great teachers and leaders and turning around the lowest-achieving schools. This bill would have deleted the statewide charter school cap; proposed enhanced charter school fiscal and academic accountability standards. This bill was held in the Senate Education Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

California Federation of Teachers
California Labor Federation
California School Employees Association
California Teachers Association
San Diego County District Attorney's Office

Opposition

360 Accelerator Education Partners
Academia Avance
Achieve Charter School of Paradise
Aerostem Academy (charter School)
Alder Grove Charter School
Alliance College-ready Public Schools
Alma Fuerte Public School
Alpha Public Schools
Ambassador Sanchez Public Charter
American River Charter School
Apex Academy
Arts in Action Community Charter Schools
Aspire Public Schools
Association of Personalized Learning Schools & Services (APLUS+)
Assurance Learning Academy
Audeo Charter School
Baypoint Preparatory Academy
Bella Mente Montessori Academy
Big Sur Charter School
Birmingham Community Charter High School
Blue Ridge Academy
Bright STAR Schools
Caliber Schools
California Charter Schools Association
California Connections Academy
California Pacific Charter Schools
Camino Nuevo Charter Academy

Century Community Charter School
Champs Charter High School of The Arts
Charter Schools Development Center
Chime Institute
Circle of Independent Charter School
Circle of Independent Learning Charter School
Citizens of The World Charter School
Citrus Springs Charter School
City Charter Schools
Clarksville Charter School
Clayton Valley Charter High School
Connecting Waters Charter Schools
Core Butte Charter School
Core Charter School
Creekside Charter School
Crescent View South, INC.
Crescent View West Public Charter School
Da Vinci Schools
Desert Sands Charter School
Desert Trails Preparatory Academy
Diego Hills Central Charter School
Ednovate
Educationimpact.us
Element Education
Elite Academic Academy
Empire Springs Charter School
Encore High School Charter School
Endeavor College Prep
Environmental Charter Schools
Epic Charter School
Escuela Popular
Evergreen Institute of Excellence
Excel Academy Charter School
Extera Public Schools
Family Partnership Charter School
Fenton Charter Public Schools
Five Keys Schools and Programs
Forest Charter School
Fusion Charter
Future Is Now Schools
Girls Athletic Leadership Schools Los Angeles
Global Education Collaborative
Goethe International Charter School
Golden Eagle Charter School
Gorman Learning Charter Network
Granada Hills Charter High School
Great Valley Academy Charter School
Great Valley Academy Salida
Greater San Diego Academy Charter School

Green DOT Public Schools California
Griffin Technology Academies
Grossmont Secondary School
Growth Public Schools
Guajome Schools
Harbor Springs Charter School
Harvest Ridge Cooperative Charter School
Hawking Steam Charter School
Heartwood Charter School
Heritage K8 Charter School
Heritage Peak Charter School
Hickman Charter School
Hickman Community Charter District
High Tech Los Angeles
Homeschool Concierge
Icef Public Schools
Ilead California Charter Schools
Innovation High School
Innovative Education Management
Intellectual Virtues Academy Charter School of Long Beach
International School for Science and Culture
Ivytech Charter School
James Jordan Middle School
John Adams Academy
John Muir Charter Schools
Julian Charter School
Kairos Public Schools
Kavod Charter School
Key Charter Advisors, LLC
Kid Street Learning Center Charter School
Kipp Bay Area Public Schools
Kipp Socal Public Schools
L.a. Coalition for Excellent Public Schools
LA Vida Charter School
Larchmont Charter School
Lashon Academy
Learn 4 Life
Learn 4 Life Concept Charter Schools
Learn4life Assurance Learning Academy
Learn4life Marconi Learning Academy
Learn4life Paseo Grande Charter
Learning for Life Charter School
Legislation Take Action
Liberty Charter High School
Lincoln Street Charter School
Literacy First Charter Schools
Long Valley Charter School
Los Angeles Academy of Arts and Enterprise
Los Angeles Leadership Academy

Los Feliz Charter School for The Arts
Matrix for Success Academy
Method Schools
Mirus Secondary School
Mission View Public Charter, INC.
Mission Vista Academy
Moxiebox Art INC.
Multicultural Learning Center
National Action Network
Natomas Charter School
Nevada City School of The Arts
New Designs Charter School
New Heights Charter School
New Horizons Charter Academy
New Millennium Secondary School
New West Charter
Northern United - Siskiyou
Northern United Charter Schools
Ocean Grove Charter School
Odyssey Charter Schools
Olive Grove Charter School
Opportunities for Learning - Baldwin Park
Opportunities for Learning Duarte, INC.
Options for Youth - San Gabriel
Options for Youth - San Juan
Options for Youth Charter School Duarte
Options for Youth Charter Schools
Options for Youth-acton
Options for Youth-victor Valley
Orange County Academy of Sciences and Arts
Orange County Workforce Innovation High School
Pacific Charter Institute
Pacific Community Charter School
Pacific Springs Charter School
Pacific View Charter School
Palisades Charter High School
Para Los Ninos
Partnership Schools of The Central Coast
Partnerships to Uplift Communities Schools
Pathways Charter School
Perseverance Prep
Plumas Charter School
Public Policy Charter School
Public Safety Academy of San Bernardino
Public Works Group
Puc National
Redwood Academy of Ukiah
Redwood Coast Montessori
Redwood Preparatory Charter

Renaissance Arts Academy
Resolute Academy
Rex and Margaret Fortune School of Education
Rio Valley Charter School
River Montessori Charter School
River Oaks Academy
River Springs Charter School
River Valley Charter School
Rocketship Public Schools
Samueli Academy
San Diego Cooperative Charter Schools
San Diego Workforce & Innovation High School- Lakeside and Lemon Grove
Santa Rosa Academy
Scholarship Prep Charter School
Sebastopol Independent Charter
Shasta Charter Academy
Shasta View Academy
Sherman Thomas Charter School
Sierra Charter School
Sky Mountain Charter School
Soar Charter Academy
Soleil Academy
South Sutter Charter School
Springs Charter Schools
Steller Charter School
Stem Prep Schools
Stockton Collegiate International Schools
Stride, INC.
Summit Public Schools
Sutter Peak Charter Academy
Sweetwater Secondary School
Synergy Academies
Temecula Preparatory School
The Charter School of San Diego
The Circle of Independent Learning
The Classical Academies
The Cottonwood School
The Learning Choice Academy Charter School
Tracy Learning Center
Twin Ridges Home Study Charter School
Uncharted Shores & Academy
Union Street Charter School
Urban Discovery Academy
Valley View Charter Prep
Vaughn Next Century Learning Center
Ventura Charter School of Arts and Global Education
Village Charter Academy
Visions in Education
Vista Charter Public Schools

Vista Real Charter High School
Vista Springs Charter School
Volunteers of America Community Education and Development Corporation
Vox Collegiate of Los Angeles
West Park Charter Academy
Western Sierra Charter Schools
Westlake Charter School
Wonderful College Prep Academy
Young, Minney & Corr, Llp
Youth Policy Institute Charter Schools
Yuba River Charter School
Numerous Individuals

Analysis Prepared by: Chelsea Kelley / ED. / (916) 319-2087

Members

View the Committee Staff

Committee Members	District	Office & Contact Information
Patrick O'Donnell (Chair)	Dem - 70	Contact Assembly Member Patrick O'Donnell **Capitol Office, Room 4001** P.O. Box 942849, Sacramento, CA 94249-0070; (916) 319-2070
Kevin Kiley (Vice Chair)	Rep - 06	Contact Assembly Member Kevin Kiley **Capitol Office, Room 5128** P.O. Box 942849, Sacramento, CA 94249-0006; (916) 319-2006
Steve Bennett	Dem - 37	Contact Assembly Member Steve Bennett **Capitol Office, Room 4164** P.O. Box 942849, Sacramento, CA 94249-0037; (916) 319-2037
Megan Dahle	Rep - 01	Contact Assembly Member Megan Dahle **Capitol Office, Room 4116** P.O. Box 942849, Sacramento, CA 94249-0001; (916) 319-2001
Alex Lee	Dem - 25	Contact Assembly Member Alex Lee **Capitol Office, Room 2170** P.O. Box 942849, Sacramento, CA 94249-0025; (916) 319-2025
Kevin McCarty	Dem - 07	Contact Assembly Member Kevin McCarty **Capitol Office, Room 2136** P.O. Box 942849, Sacramento, CA 94249-0007; (916) 319-2007
Sharon Quirk-Silva	Dem - 65	Contact Assembly Member Sharon Quirk-Silva **Capitol Office, Room 6012** P.O. Box 942849, Sacramento, CA 94249-0065; (916) 319-2065

AMENDED IN ASSEMBLY MAY 24, 2021

AMENDED IN ASSEMBLY MAY 4, 2021

AMENDED IN ASSEMBLY APRIL 14, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL No. 1316

Introduced by Assembly Members O'Donnell, Cristina Garcia, and McCarty
(Coauthors: Assembly Members Kalra and Lee)

February 19, 2021

An act to amend Sections 5027 and 5029 of the Business and Professions Code, to amend Sections 14500, 14502.1, 17604, 17605, 37670, 41020.5, ~~46100, 46110, 46112, 46113, 46114, 46117, 46141, 46142, 46307,~~ *44258.9,* 47604.32, 47605, 47605.6, 47612, 47612.5, 47613, 47634.2, 51745, 51745.6, 51747, 51747.3, 51747.5, and 51748 of, to add Sections 33309.5, 37670.1, 41020.4, 41020.6, 41020.7, 46101, 47604.2, 47604.35, 47605.8, 47605.10, 47609, 47613.3, and 51747.6 to, to amend and repeal Sections 51749.5 and 51749.6 of, and to add and repeal Section 46306 of, the Education Code, and to amend Section 20110 of the Public Contract Code, relating to school accountability.

LEGISLATIVE COUNSEL'S DIGEST

AB 1316, as amended, O'Donnell. School accountability: ®nancial and performance audits: charter schools: contracts.

(1) Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law establishes the California Board of Accountancy, which is within the Department of Consumer Affairs, and requires the board to license and regulate accountants in this state.

This bill w ould require the board to prescribe rules relating to the requirements established in this bill for all ~~auditors of~~ *licensees who plan, direct, or appr ove any ®nancial or compliance audit r eport on* school districts, county of®ces of education, and charter schools, as described in (6) below.

(2) Existing la w requires the Controller , in consultation with the Department of Finance and the State Department of Education, to develop a plan to re view and report on ®nancial and compliance audits, and with representatives of other entities, to recommend the statements and other information to be included in the audit reports ®led with the state by local educational agencies, and to propose the content of an audit guide.

This bill would require the EducationAudits Appeal Panel to include in the audit guide, Standards and Procedures for Audits of California K±12 Local Educational Agencies, certain requirements on school districts, county of®ces of education, charter schools, and ~~auditors~~ *certi®ed public accountants and public accountants who audit local educational agencies* relating to attendance accounting documentation for independent study, including requiring ~~auditors~~ *these certi®ed public accountants and public accountants* to analyze enrollment at a charter school classi®ed as a nonclassroom-based charter school each ®scal year, and to report to the State Department of Education an y instance where enrollment increases or decreases by more than 5% at the charter school during any month over the prior month. By imposing additional duties on local educational agencies, the bill w ould impose a state-mandated local program.

(3) Existing la w, whene ver in the Education Code the po wer to contract is in vested in the go verning board of a school district or an y member thereof, authorizes that po wer, by a majority v ote of the governing board, to be dele gated to its district superintendent, or to an y persons the district superintendent may designate, or if there is no district superintendent, to any other of®cer or emplo yee of the district that the governing board may designate, as speci®ed. Existing la w similarly authorizes the designation of school district of®cers or emplo yees to exercise the authority to purchase supplies, materials, apparatus, equipment, and services on behalf of the district. In the e vent of malfeasance in of®ce, existing law requires the school district of®cer or employee in vested by the go verning board with the po wer to contract to be personally liable for an y and all mone ys of the school district paid out as a result of the malfeasance.

This bill w ould add to e xisting la w similar pro visions relating to charter school go verning bodies and charter school of®cials that may be designated by those governing bodies in these instances.

(4) Existing law establishes the State Department of Education, under the administration of the Superintendent of Public Instruction, and assigns to it numerous duties relating to the go vernance and ®nancing of the public elementary and secondary schools of this state.

This bill w ould establish the Of®ce of Inspector General in the department. The bill would provide for the appointment of the Inspector General by the Go vernor, subject to con®rmation by a v ote of the majority of the membership of the Senate. The bill w ould require the Inspector General to conduct and supervise audits and in vestigations relating to the programs and operations of the department, to pro vide leadership and coordination and recommend policies to pre vent and detect fraud and ab use in programs and operations of the department, and to pro vide a means for k eeping the Superintendent and the Legislature fully and currently informed about problems and de®ciencies relating to the administration of the programs and operations of the department and the necessity for and progress of correctiv e actions that the Inspector General deems to be appropriate.

(5) Existing law, with speci®ed exceptions, authorizes school districts to operate programs of multitrack year-round scheduling at one or more schools within the district.

This bill, be ginning in the 2022±23 school year , w ould prohibit a school ~~district, county of®ce of education,~~ *district* or charter school from operating a program of multitrack year -round scheduling unless a multitrack calendar is authorized by the State Board of Education due to impacted facilities, as speci®ed.

(6) Existing law requires county superintendents of schools to pro vide for an audit of all funds under their jurisdiction and control, and requires the governing boards of each local educational agenc y to either pro vide for an audit of the books and accounts of the agenc y or mak e arrangements with county superintendents of schools to pro vide for that auditing.

This bill, commencing with the 2022±23 ®scal year Guide for Annual Audits of K±12 Local Education Agencies and State Compliance Reporting, would require the Controller to include instructions requiring speci®ed supplemental information and schedules in audit report components for charter school audits. *The bill would r equire the instructions to ensur e that all sc hool districts, county of®ces of*

education, and charter schools are audited annually. The bill would also require specified training to be provided, pursuant to regulations adopted, on or before January 1, 2023, by the California Board of Accountancy, in consultation with other entities as prescribed, to certified public accountants *and public accountants* who audit local educational agencies, including charter schools. The bill would also require the board, in consultation with the prescribed entities, to adopt regulations, on or before January 1, 2023, providing for peer review of ~~auditors,~~ *certified public accountants and public accountants,* as specified.

(7) Existing law requires the Commission on Teacher Credentialing, among other duties, to establish standards for the issuance and renewal of credentials, certificates, and permits. Existing law requires a county superintendent of schools to monitor and review school district certificated employee assignment practices, as provided. Existing law requires a county superintendent of schools to submit an annual report to the commission and the State Department of Education summarizing the results of all assignment monitoring and reviews.

Existing law requires the commission to administer a State Assignment Accountability System to provide local educational agencies with a data system for assignment monitoring. Existing law requires the commission to annually use data it receives from the department to produce an initial data file of vacant positions and assignments that do not have a clear match of credential to assignment. Existing law requires a monitoring authority to review and determine any potential misassignments, as defined, reported in and identified through the system for local educational agencies within its authority, as provided. Existing law grants the commission the authority to make a final determination for all potential misassignments. Existing law requires, commencing with the 2020-21 school year, the commission to make annual misassignment and vacant position data publicly available on its internet website. Existing law specifies that, for these purposes, in a charter school, "misassignment" applies only to employees in teaching positions.

This bill would delete the provision that limits the application of "misassignment" in charter schools only to employees in teaching positions. To the extent that this provision would create new duties for county superintendents of schools, it would constitute a state-mandated local program. The bill would require teachers of certain courses offered by a local educational agency to hold the certificate, permit, or other

document required by the commission for that assignment and be monitored. The bill would require any person who is employed by a vendor providing direct services to pupils at a local educational agency for which certification qualifications are established to hold the certificate, permit, or other document required by the commission for their assignment, or would require supervision of pupils by an appropriate credentialholder, as specified, during services provided by the vendor. The bill would require direct services to pupils provided by the vendor to be standards-aligned curriculum.

~~(7)~~

(8) Existing law establishes a system of financing public elementary and secondary schools in this state. This system includes the apportionment of state funds to local educational agencies based, to a significant degree, on the average daily attendance of pupils as reported to the State Department of Education by those local educational agencies.

This bill would require the department to provide a report, including specified data, to the Legislature relating to the possible integration of the California Longitudinal Pupil Achievement Data System and the average daily attendance apportionment data system. The bill would authorize the State Board of Education to adopt regulations as it deems appropriate and consistent with these provisions. The bill would also, upon the ~~enactment of a minimum day requirement for charter schools pursuant to specified provisions of the bill, require~~ *operative date of the bill, require, as specified,* the state board to adopt regulations specifying that the record of daily engagement is no longer required of a charter school day of nonclassroom-based independent study attendance.

~~(8)~~

(9) The Charter Schools Act of 1992 authorizes the establishment, operation, and governance of charter schools. Existing law requires a petition to establish a charter school to include reasonably comprehensive descriptions of certain things, including the manner in which annual, independent financial audits shall be conducted, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.

The bill would require, not later than May 1 of each fiscal year, each chartering authority to provide for an audit of all funds of charter schools authorized by that authority, and would expressly require the governing body of each charter school to either provide for an audit of the books

and accounts of the charter school or to make arrangements with the chartering authority to provide for that audit, as specified.

The bill would require each chartering authority to certify specified data relating to the verification of the reporting of average daily attendance by nonclassroom-based charter schools.

The bill would require the state board, in consultation with the Superintendent, to revise regulations to require charter schools to report periodic and annual financial data in the same manner and on the same form prescribed for school districts. The bill would phase in, from the 2023–24 fiscal year to the 2025–26 fiscal year, inclusive, and based on the average daily attendance of the charter school, the requirement that charter schools report this data in the same manner and on the same form prescribed for school districts.

The bill would require the state board to appoint an advisory committee on charter schools that would include representatives from school district superintendents, charter schools, teachers, members of the governing boards of school districts, county superintendents of schools, and the Superintendent.

The bill would limit the size of the totality of nonclassroom-based charter schools that a school district may authorize based on the average daily attendance of the school district.

The bill would establish the Charter Authorizing Support Team program, which would be implemented only upon an appropriation for its purposes in the annual Budget Act or other statute, to be administered by the County Office Fiscal Crisis and Management Assistance Team, as an initiative to expand uniform charter school authorizing and oversight practices. The bill would specify the goals and proposed activities of the program, including the appointment of a 12-member advisory board with designated membership and responsibilities. The bill would require the Legislative Analyst's Office to submit to the Governor and the appropriate education policy and budget committees, on or before December 1, 2026, an evaluation of the program.

The bill would require charter schools, in addition to complying with existing requirements relating to minimum minutes of instruction, to adhere to designated minimum schoolday requirements in applicable statutes generally relating to school districts. ~~The bill, pursuant to provisions that would become operative on July 1, 2022, would add charter schools to the scope of numerous statutes relating to the minimum length of schooldays.~~

Existing law authorizes a chartering authority to charge for the actual costs of supervisorial oversight of a charter school (A) not to exceed 1% of the revenue of the charter school, or (B) not to exceed 3% of the revenue of the charter school if the charter school is able to obtain substantially rent-free facilities from the chartering authority.

The bill would gradually change the costs a chartering authority can charge such that, on and after July 1, 2023, the chartering authority could charge for the actual costs of supervisorial oversight of a charter school (A) not to exceed 3% of the revenue of the charter school, or (B) not to exceed 2% of the revenue of the charter school if the charter school is able to obtain substantially rent-free facilities from the chartering authority.

On and after July 1, 2022, the bill would require charter schools to comply with specified requirements relating to the expenditure of public funds for the payment of vendors, and would require the extent of the charter school's compliance with these requirements to be reviewed and reported as part of the annual, independent financial audit that the charter school is required to submit.

The bill would revise and recast provisions of the act relating to the reporting of average daily attendance by charter schools, and would distinguish between the reporting of average daily attendance for classroom-based instruction and the reporting of average daily attendance for nonclassroom-based instruction.

To the extent that these additions to the act would impose new duties on local educational agencies, they would constitute a state-mandated local program.

The bill would also make various conforming changes to the act.

~~(9)~~

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

This bill would delete the provision allowing community school and independent study average daily attendance to be claimed *by nonclassroom-based charter schools* for residents of a county immediately adjacent to the county in which the apportionment claim is reported.

~~(10)~~

(11) Existing law authorizes the governing boards of school districts and county offices of education to offer independent study to meet the educational needs of pupils when certain requirements are met. Existing law prohibits courses that are required for high school graduation from being offered exclusively through independent study.

This bill would recast and revise provisions related to the calculation of average daily attendance for independent study pupils, and extend the scope of those provisions to charter schools. These provisions would become operative on July 1, 2022.

~~(11)~~

(12) Existing law prohibits a school district or county office of education from being eligible to receive apportionments for independent study by pupils unless the school district or county office has adopted written policies, and implemented those policies, in accordance with rules and regulations adopted by the Superintendent, as specified.

This bill would extend this prohibition to charter schools, and would add requirements to the independent study policies and procedures. The bill would require that an independent study written agreement, with specified content, be agreed to and signed, under penalty of perjury. This provision would impose a state-mandated local program by imposing new duties on local educational agencies and by creating a new crime.

The bill would require the course of study, including specific courses, offered through independent study to be annually certified by a school district, county office of education, or charter school governing board or body resolution, to be of the same rigor and educational quality as an equivalent classroom-based course of study, and to be aligned to relevant local and state content standards.

These provisions would become operative on July 1, 2022, and to the extent that they impose new duties on local educational agencies, would constitute a state-mandated local program.

~~(12)~~

(13) This bill would make certain provisions relating to independent study, and rendered duplicative by other provisions added by this bill, inoperative on July 1, 2022, and would repeal these provisions as of January 1, 2023.

~~(13)~~

(14) The Local Agency Public Construction Act regulates, among other things, the letting of contracts by school district governing boards involving an expenditure of more than $50,000 for specified purposes,

including the purchase of equipment, materials, or supplies to be furnished, sold, or leased to the district, services other than construction services, and repairs, including maintenance, as de®ned.

This bill w ould extend to charter schools the pro visions of the act that currently apply to school districts. To the e xtent the bill w ould impose additional duties on charter schools, the bill w ould impose a state-mandated local program.

~~(14)~~

(15) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill w ould pro vide that with re gard to certain mandates no reimbursement is required by this act for a speci®ed reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

SECTION 1. Section 5027 of the Business and Professions Code is amended to read:

5027. (a) The board shall by re gulation prescribe, amend, or repeal rules including, b ut not necessarily limited to, all of the following:

(1) A de®nition of basic requirements for continuing education.

(2) A licensee who plans, directs, or appro ves any ®nancial or compliance audit report on an y go vernmental agenc y shall complete a minimum of 24 hours of qualifying continuing education in the area of governmental accounting and auditing or related subjects during the two-year license renewal period.

(3) A licensee who pro vides audit, re view, other attestation services, or issues compiled ®nancial statement reports shall, during the two-year license renewal period, complete a minimum of 24 hours of qualifying continuing education in the area of accounting and auditing related to reporting on ®nancial statements.

(4) A licensee with a valid permit to practice public accountancy shall, within a six-year period, complete a continuing education

course on the pro visions of this chapter and the rules of professional conduct.

(5) A licensee on inactive status shall complete the continuing education course required by paragraph (4) before reentering public practice.

(6) A delineation of qualifying programs for maintaining competency.

(7) A system of control and compliance reporting.

(8) The requirements prescribed for all ~~auditors of~~ *licensees who plan, dir ect, or appr ove any ®nancial or compliance audit report on* school districts, county of®ces of education, or charter schools pursuant to Sections 41020.6 and 41020.7 of the Education Code.

(b) In exercising its po wer under this section for the interests of consumer protection, the board shall establish standards that will assure reasonable currency of knowledge as a basis for a high standard of practice by licensees.The standards shall be established in a manner to assure that a variety of alternatives are available to licensees to comply with the continuing education requirements for renewal of licenses and taking cognizance of specialized areas of practice.

SEC. 2. Section 5029 of the Business and Professions Code is amended to read:

5029. The board may establish an advisory continuing education committee of nine members, six of whom shall be certi®ed public accountants, two of whom shall be board members, one of whom is a public member of the board, and one of whom shall be a public accountant, to perform any of the following duties:

(a) To evaluate programs and advise the board as to whether they qualify under the regulations adopted by the board pursuant to paragraph (6) of subdi vision (a) of Section 5027. Educational courses of fered by professional accounting societies shall be accepted by the board as qualifying if the courses are approved by the committee as meeting the requirements of the board under the regulations.

(b) To consider applications for exceptions as permitted under Section 5028 and provide a recommendation to the board.

(c) To consider other advisory matters relating to the requirements of this article as the board may assign to the committee.

SEC. 3. Section 14500 of the Education Code is amended to read:

14500. It is the intent of the Legislature in enacting this chapter to promote accountability over public educational funding by establishing a new program to review and report on ®nancial and compliance audits of school districts, county of®ces of education, and charter schools. It is further the intent of the Legislature that the Controller shall have the primary responsibility for implementing and overseeing the program.

SEC. 4. Section 14502.1 of the Education Code is amended to read:

14502.1. (a) The Controller, in consultation with the Department of Finance and the State Department of Education, shall develop a plan to review and report on ®nancial and compliance audits. The plan shall commence with the 2003±04 ®scal year for audits of school districts, other local educational agencies, and the of®ces of county superintendents of schools. The Controller, in consultation with the Department of Finance, the State Department of Education, and representatives of the California School Boards Association, the California Association of School Business Of®cials, the California County Superintendents Educational Service Association, the California Teachers Association, and the California Society of Certi®ed Public Accountants, shall recommend the statements and other information to be included in the audit reports ®led with the state, and shall propose the content of an audit guide to carry out the purposes of this chapter. A supplement to the audit guide may be suggested in the audit year, following the above process, to address issues resulting from new legislation in that year that changes the conditions of apportionment. The proposed content of the audit guide and any supplement to the audit guide shall be submitted by the Controller to the Education Audits Appeal Panel for review and possible amendment.

(b) The audit guide and any supplement shall be adopted by the Education Audits Appeal Panel pursuant to the rulemaking procedures of the Administrative Procedure Act as set forth in Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. It is the intent of the Legislature that, for the 2003±04 ®scal year, the audit guide be adopted by July 1 of the ®scal year to be audited. A supplemental

audit guide may be adopted to address legislative changes to the conditions of apportionment. It is the intent of the Legislature that supplements be adopted before March 1 of the audit year. Commencing with the 2004±05 ®scal year, and each ®scal year thereafter, the audit guide shall be adopted by July 1 of the ®scal year to be audited. The supplements shall be adopted before March 1 of the audit year. To meet these goals and to ensure the accuracy of the audit guide, the process for adopting emergency regulations set forth in Section 11346.1 of the Government Code may be followed to adopt the audit guide and supplemental audit guide. It is the intent of the Legislature that once the audit guide has been adopted for a ®scal year, as well as any supplement for that year, thereafter only suggested changes to the audit guide and any additional supplements need be adopted pursuant to the rulemaking procedures of the Administrative Procedure Act. The audit guide and any supplement shall be issued in booklet form and may be made available by any means deemed appropriate. The Controller and consultants in the development of the suggested audit guide and any supplement shall work cooperatively on a timeline that will allow the Education Audits Appeal Panel to meet the July 1 and March 1 issuance dates. Consistent with current practices for development of the audit guide before the 2003±04 ®scal year, the Controller shall provide for the adoption of procedures and timetables for the development of the suggested audit guide, any supplement, and the format for additions, deletions, and revisions.

(c) For the audit of school districts or county of®ces of education electing to take formal action pursuant to Sections 22714 and 44929, the audit guide content proposed by the Controller shall include, but not be limited to, the following:

(1) The number and type of positions vacated.

(2) The age and service credit of the retirees receiving the additional service credit provided by Sections 22714 and 44929.

(3) A comparison of the salary and bene®ts of each retiree receiving the additional service credit with the salary and bene®ts of the replacement employee, if any.

(4) The resulting retirement cost, including interest, if any, and postretirement health care bene®ts costs, incurred by the employer.

(d) The Controller shall annually prepare a cost analysis, based on the information included in the audit reports for the prior ®scal year, to determine the net savings or costs resulting from formal

actions taken by school districts and county of®ces of education pursuant to Sections 22714 and 44929, and shall report the results of the cost analysis to the Go vernor and the Le gislature by April 1 of each year.

(e) All costs incurred by the Controller to implement subdivision (c) shall be absorbed by the Controller.

(f) On or before January 1, 2015, the Controller, in consultation with the State Allocation Board, the Department of Finance, and the State Department of Education, shall submit content to the Education Audits Appeal Panel to be included in the audit guide, Standards and Procedures for Audits of California K±12 Local Educational Agencies beginning in the 2015±16 ®scal year, that is related to the ®nancial and performance audits required for school facility projects, as described in Section 15286.

(g) Commencing with the 2022±23 ®scal year, the Education Audits Appeal P anel shall include both of the follo wing in the audit guide, Standards and Procedures for Audits of California K±12 Local Educational Agencies:

(1) ~~Auditors~~ *Certi®ed public accountants and public accountants performing the audits* shall recei ve all attendance accounting documentation, including master agreements and w ork samples, for independent study from school districts, county of®ces of education, and charter schools, and shall choose the samples themselves to audit. ~~Auditors~~ *Certi®ed public accountants and public accountants performing the audits* shall v erify pupil residences with pupil enrollment documentation, using a sample of pupil addresses, from the master agreements of independent study programs.

(2) ~~Auditors~~ *Certi®ed public accountants and public accountants performing the audits* shall analyze enrollment at a charter school classi®ed as a nonclassroom-based charter school for each ®scal year, and shall report to the department an y instance where enrollment increases or decreases at the charter school by more than 5 percent during any month over the prior month.

SEC. 5. Section 17604 of the Education Code is amended to read:

17604. (a) Wherever in this code the po wer to contract is invested in the governing board of the school district, the governing body of a charter school, or any member thereof, the power may, by a majority v ote of the go verning board or body, be dele gated

to its district superintendent or charter school administrator, or to any persons that the district superintendent or charter school administrator may designate, or if there is no district superintendent or charter school administrator , then to an y other of®cer or employee of the district or charter school that the governing board or body may designate. The delegation of power may be limited as to time, mone y, or subject matter or may be a blank et authorization in advance of its exercise, all as the governing board or body may direct. Ho wever, no contract made pursuant to the delegation and authorization shall be v alid or constitute an enforceable obligation against the school district or charter school unless and until the same shall ha ve been approved or rati®ed by the go verning board or body , the appro val or rati®cation to be evidenced by a motion of the governing board or body duly passed and adopted.

(b) In the event of malfeasance in of®ce, the school district or charter school of®cial invested by the go verning board or body with the power of contract shall be personally liable to the school district or charter school emplo ying the of®cial for an y and all moneys of the school district or charter school paid out as a result of the malfeasance.

SEC. 6. Section 17605 of the Education Code is amended to read:

17605. (a) The go verning board or body , by majority v ote, may adopt a rule, dele gating to an y of®cer or emplo yee of the school district or charter school as the board may designate, the authority to purchase supplies, materials, apparatus, equipment, and services. No rule shall authorize an y of®cer or employee to make any purchases involving an expenditure by the school district or charter school in e xcess of the amount speci®ed by Section 20111 of the Public Contract Code. The rule shall prescribe the limits of the delegation as to time, money, and subject matter. All transactions entered into by the of®cer or emplo yee shall be reviewed by the governing board or governing body every 60 days.

(b) In the event of malfeasance in of®ce, the school district or charter school of®cer or employee invested by the governing board or governing body with the power to contract shall be personally liable for any and all moneys of the school district or charter school paid out as a result of the malfeasance.

SEC. 7. Section 33309.5 is added to the Education Code, to read:

33309.5. (a) The Of®ce of the Inspector General is hereby established in the department. The Inspector General shall be appointed by the Governor, subject to con®rmation by a majority of the membership of the Senate, without re gard to political af®liation, and solely on the basis of inte grity and demonstrated ability in accounting, auditing, ®nancial analysis, law, management analysis, public administration, or in vestigations. The Inspector General shall report to, and be under the general supervision of, the Superintendent. The Superintendent shall not pre vent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena during the course of any audit or investigation.

(b) The Of®ce of the Inspector General shall be responsible for all of the following:

(1) Conducting and supervising audits and investigations relating to the programs and operations of the department.

(2) Providing leadership and coordination relating to, and recommending policies for, the prevention and detection of fraud and abuse in the programs and operations of the department.

(3) Providing a means for k eeping the Superintendent and the Legislature fully and currently informed about problems and de®ciencies relating to the administration of the programs and operations of the department, and the necessity for and progress of correcti ve actions that the Inspector General deems to be appropriate.

SEC. 8. Section 37670 of the Education Code is amended to read:

37670. (a) Beginning in the 2022±23 school year , a school ~~district, county of®ce of education, or charter school~~*district* shall not operate a program of multitrack year -round scheduling. A school ~~district, county of®ce of education, or charter school~~*district* may be authorized to operate a multitrack calendar by the state board, pursuant to Section 37670.1, due to impacted facilities.

(b) Except as provided in Article 2 (commencing with Section 37680), a school district may operate a program of multitrack year-round scheduling at one or more schools within the district with state board approval pursuant to Section 37670.1.A program of multitrack year -round scheduling may operate at a schoolsite

for as few as 163 days in each ®scal year if the go verning board of the school district adopts a resolution at a re gularly scheduled board meeting certifying that both of the follo wing criteria are met at the schoolsite:

(1) The number of annual instructional minutes is not less than that of schools of the same grade le vels using the traditional school calendar.

(2) It is not possible for the school to maintain a multitrack schedule containing the same number of instructional days as are provided in schools of the district using the traditional school calendar given the facilities, program, class sizes, and projected number of pupils enrolled at the schoolsite.

(c) A certi®cated employee working under a program described in this section, e xcept one serving under an administrati ve or supervisorial credential who is assigned full time to a school in a position requiring quali®cations for certi®cation, shall work the same number of days and shall increase the number of minutes worked daily on a uniform basis.

(d) A program conducted pursuant to this section is eligible for apportionment from the State School Fund.

SEC. 9. Section 37670.1 is added to the Education Code, to read:

37670.1. The state board may w aive the requirements of subdivision (a) of Section 37670 and subdi vision (e) of Section 47612 if a school ~~district, county of®ce of education,~~*district* or a classroom-based charter school demonstrates that it is unable to serve all of the pupils in a school without operating with facilities at maximum capacity year round, as determined by basic loading standards.

SEC. 10. Section 41020.4 is added to the Education Code, to read:

41020.4. (a) Commencing with the 2022±23 ®scal year Guide for Annual Audits of K±12 Local Education Agencies and State Compliance Reporting, the Controller shall include, b ut is not necessarily limited to, instructions necessary to require, at a minimum, all of the follo wing supplemental information and schedules in audit report components for an audit of a charter school:

(1) Schedule of pupil enrollment: schedule of pupil enrollment by month, including beginning enrollment, additions, subtractions,

and transfers, reconciled to ending enrollment and categorized by classroom based, independent study, summer schedule, enrichment, and other.

(2) Schedule of pupil attendance: schedule of pupil attendance by month, including beginning attendance, additions, subtractions, and transfers, reconciled to ending attendance and categorized by classroom based, independent study, summer schedule, enrichment, and other.

(3) Schedule of payments or transfers: schedule of the lar gest 25 payments or transfers of assets to organizations, determined by value accumulated o ver the ®scal year, including to indi viduals, corporations, partnerships, nonpro®t or ganizations, and other organizations, but excluding governmental entities.

(4) Related parties: determining if a related entity , such as an entity managing a charter school, as de®ned by Section 47604.1, or similar third party with ®nancial, economic, or controlling membership interest, exists with the charter school.

(A) If such a relationship e xists, e valuate the le vel of the relationship to determine if it is material. F or purposes of materiality, determine if the related party has a material ®nancial, economic, or controlling interest in the charter school or can exercise material control, such as common management or board, majority voting interest, or sole corporate or statutory member or other arrangement.

(B) If such a relationship is material, ensure that the ®nancial statements of the related entity are re viewed through a separate independent audit and consolidated into the charter school's audit report pursuant to the related party disclosure rules of the Financial Accounting Standards Board Accounting Standards Codi®cation and pronouncements, and other generally accepted accounting principles and constraints re garding when ®nancial statement consolidation is required, permitted, and prohibited.

(C) If such a relationship is material and consolidation of ®nancial reporting is required, then prepare a side-by-side comparison of board members and executive management.

(b) Commencing with the 2022±23 ®scal year Guide foAnnual Audits of K±12 Local Education Agencies and State Compliance Reporting, the Controller shall include, b ut is not necessarily limited to, instructions necessary to require, at a minimum, that

all of the follo wing compliance procedures are performed in an audit of a charter school:

(1) Sample selection: where representati ve samples of pupils, pupil w ork product, ®nancial transactions, or other sampling is required to be performed and selected, the ~~auditor~~ *certi®ed public accountant or public accountant performing the audit* shall identify and make that selection personally.

(2) Enrollment: for nonclassroom-based instruction and independent study, verify enrollment of pupils.

(A) Using appropriate sampling techniques, v erify pupil enrollment, including obtaining a written con®rmation from the parent or guardian of an enrolled pupil. The sampling shall include at least one sample from each attendance month.

(B) If any inappropriately reported enrollment is identi®ed, state that in a ®nding.

(3) Attendance: determine whether P2 and annual reports of attendance submitted to the department include an y days of attendance dedicated solely to enrichment activities and exclusive of instruction in core curricular areas.

(A) Verify the number of days of attendance.

(B) Verify that each day of each pupil's attendance was recorded for any calendar day on which school was in session.

(C) Verify if the charter petition included a description of such enrichment activities.

(D) Report the number of days of attendance of such enrichment activities in the schedule of pupil attendance by month pursuant to paragraph (2) of subdivision (a).

(4) Teacher certi®cation and misassignments: verify that each teacher possesses a valid certi®cation document and is an employee of the charter school pursuant to subdivision (*l*) of Section 47605.

(5) Independent study.

(A) Verify that the frequenc y ~~that~~ *of the inter action between* certi®cated emplo yees of the charter school and each pupil generating average daily attendance through nonclassroom-based instruction complies with Section 51747.6.

(B) Verify that, if the charter school ofers nonclassroom-based instruction, the charter school also pro vides classroom-based instruction for those pupils who the charter school determines shall return to another program in the charter school for which the pupil is enrolled, pursuant to subdivision (f) of Section 51747.

(c) Commencing with the 2022±23 ®scal year Guide for Annual Audits of K±12 Local Education Agencies and State Compliance Reporting, the Controller shall include, but is not necessarily limited to, instructions that ensure all of the following:

~~(1) All charter schools are audited, irrespecti ve of the type of organizational entity.~~

(1) All school districts, county of®ces of education, and charter schools are audited annually.

(2) All charter schools are audited, irrespective of the type of organizational entity.

(A) Financial statements. For materiality purposes, charter schools that are a component entity of a school district or county of®ce of education and who report ®nancial data in the general fund as opposed to other funds of the school district or county superintendent of schools, the ~~auditor~~ *certi®ed public accountant or public accountant performing the audit* shall sample transactions of the charter school as if the ®nancial data of the charter school represented a major fund of the school district or county superintendent of schools.

~~(2) Auditor transaction~~

(B) (i) Compliance r equirements. F or sc hool districts and county superintendent of sc hools that oper ate both nonc harter schools and charter schools, it is the intent of the Legislature that the certi®ed public accountant or public accountant performing the audit shall sample activity fr om both c harter sc hools and noncharter schools in conducting required compliance procedures.

(ii) Certi®ed public accountants and public accountants performing audits of sc hool districts and county of®ces of education shall develop a multiyear rotational schedule to ensure that charter schools that are a component entity of a school district or county of®ce of education are sampled in conducting required compliance procedures no less than every three years.

(3) Certi®ed public accountant and public accountant transaction sampling includes sample size and materiality le vels appropriate for charter schools.

~~(3)~~

(4) All school districts, county of®ces of education, and charter schools shall follo w the staf®ng ratios for independent study pursuant to Section 51745.6.

~~(4)~~

(5) All school districts, county of®ces of education, and charter schools are audited to verify the certi®cation of methodology for time value assigned to pupil work pursuant to Section ~~51747.5.~~ *51747.5.*

~~(5)~~

(6) All school districts, county of®ces of education, and charter schools are audited to v erify minimum instructional minutes, pursuant to Chapter 2 (commencing with Section 46100) of P art 26 of Division 4.

~~(d) Commencing with the 2022±23 ®scal year Guide foAnnual Audits of K±12 Local Education Agencies and State Compliance Reporting, the Controller shall incorporate, but is not necessarily limited to, all of the requirements and instructions contained in the Controller's Desk Review Checklist for K±12 local educational agencies.~~

(d) Commencing with the 2022±23 ®scal year Guide foAnnual Audits of K±12 Local EducationalAgencies and State Compliance Reporting, the Controller shall incorporate, but is not necessarily limited to, the following:

(1) Requirements and instructions r equiring certi®ed public accountants and public accountants performing the audits to disclose the name, county-district-school code, and charter school number, if applicable, of schools that were selected for compliance sampling.

(2) The Contr oller's Desk Re view Chec klist for K±12 local educational agencies.

SEC. 11. Section 41020.5 of the Education Code is amended to read:

41020.5. (a) (1) If the Controller determines by tw o consecutive quality control reviews pursuant to Section 14504.2, or if a county superintendent of schools determines, that audits performed by a certi®ed public accountant or public accountant under Sections 41020 and 47604.2 were not performed in substantial conformity with pro visions of the audit guide, or that the audit reports, including amended reports, submitted by February 15 follo wing the close of the ®scal year audited, for tw o consecutive years do not conform to provisions of the audit guide as required by Section 14504, the Controller or the county superintendent of schools, as appropriate, shall notify in writing

the certi®ed public accountant or public accountant and the California Board of Accountancy.

(2) If the certi®ed public accountant or public accountant does not ®le an appeal in writing with the California Board of Accountancy within 30 calendar days after receipt of the noti®cation from the Controller or county superintendent of schools, the determination of the Controller or county superintendent of schools pursuant to this section shall be ®nal.

(b) If an appeal is ®led with the California Board of Accountancy, the board shall complete an in vestigation of the appeal within 90 days of the ®ling date. On the basis of the investigation, the board may do either of the following:

(1) Find that the determination of the Controller or county superintendent of schools should not be upheld and has no effect.

(2) Schedule the appeal for a hearing, in which case, the ®nal action on the appeal shall be completed by the board within one year from the date of ®ling the appeal.

(c) If the determination of the Controller or county superintendent of schools under subdivision (a) becomes ®nal, the certi®ed public accountant or public accountant shall be ineligible to conduct audits under Sections 41020 and 47604.2 for a period of three years, or , in the e vent of an appeal, for an y period, and subject to the conditions, that may be ordered by the California Board of Accountancy. Not later than the ®rst day of March of each year, the Controller shall notify each school district, charter school, and county of®ce of education of those certi®ed public accountants or public accountants determined to be ineligible under this section. School districts, charter schools, and county of®ces of education shall not use the audit services of a certi®ed public accountant or public accountant ineligible under this section.

(d) For purposes of this section, ªcerti®ed public accountant or public accountantº includes an y person or ®rm entering into a contract to conduct an audit under Sections 41020 and 47604.2.

(e) This section shall not preclude the California Board of Accountancy from taking an y disciplinary action it deems appropriate under other laws.

SEC. 12. Section 41020.6 is added to the Education Code, to read:

41020.6. (a) The Le gislature ®nds and declares all of the following:

(1) High quality audits of local educational agencies are necessary for consistent ®nancial and compliance transparenc y and to produce essential accountability measures.

(2) The quality of audits of local educational agencies is directly in¯uenced by the quality of certi®ed public accountants *and public accountants* who serve as auditors.

(3) The quality of indi vidual ~~auditors'~~ *certi®ed public accountant's and public accountant's* work product is correlated to training and experience.

(b) On or before January 1, 2023, the California Board of Accountancy, in consultation with the Chief Executive Of®cer of the County Of®ce Fiscal Crisis and Management Assistance Team, shall adopt re gulations, as a condition of licensure rene wal, for speci®c continuing education requirements for certi®ed public accountants *and public accountants* who audit local educational agencies. The state board shall address in those re gulations, at a minimum, all of the following:

(1) Within the existing 80 hours in a two-year period preceding license expiration, a requirement that 12 of the 80 hours shall be in the areas of accounting, auditing, or related subjects pertaining to California local educational agencies for ~~auditors~~ *certi®ed public accountants and public accountants* who are engaged in ®nancial and compliance audits of a local educational agency.

(2) Among other training referenced in paragraph (1), the training shall include both of the following:

(A) Training on the speci®c requirements included in the Guide for Annual Audits of K±12 Local Education Agencies and State Compliance Reporting.

(B) Training on compliance topics such as attendance, independent study, charter schools, nonclassroom-based instruction, school calendars, and instructional minutes.

(3) That such requirements shall apply to audits of local educational agencies, irrespective if the local educational agency is a governmental agency or a nonpro®t organization.

(c) For purposes of this section, a "local educational agenc y" means a school district, county of®ce of education, or charter school.

SEC. 13. Section 41020.7 is added to the Education Code, to read:

41020.7. (a) The Legislature ®nds and declares both of the following:

(1) High quality audits of local educational agencies, including traditional and charter public schools, are necessary for consistent ®nancial and compliance transparency and to produce essential accountability measures.

(2) The quality of audits of local educational agencies is in¯uenced and enhanced by a peer review process.

(b) On or before January 1, 2023, the California Board of Accountancy, in consultation with the Chief Executive Of®cer of the County Of®ce Fiscal Crisis and Management Assistance Team, shall adopt regulations, for peer review, as a condition of an audit ®rm's ability to perform audits of local educational agencies. The state board shall address in those regulations, at a minimum, all of the following:

(1) De®nitions shall include a reference to local educational agencies as distinct from governmental agencies.

(2) Minimum requirements for a peer review program that shall include all of the following:

(A) A reference to local educational agencies as distinct from governmental agencies.

(B) A requirement, for those ®rms undergoing a peer review that conduct ®nancial and compliance audits of local educational agencies, that the cross-section of a ®rm's engagement includes (i) at least one audit of a local educational agency, and (ii) if the ®rm conducts ®nancial or compliance audits of charter schools, at least one audit of a charter school.

(C) A requirement that ®rms engaged in peer reviews of ®rms performing ®nancial and compliance audits for local educational agencies have current knowledge of the professional standards related to accounting and auditing of local educational agencies, including where applicable, charter schools.

(c) For purposes of this section, a "local educational agency" means a school district, county of®ce of education, or charter school.

SEC. 14. Section 44258.9 of the Education Code is amended to read:

44258.9. (a) (1) The Legislature ®nds and declares that continued monitoring of teacher assignments by county superintendents of schools will help ensure that local educational

agencies meet the reporting requirements of the federal Every Student Succeeds Act (Public Law 114-95), or any other federal law that effectively replaces that act, and will ensure that the rate of teacher misassignments remains low. To the extent possible, and with the funds provided for that purpose, each county office of education shall perform its duties as a monitoring authority, as specified in subdivision (e).

(2) The commission and the department shall perform the duties specified in this section.

(3) Teacher assignment monitoring and the requirements of this section shall be executed in a manner consistent with the statewide system of support and the school accountability system established pursuant to Article 4.5 (commencing with Section 52059.5) of Chapter 6.1 of Part 28 of Division 4, and the state plan approved by the state board that is required for compliance with the federal Every Student Succeeds Act, or any other federal law that effectively replaces that act.

(b) For purposes of this section, the following definitions apply:

(1) "Local educational agency" means a school district, county office of education, charter school, or state special school.

(2) "Misassignment" has the same meaning as defined in Section 33126. For purposes of this section, "employee," as used in the definition of "misassignment" in Section 33126, includes an individual hired on a contract. ~~For purposes of this section, in a charter school, "misassignment" shall apply only to employees in teaching positions.~~

(3) "Monitoring authority" means:

(A) The county office of education for school districts in the county and programs operated by the county office of education.

(B) The commission for a school district or county office of education that operates within a city or county in which there is a single school district, including the Counties of Alpine, Amador, Del Norte, Mariposa, Plumas, and Sierra, and the City and County of San Francisco, and the state special schools.

(C) The chartering authority for a charter school.

(4) "System," unless the context requires otherwise, means the State Assignment Accountability System, which is an electronic data system administered by the commission for monitoring teacher assignments and vacant positions.

(5) ªVacant positionº means a position to which a single-designated certi®cated employee has not been assigned at the beginning of the year or, if the position is for a one-semester course, a position to which a single-designated certi®cated employee has not been assigned at the beginning of a semester.

(c) The commission and the department shall enter into a data sharing agreement to pro vide the commission with emplo yee assignment data necessary to annually identify misassignments and vacant positions at local educational agencies.The data sharing agreement shall also require the commission to mak e credential, misassignment, and other relevant data available to the department to support reporting consistent with the state plan approved by the state board that is required for compliance with the federal Every Student Succeeds Act, or an y other federal la w that ef fectively replaces that act.

(d) The commission may eng age in a v ariety of acti vities designed to inform school administrators, teachers, and personnel within the county of®ces of education of the re gulations and statutes affecting the assignment of emplo yees. These activities may include, but shall not necessarily be limited to, the preparation of instructive brochures and the holding of regional workshops.

(e) (1) The commission shall annually use the data pro vided by the department pursuant to subdivision (c) to produce an initial data ®le of vacant positions and certi®cated employee assignments that do not ha ve a clear match of credential to assignment. The commission shall notify local educational agencies and monitoring authorities of the opportunity to access the system and review the initial data ®le of potential misassignments and vacant positions.

(2) A local educational agenc y may do an y of the follo wing within 60 days of the commission' s noti®cation pursuant to paragraph (1):

(A) Access and re view the initial data ®le in the system to determine if each emplo yee included in the initial data ®le is otherwise legally authorized for the assignment.

(B) Submit documentation or additional assignment information to the commission and monitoring authority sho wing that the employee is otherwise legally authorized for the assignment. This information may include the use of local assignment options outlined in any statute or regulation.

(C) Submit documentation to the commission and monitoring authority showing that a position identi®ed in the initial data ®le as vacant was miscoded and that a le gally authorized emplo yee was assigned to the position.

(3) Information submitted to the commission and monitoring authority pursuant to paragraph (2) shall be submitted electronically through the system.

(4) A monitoring authority shall access the system to re view the initial data ®le and any documentation or additional information submitted by a local educational agency for which it is a monitoring authority and make a determination of potential misassignments and v acant positions within 90 days of the commission's noti®cation pursuant to paragraph (1).

(5) After the 90-day re view period pursuant to paragraph (4), the commission shall report the misassignments and v acant positions for that year.

(6) The commission shall ha ve the authority to mak e a ®nal determination for all potential misassignments.

(7) Notwithstanding an y other la w, the commission, when identifying misassignments using the system, shall identify an employee in a teaching position, including an employee of a charter school, as correctly assigned only when the emplo yee holds the certi®cate or credential required by the commission for that assignment in a noncharter public school, taking into account local assignment options.

(8) Commencing in the 2020±21 school year , a chartering authority, as pro vided in this section, may request technical assistance to assist in its determination of potential misassignments and vacant positions from the county of®ce of education in the county in which the chartering authority is located.

(9) For a school district, the county superintendent of schools shall notify, through the of®ce of the school district superintendent, a certi®cated school administrator responsible for the assignment of a certi®cated person to a position for which the person has no legal authorization of the ~~misassignment~~ *misassignment,* and shall advise the school administrator to correct the assignment within 30 calendar days. F or a charter school, the monitoring authority shall notify the charter school administrator responsible for the assignment of a certi®cated person to a position for which the person has no le gal authorization of the ~~misassignment~~

misassignment, and shall advise the charter school administrator to correct the assignment within 30 calendar days.

(f) The system and the data reported from the system shall not be used by a local educational agency for purposes of evaluating certificated employees, certificated employee performance determinations, or employment decisions.

(g) If an employee, including an employee who is employed by a charter school, is required by a local educational agency to accept an assignment in a teaching or services position for which the employee has no legal authorization, all of the following shall occur:

(1) (A) After exhausting existing local remedies, an employee of a school district shall notify the superintendent of the school district, and an employee of a charter school shall notify the administrator of the charter school, in writing, of the illegal assignment.

(B) If no action is taken after the notice required pursuant to subparagraph (A), an employee of a school district shall notify the county superintendent of schools, and an employee of a charter school shall notify the chartering authority, in writing, of the illegal assignment.

(2) In the case of an assignment by a school district for which the employee has filed a notice that the employee has no legal authorization, the school district or county superintendent of schools shall advise the employee about the legality of the assignment within 15 working days. In the case of an assignment by a charter school for which the employee has filed a notice that the employee has no legal authorization, the administrator of the charter school or the chartering authority shall advise the employee about the legality of the assignment within 15 working days.

(3) A local educational agency shall not take adverse action against an employee who files a notice of misassignment pursuant to paragraph (1).

(4) Notwithstanding any other law, for purposes of a charter school authorized by the state board, the employee shall file the written notices regarding misassignment described in paragraph (1) with the commission.

(5) During the period of a misassignment, the certificated employee who files a written notice pursuant to subparagraph (B) of paragraph (1) shall be exempt from Section 45034.

(6) If it is determined that a misassignment has occurred, a performance evaluation pursuant to Article 11 (commencing with Section 44660) of Chapter 3 of the certi®cated employee in the misassignment shall be nulli®ed.

(7) A certi®cated employee who has not attained permanent status is subject to the protections described in this subdivision and subdivision (f) even if the certi®cated employee does not provide notice pursuant to paragraph (1).

(h) For the 2019±20 school year, the ®nal data ®le generated by the system to identify misassignments and vacant positions shall be nonconsequential and shall be provided to the department, local educational agencies, and monitoring authorities by the commission for informational purposes only.

(i) Commencing with the 2020±21 school year, and each school year thereafter, following the 90-day review period provided for monitoring authorities pursuant to subdivision (e), the commission shall do all of the following:

(1) Make annual employee misassignment and vacant position data generated by the system publicly available in a searchable format on its internet website.

(2) Ensure that data for charter schools is distinguishable from data for noncharter public schools when made publicly available in a searchable format.

(3) Maintain each year's data for no less than ®ve years.

(4) Provide the department with annual data on the total number of misassignments at the schoolsite, school district, and county level.

(5) Ensure that the publicly available misassignment data reported from the system ~~shall~~ *does* not include any personally identi®able information, including names, social security numbers, home addresses, telephone numbers, or email addresses of individual employees.

(j) The commission may promulgate regulations that de®ne standards for a local educational agency, including a charter school, that consistently misassigns employees and what sanctions, if any, to impose on that local educational agency.

(k) (1) On or before December 1, 2022, the commission shall report to the appropriate policy and ®scal committees of the Legislature on the development of the system, including, but not limited to, all of the following:

(A) The development and current status of the system.
(B) The ability of the system to ef®ciently produce accurate annual data on teacher misassignments.
(C) Statewide information regarding misassignments, delineated by credential type, assignment, and type of school.
(D) Use of local assignment options, delineated by local assignment option and type of school.
(E) Any recommendations to improve the system and the local assignment monitoring process required by this section.
(F) Identi®cation of any need for further technical assistance for local educational agencies, including chartering authorities, to improve assignment monitoring and reduce the o verall rate of misassignment.
(2) Pursuant to Section 10231.5 of the Go vernment Code, the reporting requirement described in paragraph (1) shall be inoperative on December 1, 2026.
(*l*) This section shall not relieve a local educational agency from compliance with state and federal law regarding teachers of English learners or be construed to alter the de®nition of ªmisassignmentº for purposes of Section 33126.
(m) (1) A teac her of a cour se offered by a local educational agency in which pupils receive course credit or that count towards instructional minutes, or both, shall hold the certi®cate , permit, or other document required by the commission for that assignment and shall be monitored.
(2) A per son who is employed by a vendor pr oviding dir ect services to pupils at a local educational a gency for whic h certi®cation quali®cations are established pur suant to Section 44065 and this c hapter, except Sections 44266, 44267, 44267.5, 44268, and 44269, shall hold the certi®cate , permit, or other document required by the commission for their assignment, or an appropriately cr edentialed teac her shall be in immediate supervision and contr ol of the pupils during dir ect services provided by the vendor. Direct services to pupils pr ovided by the vendor shall be standards-aligned curriculum.
(3) A per son who is employed by a vendor pr oviding dir ect services to pupils at a local educational a gency for whic h certi®cation quali®cations are established pur suant to Sections 44266, 44267, 44267.5, 44268, and 44269 shall hold the certi®cate permit, or other document r equired by the commission for their

assignment, or a pupil personnel services credentialholder shall supervise pupil personnel services provided by the vendor. Direct services to pupils provided by the vendor shall be standards-aligned curriculum.

(4) Courses in which pupils receive course credit or that count towards instructional minutes, or both, shall be reported in the California Longitudinal PupilAchievement Data System pursuant to Chapter 10 (commencing with Section 60900) of Part 33 of Division 4.

(n) Notwithstanding subdivision (m), direct services to pupils provided pursuant to an individualized educational program may be conducted by a person employed by a vendor if that person is appropriately licensed or credentialed for that assignment.

~~SEC. 14. Section 46100 of the Education Code is amended to read:~~

~~46100. The governing board of each school district and the governing body of each charter school shall, subject to the provisions of this chapter, fix the length of the schoolday for the several grades and classes of the schools maintained by the district or charter school.~~

SEC. 15. Section 46101 is added to the Education Code, immediately following Section 46100, to read:

46101. The state board may adopt regulations as it deems appropriate and consistent with this part. Upon the ~~enactment of a minimum day requirement for charter schools,~~*operative date of the act that added this section,* pursuant to ~~Sections 46100, 46110, 46112, 46113, 46114, 46117, 46141, and 46142,~~ *paragraph (4) of subdivision (a) of Section 47612.5,* the state board shall adopt regulations specifying that the record of daily engagement is no longer required of a charter school day of nonclassroom-based independent study attendance.

~~SEC. 16. Section 46110 of the Education Code is amended to read:~~

~~46110. No pupil in a kindergarten or in any grade of an elementary school operated by a school district or charter school shall be credited with more than one day of attendance in any calendar day and nothing in this article shall be construed to the contrary.~~

~~SEC. 17. Section 46112 of the Education Code is amended to read:~~

~~46112. The minimum schoolday in grades 1, 2, and 3 in elementary schools operated by a school district or charter school, except in opportunity schools, classes, or programs, is 230 minutes, except where the governing board of a school district or governing body of a charter school has prescribed a shorter length for the schoolday because of lack of school facilities which requires double sessions, in which case the minimum schoolday in such grades shall be 200 minutes.~~

~~SEC. 18. Section 46113 of the Education Code is amended to read:~~

~~46113. The minimum schoolday in grades 4, 5, 6, 7, and 8 in elementary schools operated by a school district or charter school, and in special day and evening classes of an elementary school district, except in opportunity schools, classes, or programs, is 240 minutes.~~

~~SEC. 19. Section 46114 of the Education Code is amended to read:~~

~~46114. (a) The minimum schoolday in grades 1, 2, and 3 in elementary schools operated by a school district or charter school may be computed by determining the number of minutes of attendance in any 10 consecutive schooldays and dividing that number by 10. If the resulting quotient is 230 or more, the pupils shall be deemed to have complied with Section 46112, even if the number of minutes attended in any one schoolday is less than 230, but not less than 170.~~

~~(b) The minimum schoolday in grades 4, 5, 6, 7, and 8 in elementary schools operated by a school district or charter school may be computed by determining the number of minutes of attendance in any 10 consecutive schooldays and dividing that number by 10. If the resulting quotient is 240 or more, the pupils shall be deemed to have complied with Section 46113, even if the number of minutes attended in any one schoolday is less than 240, but not less than 180.~~

~~(c) The minimum schoolday in kindergarten in elementary schools operated by a school district or charter school may be computed by determining the number of minutes of attendance in any 10 consecutive schooldays and dividing that number by 10. If the resulting quotient is 180 or more, pupils shall be deemed to have complied with Section 46117, even if the number of minutes~~

~~attended in any one schoolday is less than 180, but not less than 60.~~

~~(d) No computation authorized by this section shall result in any increase in state apportionments.~~

~~SEC. 20. Section 46117 of the Education Code is amended to read:~~

~~46117. The minimum schoolday for pupils in kindergartens operated by a school district or charter school is 180 minutes inclusive of recesses, and no units of average daily attendance shall be credited for attendance in kindergarten classes if the minimum schoolday of those classes is less than 180 minutes.~~

~~SEC. 21. Section 46141 of the Education Code is amended to read:~~

~~46141. The minimum schoolday in a high school operated by a school district or charter school is 240 minutes, except in an evening high school, an early college high school, a middle college high school, a regional occupational center, an opportunity school and in opportunity classes, a continuation high school, in continuation education classes, in late afternoon or Saturday occupationally organized vocational training programs conducted under a federally approved plan for vocational education, and for pupils enrolled in a work experience education program approved under Article 7 (commencing with Section 51760) of Chapter 5 of Part 28.~~

~~SEC. 22. Section 46142 of the Education Code is amended to read:~~

~~46142. (a) The minimum schoolday in any junior high school or high school operated by a school district or charter school described in Section 46141 may be computed by determining the number of minutes of attendance in any two consecutive schooldays and dividing that number by two. If the resulting quotient is 240 or more, the pupils shall be deemed to have complied with Section 46141, even if the number of minutes attended in any one schoolday is less than 240, but not less than 180.~~

~~(b) No computation authorized by this section shall result in any increase in state apportionments.~~

~~SEC. 23.~~

SEC. 16. Section 46306 is added to the Education Code, to read:

46306. (a) The department, in consultation with the County Of®ce Fiscal Crisis and Management Assistance Team, shall provide a report to the Le gislature detailing the b usiness and alternatives analysis of inte grating the California Longitudinal Pupil Achievement Data System (CALP ADS) and the a verage daily attendance apportionment data system for purposes of monitoring statewide average daily attendance by unique pupil identi®er

(b) The report shall include, b ut not necessarily be limited to, all of the following:

(1) A procurement and cost analysis to inte grate CALPADS and the average daily attendance apportionment data system.

(2) The necessary timeline to complete an inte gration of CALPADS and the average daily attendance apportionment data system.

(3) The logistical and state- and end-user requirements for integrating CALP ADS and the a verage daily attendance apportionment data system.

(4) A recommendation re garding the most ef®cient state department or entity to house an inte grated CALPADS and the average daily attendance apportionment data system.

(5) A recommendation for a reasonable frequenc y for local educational agencies to report attendance information to the state.

(c) The report with recommendations shall be completed by January 1, 2024, and be presented to the appropriate polic y and ®scal committees in the Legislature in compliance with Section 9795 of the Government Code.

(d) Pursuant to Section 10231.5 of the Government Code, this section shall remain in effect only until January 1, 2025, and as of that date is repealed.

~~SEC. 24. Section 46307 of the Education Code is amended to read:~~

~~46307. Attendance of individuals with exceptional needs in a school district or charter school, identi®ed pursuant to Chapter 4 (commencing with Section 56300) of Part 30, enrolled in a special day class or given instruction individually or in a home, hospital, or licensed children's institution who attend school for either the same number of minutes that constitutes a minimum schoolday pursuant to Chapter 2 (commencing with Section 46100), or for the number of minutes of attendance speci®ed in that pupil's~~

~~individualized education program dc veloped pursuant to Article 3 (commencing with Section 56340) of Chapter 4 of P art 30, whichever is less, shall constitute a day of attendance.~~

~~SEC. 25.~~

SEC. 17. Section 47604.2 is added to the Education Code, to read:

47604.2. (a) The Le gislature ®nds and declares all of the following:

(1) Accountability within public educational funding is the expressed interest of the Legislature.

(2) High quality audits of local educational agencies, including traditional and charter public schools, are necessary for ®nancial and compliance transparenc y and to produce essential accountability measures.

(3) Consistent audit standards and reporting formats across local educational agencies is essential.

(b) (1) It is the intent of the Le gislature to encourage sound ®scal management practices among charter schools for the most ef®cient and effective use of public funds for the education of pupils by strengthening ®scal accountability at the charter schools.

(2) Furthermore, it is the intent of the Legislature that all charter schools shall be audited, including those charter schools that are component entities of school districts, county of®ces of education, or nonpro®t corporations.

(c) (1) No later than May 1 of each ®scal year, each chartering authority shall provide for an audit of all funds of charter schools authorized by that chartering authority , and the go verning body of each charter school shall either provide for an audit of the books and accounts of the charter school, including an audit of income and expenditures by source of funds, or mak e arrangements with the chartering authority to provide for that auditing.

(2) If the governing body of a charter school has not pro vided for an audit of the books and accounts of the charter school by April 1, the chartering authority shall pro vide for the audit of the charter school.

(3) An audit conducted pursuant to this section shall comply with the applicable professional ®nancial reporting and auditing standards promulgated in this nation.

(d) Each audit conducted in accordance with this section shall include all funds of the charter school, including the student body

funds and accounts and any other funds under the control or jurisdiction of the charter school. Each audit shall also include an audit of pupil attendance procedures. Each audit shall include a determination of whether funds were expended pursuant to a local control and accountability plan or an approved annual update to a local control and accountability plan pursuant to Section 47606.5.

(e) All audit reports for each ®scal year shall be developed and reported using a format established by the Controller after consultation with the Superintendent and the Director of Finance.

(f) (1) The cost of the audits provided for by the chartering authority shall be paid from the revenue of the charter school.

(2) The cost of the audit provided for by a governing body of a charter school shall be paid from the revenue of the charter school.

(g) (1) The audits shall be conducted by a certi®ed public accountant or a public accountant, licensed by the California Board of Accountancy, and selected by the charter school or chartering authority, as applicable, from a directory of certi®ed public accountants and public accountants deemed by the Controller as quali®ed to conduct audits of local educational agencies, which shall be published by the Controller not later than December 31 of each year.

(2) It is unlawful for a public accounting ®rm to provide audit services to a charter school if the lead audit partner, or coordinating audit partner, having primary responsibility for the audit, or the audit partner responsible for reviewing the audit, has performed audit services for that charter school in each of the six previous ®scal years. The Education Audits Appeal Panel may waive this requirement if the panel ®nds that no otherwise eligible ~~auditor~~ *certi®ed public accountant or public accountant* is available to perform the audit.

(3) In determining certi®ed public accountants and public accountants to include in the directory, the Controller shall use the same criteria as provided for in paragraph (3) of subdivision (f) of Section 41020.

(h) (1) The ~~auditor's~~ *certi®ed public accountant's or public accountant's* report shall include all of the following:

(A) A statement that the audit was conducted pursuant to standards and procedures developed in accordance with Chapter 3 (commencing with Section 14500) of Part 9 of Division 1 of Title 1.

(B) A summary of audit exceptions and management improvement recommendations.

(C) An evaluation by the ~~auditor~~ *certi®ed public accountant or public accountant performing the audit* on whether there is substantial doubt about the ability of the charter school to continue as a going concern for a reasonable period of time. This evaluation shall be based on the Statement on Auditing Standards (SAS) No. 59, as issued by the American Institute of Certi®ed Public Accountants regarding disclosure requirements relating to the ability of the entity to continue as a going concern.

(2) To the extent possible, a description of correction or plan of correction shall be incorporated in the audit report, describing the speci®c actions that are planned to be taken, or that have been taken, to correct the problem identi®ed by the ~~auditor.~~ *certi®ed public accountant or public accountant performing the audit.* The descriptions of speci®c actions to be taken or that have been taken shall not solely consist of general comments such as ªwill implement,º ªaccepted the recommendation,º or ªwill discuss at a later date.º

(i) No later than December 15, a report of each charter school audit for the preceding ®scal year shall be ®led with the chartering authority, county superintendent of schools of the county in which the charter school is located, the department, and the Controller. The Superintendent shall make any adjustments necessary in future apportionments of all state funds, to correct any audit exceptions revealed by those audit reports.

(j) (1) Each chartering authority shall be responsible for reviewing the audit exceptions contained in an audit of a charter school under its jurisdiction and determining whether the exceptions have been either corrected or an acceptable plan of correction has been developed.

(2) If a description of the correction or plan of correction has not been provided as part of the audit required by this section, the chartering authority shall notify the charter school and request the governing body of the charter school to provide to the chartering authority a description of the corrections or plan of correction by March 15.

(3) The chartering authority shall review the description of correction or plan of correction and determine its adequacy. If the description of the correction or plan of correction is not adequate,

the chartering authority shall require the charter school to resubmit that portion of its response that is inadequate.

(k) A chartering authority shall certify to the county superintendent of schools, the Superintendent, and the Controller, no later than May 15, that the staff of the chartering authority has reviewed all audits of charter schools under its jurisdiction for the prior ®scal year, that all exceptions that the charter schools were required to review were reviewed, and that all of those exceptions, except as otherwise noted in the certi®cation, have been corrected by the charter schools or that an acceptable plan of correction has been submitted to the chartering authority. In addition, the chartering authority shall identify any attendance-related audit exception or exceptions involving state funds, and require the charter school to which the audit exceptions were directed to submit appropriate reporting forms for processing by the Superintendent.

(*l*) If the exceptions have not been corrected, in the audit of a charter school for a subsequent year, the ~~auditor~~ *certi®ed public accountant or public accountant performing the audit* shall review the correction or plan or plans of correction submitted by the charter school to determine if the exceptions have been resolved. If not, the ~~auditor~~ *certi®ed public accountant or public accountant performing the audit* shall immediately notify the appropriate chartering authority, county superintendent of schools, and the Superintendent, and restate the exception in the audit report. After receiving that noti®cation, the Superintendent shall either consult with the charter school to resolve the exception or require the chartering authority to follow up with the charter school.

(m) (1) The Superintendent is responsible for ensuring that charter schools have either corrected or developed plans of correction for any one or more of the following:

(A) All federal and state compliance audit exceptions identi®ed in the audit.

(B) Exceptions that the chartering authority certi®es as of May 15 have not been corrected.

(C) Repeat audit exceptions that are not assigned to the chartering authority to correct.

(2) The Superintendent shall report annually to the Controller on the Superintendent's actions to ensure that charter schools have either corrected or developed plans of correction for any of the exceptions described in paragraph (1).

(n) To facilitate correction of the exceptions identified by the audits issued pursuant to this section, the Controller shall require ~~auditors~~ *certified public accountants and public accountants performing the audits* to categorize audit exceptions in each audit report in a manner that will make it clear to the chartering authority, the county superintendent of schools, and the Superintendent which exceptions they are responsible for ensuring the correction of by a charter school. In addition, the Controller annually shall select a sampling of chartering authorities and perform a followup of the audit resolution process of those chartering authorities and report the results of that followup to the applicable chartering authority, county superintendent of schools, and the Superintendent.

(o) If the governing board of a charter school or the chartering authority fails or is unable to make satisfactory arrangements for the audit pursuant to this section, the Controller shall make arrangements for the audit and the cost of the audit shall be paid from the revenue of the charter school.

(p) By January 31 of each year, the governing body of a charter school shall review, at a public meeting, the annual audit of the charter school for the prior fiscal year, any audit exceptions identified in that audit, the recommendations or findings of any management letter issued by the ~~auditor,~~ *certified public accountant or public accountant performing the audit,* and any description of correction or plans to correct any exceptions or management letter issue. The review shall be placed on the agenda of the meeting pursuant to Sections 35145 and 47604.

(q) The Controller shall ensure that all charter schools are audited, and that the Controller reviews and monitors audits of charter schools pursuant to Section 14504.

~~SEC. 26.~~

SEC. 18. Section 47604.32 of the Education Code is amended to read:

47604.32. (a) Each chartering authority, in addition to any other duties imposed by this part, shall do all of the following with respect to each charter school under its authority:

(1) Identify at least one staff member as a contact person for the charter school.

(2) Visit each charter school at least annually.

(3) Ensure that each charter school under its authority complies with all reports required of charter schools by law, including the

local control and accountability plan and annual update to the local control and accountability plan required pursuant to Section 47606.5.

(4) Monitor the ®scal condition of each charter school under its authority.

(5) Provide timely noti®cation to the department if any of the following circumstances occur or will occur with regard to a charter school for which it is the chartering authority:

(A) A renewal of the charter is granted or denied.

(B) The charter is revoked.

(C) The charter school will cease operation for any reason.

(6) (A) Verify all of the following for a nonclassroom-based charter school:

(i) Annually verify that an appropriate methodology exists for teachers to determine the time value of pupil work product used to compute average daily attendance.

(ii) Annually verify the average-daily-attendance-to-certi®cated-teacher ratio used by the charter school pursuant to Section 51745.6, across a teacher's entire assignment at schools operated by the entity managing the charter school.

(iii) Verify average daily attendance at the ®rst, second, and annual principal apportionment reporting, including subsequent corrected reports, after performing reasonable testing of monthly enrollment and monthly attendance reports to be submitted to the chartering authority by the charter school to determine enrollment and attendance trends and averages.

(I) Monthly enrollment reports shall re¯ect suf®cient details by month, including beginning enrollment, additions, subtractions, and transfers, reconciled to ending enrollment. Attendance reports shall re¯ect suf®cient details to enable the chartering authority to determine a reasonable alignment of enrollment to attendance.

(II) Types of analysis regarding both enrollment and attendance trends and averages may include, but are not necessarily limited to, all of the following:

(ia) A comparison of the total ®rst, second, and annual principal apportionment attendance to the total respective data reported in the prior year.

(ib) A comparison of California Longitudinal PupilAchievement Data System (CALPADS) Fall 1 data to ®rst and second period principal apportionment attendance using historical ratios.

(ic) Comparable trending of enrollment and attendance in a given period.

(III) If the enrollment or attendance veri®cation fails to support the applicable ®rst, second, or annual principal apportionment reporting, including subsequent corrected reports, submitted to the chartering authority, the chartering authority shall not certify the applicable principal apportionment report.

(B) A charter school shall provide the chartering authority the necessary supporting documentation in order for the chartering authority to perform the v eri®cation described in subparagraph (A).

(7) A chartering authority shall notify the ~~auditor~~ *certi®ed public accountant or public accountant performing the audit* of a charter school if a charter school does not pro vide the required documentation pursuant to paragraph (6). F ailure of a charter school to provide the documentation required pursuant to paragraph (6) shall result in the ~~auditor~~ *certi®ed public accountant or public accountant performing the audit* reporting an attendance apportionment ®nding in their annual audit report and a corresponding reduction in allo wable attendance apportionment by the charter school.

(b) The cost of performing the duties required by this section shall be funded with supervisorial oversight fees collected pursuant to Section 47613.

~~SEC. 27.~~

SEC. 19. Section 47604.35 is added to the Education Code, immediately following Section 47604.33, to read:

47604.35. (a) To ensure consistenc y in ®nancial reporting, and promote transparenc y and accountability of all local educational agencies, the state board, in consultation with the Superintendent, shall re vise re gulations to require that charter schools report periodic and annual ®nancial data in the same manner and on the same form prescribed for school districts.

(b) Commencing with the 2023±24 ®scal year, charter schools with an a verage daily attendance of 5,000 or more pupils shall report periodic and annual ®nancial data in the same manner and on the same form prescribed for school districts.

(c) Commencing with the 2024±25 ®scal year, charter schools with an average daily attendance of 2,500 or more pupils but fewer than 5,000 pupils shall report periodic and annual ®nancial data in the same manner and on the same form prescribed for school districts.

(d) Commencing with the 2025±26 ®scal year, charter schools with an a verage daily attendance of 2,499 or fe wer pupils shall report periodic and annual ®nancial data in the same manner and on the same form prescribed for school districts.

~~SEC. 28.~~

SEC. 20. Section 47605 of the Education Code is amended to read:

47605. (a) (1) Except as set forth in paragraph (2), a petition for the establishment of a charter school within a school district may be circulated by one or more persons seeking to establish the charter school. A petition for the establishment of a charter school shall identify a single charter school that will operate within the geographic boundaries of that school district. A charter school may propose to operate at multiple sites within the school district if each location is identi®ed in the charter school petition. The petition may be submitted to the go verning board of the school district for review after either of the following conditions is met:

(A) The petition is signed by a number of parents or le gal guardians of pupils that is equi valent to at least one-half of the number of pupils that the charter school estimates will enroll in the charter school for its ®rst year of operation.

(B) The petition is signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be emplo yed at the charter school during its ®rst year of operation.

(2) A petition that proposes to convert an existing public school to a charter school that w ould not be eligible for a loan pursuant to subdivision (c) of Section 41365 may be circulated by one or more persons seeking to establish the charter school. The petition may be submitted to the governing board of the school district for review after the petition is signed by not less than 50 percent of the permanent status teachers currently emplo yed at the public school to be converted.

(3) A petition shall include a prominent statement that a signature on the petition means that the parent or le gal guardian

is meaningfully interested in having their child or ward attend the charter school, or in the case of a teacher' s signature, means that the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition.

(4) After receiving approval of its petition, a charter school that proposes to expand operations to one or more additional sites or grade levels shall request a material revision to its charter and shall notify the chartering authority of those additional locations or grade levels. The chartering authority shall consider whether to approve those additional locations or grade levels at an open, public meeting. If the additional locations or grade le vels are approved pursuant to the standards and criteria described in subdivision (c), they shall be a material revision to the charter school's charter.

(5) (A) A charter school that established one site outside the boundaries of the school district, b ut within the county in which that school district is located before January 1, 2020, may continue to operate that site until the charter school submits a request for the renewal of its charter petition. To continue operating the site, the charter school shall do either of the following:

(i) First, before submitting the request for the rene wal of the charter petition, obtain approval in writing from the school district where the site is operating.

(ii) Submit a request for the rene wal of the charter petition pursuant to Section 47607 to the school district in which the charter school is located.

(B) If a Presidential declaration of a major disaster or emergency is issued in accordance with the federal Robert T. Stafford Disaster Relief and Emer gency Assistance Act (42 U.S.C. Sec. 5121 et seq.) for an area in which a charter schoolsite is located and operating, the charter school, for not more than ®v e years, may relocate that site outside the area subject to the Presidential declaration if the charter school ®rst obtains the written approval of the school district where the site is being relocated to.

(C) Notwithstanding subparagraph (A), if a charter school was relocated from December 31, 2016, to December 31, 2019, inclusive, due to a Presidential declaration of a major disaster or emergency in accordance with the federal Robert T. Staf ford Disaster Relief and Emer gency Assistance Act (42 U.S.C. Sec. 5121 et seq.), that charter school shall be allo wed to return to its original campus location in perpetuity.

(D) (i) A charter school in operation and providing educational services to pupils before October 1, 2019, located on a federally recognized California Indian reservation or rancheria or operated by a federally recognized California Indian tribe shall be exempt from the geographic restrictions of paragraph (1) and subparagraph (A) of this paragraph and the geographic restrictions of subdivision (a) of Section 47605.1.

(ii) The exemption to the geographic restrictions of subdivision (a) of 47605.1 in clause (i) does not apply to nonclassroom-based charter schools operating pursuant to Section 47612.5.

(E) The department shall regard as a continuing charter school for all purposes a charter school that was granted approval of its petition, that was providing educational services to pupils before October 1, 2019, and is authorized by a different chartering authority due to changes to this paragraph that took effect January 1, 2020. This paragraph shall be implemented only to the extent it does not conflict with federal law. In order to prevent any potential conflict with federal law, this paragraph does not apply to covered programs as identified in Section 8101(11) of the federal Elementary and Secondary EducationAct of 1965 (20 U.S.C. Sec. 7801) to the extent the affected charter school is the restructured portion of a divided charter school pursuant to Section 47654.

(6) Commencing January 1, 2003, a petition to establish a charter school shall not be approved to serve pupils in a grade level that is not served by the school district of the governing board considering the petition, unless the petition proposes to serve pupils in all of the grade levels served by that school district.

(b) No later than 60 days after receiving a petition, in accordance with subdivision (a), the governing board of the school district shall hold a public hearing on the provisions of the charter, at which time the governing board of the school district shall consider the level of support for the petition by teachers employed by the school district, other employees of the school district, and parents. Following review of the petition and the public hearing, the governing board of the school district shall either grant or deny the charter within 90 days of receipt of the petition, provided, however, that the date may be extended by an additional 30 days if both parties agree to the extension. A petition is deemed received by the governing board of the school district for purposes of commencing the timelines described in this subdivision on the day

the petitioner submits a petition to the district of®ce, along with a signed certi®cation that the petitioner deems the petition to be complete. The governing board of the school district shall publish all staff recommendations, including the recommended ®ndings and, if applicable, the certi®cation from the county superintendent of schools prepared pursuant to paragraph (8) of subdi vision (c), regarding the petition at least 15 days before the public hearing at which the governing board of the school district will either grant or deny the charter. At the public hearing at which the go verning board of the school district will either grant or den y the charter, petitioners shall ha ve equi valent time and procedures to present evidence and testimony to respond to the staf f recommendations and ®ndings.

(c) In reviewing petitions for the establishment of charter schools pursuant to this section, the chartering authority shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that the establishment of charter schools should be encouraged. The governing board of the school district shall grant a charter for the operation of a school under this part if it is satis®ed that granting the charter is consistent with sound educational practice and with the interests of the community in which the school is proposing to locate. The go verning board of the school district shall consider the academic needs of the pupils the school proposes to serve. The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes written factual ®ndings, speci®c to the particular petition, setting forth speci®c f acts to support one or more of the follo wing ®ndings:

(1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.

(2) The petitioners are demonstrably unlik ely to successfully implement the program set forth in the petition.

(3) The petition does not contain the number of signatures required by subdivision (a).

(4) The petition does not contain an af®rmation of each of the conditions described in subdivision (e).

(5) The petition does not contain reasonably comprehensi ve descriptions of all of the following:

(A) (i) The educational program of the charter school, designed, among other things, to identify those whom the charter school is attempting to educate, what it means to be an ªeducated personº in the 21st century , and ho w learning best occurs. The goals identi®ed in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.

(ii) The annual goals for the charter school for all pupils and for each subgroup of pupils identi®ed pursuant to Section 52052, to be achieved in the state priorities, as described in subdi vision (d) of Section 52060, that apply for the grade le vels served, and speci®c annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the speci®c annual actions to achieve those goals.

(iii) If the proposed charter school will serve high school pupils, the manner in which the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet colle ge entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the ªA to Gº admissions criteria may be considered to meet colle ge entrance requirements.

(B) The measurable pupil outcomes identi®ed for use by the charter school. ªPupil outcomes,º for purposes of this part, means the extent to which all pupils of the charter school demonstrate that they have attained the skills, knowledge, and attitudes speci®ed as goals in the charter school' s educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all pupil subgroups served by the charter school, as that term is de®ned in subdivision (a) of Section 52052. The pupil outcomes shall align with the state priorities, as described in subdi vision (d) of Section 52060, that apply for the grade levels served by the charter school.

(C) The method by which pupil progress in meeting those pupil outcomes is to be measured. To the extent practicable, the method for measuring pupil outcomes for state priorities shall be consistent with the w ay information is reported on a school accountability report card.

(D) The governance structure of the charter school, including, but not limited to, the process to be followed by the charter school to ensure parental involvement.

(E) The quali®cations to be met by individuals to be employed by the charter school.

(F) The procedures that the charter school will follow to ensure the health and safety of pupils and staf f. These procedures shall require all of the following:

(i) That each employee of the charter school furnish the charter school with a criminal record summary as described in Section 44237.

(ii) The development of a school safety plan, which shall include the safety topics listed in subparagraphs (A) to (J), inclusi ve, of paragraph (2) of subdivision (a) of Section 32282.

(iii) That the school safety plan be re viewed and updated by March 1 of every year by the charter school.

(G) The means by which the charter school will achie ve a balance of racial and ethnic pupils, special education pupils, and English learner pupils, including redesignated ¯uent English pro®cient pupils, as de®ned by the evaluation rubrics in Section 52064.5, that is re¯ective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted. Upon rene wal, for a charter school not deemed to be a local educational agenc y for purposes of special education pursuant to Section 47641, the chartering authority may consider the effect of school placements made by the chartering authority in providing a free and appropriate public education as required by the federal Individuals with Disabilities EducationAct (Public Law 101-476), on the balance of pupils with disabilities at the charter school.

(H) Admission policies and procedures, consistent with subdivision (e).

(I) The manner in which annual, independent ®nancial audits shall be conducted pursuant to Section 47604.2, which shall employ generally accepted accounting principles, and the manner in which audit e xceptions and de®ciencies shall be resolv ed to the satisfaction of the chartering authority.

(J) The procedures by which pupils can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily remo ved from the charter school for an y reason.

These procedures, at a minimum, shall include an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements that is consistent with all of the following:

(i) For suspensions of fewer than 10 days, provide oral or written notice of the charges against the pupil and, if the pupil denies the charges, an explanation of the evidence that supports the charges and an opportunity for the pupil to present the pupil's side of the story.

(ii) For suspensions of 10 days or more and all other expulsions for disciplinary reasons, both of the following:

(I) Provide timely, written notice of the charges against the pupil and an explanation of the pupil's basic rights.

(II) Provide a hearing adjudicated by a neutral officer within a reasonable number of days at which the pupil has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the pupil has the right to bring legal counsel or an advocate.

(iii) Contain a clear statement that no pupil shall be involuntarily removed by the charter school for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five schooldays before the effective date of the action. The written notice shall be in the native language of the pupil or the pupil's parent or guardian or, if the pupil is a foster child or youth or a homeless child or youth, the pupil's educational rights holder, and shall inform the pupil, the pupil's parent or guardian, or the pupil's educational rights holder of the right to initiate the procedures specified in clause (ii) before the effective date of the action. If the pupil's parent, guardian, or educational rights holder initiates the procedures specified in clause (ii), the pupil shall remain enrolled and shall not be removed until the charter school issues a final decision. For purposes of this clause, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions specified in clauses (i) and (ii).

(K) The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.

(L) The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools.

(M) The rights of an emplo yee of the school district upon leaving the employment of the school district to work in a charter school, and of an y rights of return to the school district after employment at a charter school.

(N) The procedures to be follo wed by the charter school and the chartering authority to resolv e disputes relating to pro visions of the charter.

(O) The procedures to be used if the charter school closes. The procedures shall ensure a ®nal audit of the charter school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.

(6) The petition does not contain a declaration of whether or not the charter school shall be deemed the e xclusive public employer of the emplo yees of the charter school for purposes of Chapter 10.7 (commencing with Section 3540) of Di vision 4 of Title 1 of the Government Code.

(7) The charter school is demonstrably unlik ely to serv e the interests of the entire community in which the school is proposing to locate. Analysis of this ®nding shall include consideration of the ®scal impact of the proposed charter school. A written factual ®nding under this paragraph shall detail speci®c f acts and circumstances that analyze and consider the following factors:

(A) The e xtent to which the proposed charter school w ould substantially undermine existing services, academic offerings, or programmatic offerings.

(B) Whether the proposed charter school w ould duplicate a program currently offered within the school district and the existing program has suf®cient capacity for the pupils proposed to be served within reasonable proximity to where the charter school intends to locate.

(8) The school district is not positioned to absorb the ®scal impact of the proposed charter school. A school district satis®es this paragraph if it has a quali®ed interim certi®cation pursuant to Section 42131 and the county superintendent of schools, in consultation with the County Of®ce Fiscal Crisis and Management Assistance Team, certi®es that approving the charter school would result in the school district having a negative interim certi®cation pursuant to Section 42131, has a ne gative interim certi®cation pursuant to Section 42131, or is under state receivership. Charter

schools proposed in a school district satisfying one of these conditions shall be subject to a rebuttable presumption of denial.

(d) (1) Charter schools shall meet all state wide standards and conduct the pupil assessments required pursuant to Section 60605 and any other state wide standards authorized in statute or pupil assessments applicable to pupils in noncharter public schools.

(2) Charter schools shall, on a regular basis, consult with their parents, legal guardians, and teachers regarding the charter school's educational programs.

(e) (1) In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against a pupil on the basis of the characteristics listed in Section 220. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of that pupil' s parent or le gal guardian, within this state, e xcept that an existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a polic y giving admission preference to pupils who reside within the former attendance area of that public school.

(2) (A) A charter school shall admit all pupils who wish to attend the charter school.

(B) If the number of pupils who wish to attend the charter school exceeds the charter school' s capacity , attendance, e xcept for existing pupils of the charter school, shall be determined by a public random dra wing. Preference shall be e xtended to pupils currently attending the charter school and pupils who reside in the school district e xcept as pro vided for in Section 47614.5. Preferences, including, b ut not limited to, siblings of pupils admitted or attending the charter school and children of the charter school's teachers, staff, and founders identi®ed in the initial charter, may also be permitted by the chartering authority on an individual charter school basis. Priority order for an y preference shall be determined in the charter petition in accordance with all of the following:

(i) Each type of preference shall be approved by the chartering authority at a public hearing.

(ii) Preferences shall be consistent with federal la w, the California Constitution, and Section 200.

(iii) Preferences shall not result in limiting enrollment access for pupils with disabilities, academically lo w-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation.

(iv) In accordance with Section 49011, preferences shall not require mandatory parental v olunteer hours as a criterion for admission or continued enrollment.

(C) In the e vent of a dra wing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and shall not take any action to impede the charter school from expanding enrollment to meet pupil demand.

(3) If a pupil is e xpelled or lea ves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a cop y of the cumulati ve record of the pupil, including report cards or a transcript of grades, and health information. If the pupil is subsequently expelled or leaves the school district without graduating or completing the school year for an y reason, the school district shall pro vide this information to the charter school within 30 days if the charter school demonstrates that the pupil had been enrolled in the charter school. This paragraph applies only to pupils subject to compulsory full-time education pursuant to Section 48200.

(4) (A) A charter school shall not discourage a pupil from enrolling or seeking to enroll in the charter school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in clause (iii) of subparagraph (B) of paragraph (2).

(B) A charter school shall not request a pupil's records or require a parent, guardian, or pupil to submit the pupil' s records to the charter school before enrollment.

(C) A charter school shall not encourage a pupil currently attending the charter school to disenroll from the charter school or transfer to another school for an y reason, including, b ut not limited to, academic performance of the pupil or because the pupil exhibits an y of the characteristics described in clause (iii) of subparagraph (B) of paragraph (2). This subparagraph shall not

apply to actions tak en by a charter school pursuant to the procedures described in subparagraph (J) of paragraph (5) of subdivision (c).

(D) The department shall develop a notice of the requirements of this paragraph. This notice shall be posted on a charter school's internet website. A charter school shall pro vide a parent or guardian, or a pupil if the pupil is 18 years of age or older, a copy of this notice at all of the following times:

(i) When a parent, guardian, or pupil inquires about enrollment.

(ii) Before conducting an enrollment lottery.

(iii) Before disenrollment of a pupil.

(E) (i) A person who suspects that a charter school has violated this paragraph may ®le a complaint with the chartering authority.

(ii) The department shall de velop a template to be used for ®ling complaints pursuant to clause (i).

(5) Notwithstanding any other law, a charter school in operation as of July 1, 2019, that operates in partnership with the California National Guard may dismiss a pupil from the charter school for failing to maintain the minimum standards of conduct required by the Military Department.

(f) The governing board of a school district shall not require an employee of the school district to be employed in a charter school.

(g) The governing board of a school district shall not require a pupil enrolled in the school district to attend a charter school.

(h) The governing board of a school district shall require that the petitioner or petitioners pro vide information re garding the proposed operation and potential ef fects of the charter school, including, but not limited to, the facilities to be used by the charter school, the manner in which administrative services of the charter school are to be pro vided, and potential ci vil liability ef fects, if any, upon the charter school and upon the school district. The description of the facilities to be used by the charter school shall specify where the charter school intends to locate. The petitioner or petitioners also shall be required to provide ®nancial statements that include a proposed ®rst-year operational b udget, including startup costs, and cash¯o w and ®nancial projections for the ®rst three years of operation. If the school is to be operated by , or as, a nonpro®t public bene®t corporation, the petitioner shall provide the names and rele vant quali®cations of all persons whom the

petitioner nominates to serve on the governing body of the charter school.

(i) In reviewing petitions for the establishment of charter schools within the school district, the governing board of the school district shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioner or petitioners as academically low achieving pursuant to the standards established by the department under Section 54032, as that section read before July 19, 2006.

(j) Upon the approval of the petition by the governing board of the school district, the petitioner or petitioners shall provide written notice of that approval, including a copy of the petition, to the applicable county superintendent of schools, the department, and the state board.

(k) (1) (A) (i) If the governing board of a school district denies a petition, the petitioner may elect to submit the petition for the establishment of a charter school to the county board of education. The petitioner shall submit the petition to the county board of education within 30 days of a denial by the governing board of the school district. At the same time the petition is submitted to the county board of education, the petitioner shall also provide a copy of the petition to the school district.The county board of education shall review the petition pursuant to subdivisions (b) and (c). If the petition submitted on appeal contains new or different material terms, the county board of education shall immediately remand the petition to the governing board of the school district for reconsideration, which shall grant or deny the petition within 30 days. If the governing board of the school district denies a petition after reconsideration, the petitioner may elect to resubmit the petition for the establishment of a charter school to the county board of education.

(ii) The county board of education shall review the appeal petition pursuant to subdivision (c). If the denial of the petition was made pursuant to paragraph (8) of subdivision (c), the county board of education shall also review the school district's findings pursuant to paragraph (8) of subdivision (c).

(iii) As used in this subdivision, "material terms" of the petition means the signatures, affirmations, disclosures, documents, and descriptions described in subdivisions (a), (b), (c), and (h), but shall not include minor administrative updates to the petition or

related documents due to changes in circumstances based on the passage of time related to ®scal affairs, facilities arrangements, or state law, or to re¯ect the county board of education as the chartering authority.

(B) If the governing board of a school district denies a petition and the county board of education has jurisdiction over a single school district, the petitioner may elect to submit the petition for the establishment of a charter school to the state board. The state board shall review a petition submitted pursuant to this subparagraph pursuant to subdivision (c). If the denial of a charter petition is reversed by the state board pursuant to this subparagraph, the state board shall designate the governing board of the school district in which the charter school is located as the chartering authority.

(2) If the county board of education denies a petition, the petitioner may appeal that denial to the state board.

(A) The petitioner shall submit the petition to the state board within 30 days of a denial by the county board of education. The petitioner shall include the ®ndings and documentary record from the governing board of the school district and the county board of education and a written submission detailing, with speci®c citations to the documentary record, how the governing board of the school district or the county board of education, or both, abused their discretion. The governing board of the school district and county board of education shall prepare the documentary record, including transcripts of the public hearing at which the governing board of the school district and county board of education denied the charter, at the request of the petitioner. The documentary record shall be prepared by the governing board of the school district and county board of education no later than 10 business days after the request of the petitioner is made. At the same time the petition and supporting documentation is submitted to the state board, the petitioner shall also provide a copy of the petition and supporting documentation to the school district and the county board of education.

(B) If the appeal contains new or different material terms, as de®ned in clause (iii) of subparagraph (A) of paragraph (1), the state board shall immediately remand the petition to the governing board of the school district to which the petition was submitted for reconsideration. The governing board of the school district

shall grant or den y the petition within 30 days. If the go verning board of the school district denies a petition after reconsideration, the petitioner may elect to resubmit the petition to the state board.

(C) Within 30 days of receipt of the appeal submitted to the state board, the go verning board of the school district or county board of education may submit a written opposition to the state board detailing, with speci®c citations to the documentary record, how the governing board of the school district or the county board of education did not ab use its discretion in den ying the petition. The governing board of the school district or the county board of education may submit supporting documentation or evidence from the documentary record that w as considered by the go verning board of the school district or the county board of education.

(D) The state board's Advisory Commission on Charter Schools shall hold a public hearing to review the appeal and documentary record. Based on its review, the Advisory Commission on Charter Schools shall submit a recommendation to the state board whether there is suf®cient evidence to hear the appeal or to summarily deny review of the appeal based on the documentary record. If the Advisory Commission on Charter Schools does not submit a recommendation to the state board, the state board shall consider the appeal, and shall either hear the appeal or summarily den y review of the appeal based on the documentary record at a regular public meeting of the state board.

(E) The state board shall either hear the appeal or summarily deny review of the appeal based on the documentary record. If the state board hears the appeal, the state board may af®rm the determination of the governing board of the school district or the county board of education, or both of those determinations, or may reverse only upon a determination that there w as an ab use of discretion. If the denial of a charter petition is reversed by the state board, the state board shall designate, in consultation with the petitioner, either the governing board of the school district or the county board of education in which the charter school is located as the chartering authority.

(3) A charter school for which a charter is granted by either the county board of education or the state board based on an appeal pursuant to this subdivision shall qualify fully as a charter school for all funding and other purposes of this part.

(4) A charter school that receives approval of its petition from a county board of education or from the state board on appeal shall be subject to the same requirements concerning geographic location to which it would otherwise be subject if it received approval from the chartering authority to which it originally submitted its petition. A charter petition that is submitted to either a county board of education or to the state board shall meet all otherwise applicable petition requirements, including the identi®cation of the proposed site or sites where the charter school will operate.

(5) Upon the appro val of the petition by the county board of education, the petition or petitioners shall pro vide written notice of that approval, including a copy of the petition, to the governing board of the school district in which the charter school is located, the department, and the state board.

(6) If either the county board of education or the state board fails to act on a petition within 180 days of receipt, the decision of the governing board of the school district to den y the petition shall be subject to judicial review.

(*l*) (1) Teachers *and pr oviders of dir ect services for whic h certi®cation quali®cations ar e established pur suant to Section 44065 and Chapter 2 (commencing with Section 44200) of P art 25 of Division 3, e xcept for Section 44270.1,* in charter schools shall hold the Commission on Teacher Credentialing certi®cate, permit, or other document required for the teacher's certi®cated ~~assignment and be an employee of the charter school.~~ *assignment.* These documents shall be maintained on ®le at the charter school and are subject to periodic inspection by the chartering authority. A governing body of a direct-funded charter school may use local assignment options authorized in statute and re gulations for the purpose of le gally assigning certi®cated teachers, in accordance with all of the requirements of the applicable statutes or regulations in the same manner as a go verning board of a school district. A charter school shall have authority to request an emergency permit or a w aiver from the Commission on Teacher Credentialing for individuals in the same manner as a school district.

(2) By July 1, 2020, all teachers in charter schools shall obtain a certi®cate of clearance and satisfy the requirements for professional ®tness pursuant to Sections 44339, 44340, and 44341.

(3) The Commission on Teacher Credentialing shall include in the bulletins it issues pursuant to subdivision (k) of Section 44237

to provide noti®cation to local educational agencies of any adverse actions taken against the holders of any commission documents, notice of any adverse actions taken against teachers employed by charter schools and shall make this bulletin available to all chartering authorities and charter schools in the same manner in which it is made available to local educational agencies.

(4) The Commission on Teacher Credentialing shall update existing school district regulations regarding pupil personnel service credentials to include parity for charter schools.

(m) A charter school may encourage parental involvement, but shall notify the parents and guardians of applicant pupils and currently enrolled pupils that parental involvement is not a requirement for acceptance to, or continued enrollment at, the charter school.

(n) The requirements of this section shall not be waived by the state board pursuant to Section 33050 or any other law.

~~SEC. 29.~~

SEC. 21. Section 47605.6 of the Education Code is amended to read:

47605.6. (a) (1) In addition to the authority provided by Section 47605.5, a county board of education may also approve a petition for the operation of a charter school that operates at one or more sites within the geographic boundaries of the county and that provides instructional services that are not generally provided by a county of®ce of education. A county board of education may approve a countywide charter only if it ®nds, in addition to the other requirements of this section, that the educational services to be provided by the charter school will offer services to a pupil population that will bene®t from those services and that cannot be served as well by a charter school that operates in only one school district in the county. A petition for the establishment of a countywide charter school pursuant to this subdivision may be circulated throughout the county by any one or more persons seeking to establish the charter school. The petition may be submitted to the county board of education for review after either of the following conditions is met:

(A) The petition is signed by a number of parents or guardians of pupils residing within the county that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the school for its ®rst year of operation and each of

the school districts where the charter school petitioner proposes to operate a facility has received at least 30 days' notice of the petitioner's intent to operate a charter school pursuant to this section.

(B) The petition is signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation and each of the school districts where the charter school petitioner proposes to operate a facility has received at least 30 days' notice of the petitioner's intent to operate a charter school pursuant to this section.

(2) An existing public school shall not be converted to a charter school in accordance with this section.

(3) After receiving approval of its petition, a charter school that proposes to establish operations at additional sites within the geographic boundaries of the county board of education shall notify the school districts where those sites will be located. The charter school shall also request a material revision of its charter by the county board of education that approved its charter and the county board of education shall consider whether to approve those additional locations at an open, public meeting, held no sooner than 30 days following notification of the school districts where the sites will be located. If approved, the location of the approved sites shall be a material revision of the charter school's approved charter.

(4) A petition shall include a prominent statement indicating that a signature on the petition means that the parent or guardian is meaningfully interested in having their child or ward attend the charter school, or in the case of a teacher's signature, means that the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition.

(b) No later than 60 days after receiving a petition, in accordance with subdivision (a), the county board of education shall hold a public hearing on the provisions of the charter, at which time the county board of education shall consider the level of support for the petition by teachers, parents or guardians, and the school districts where the charter school petitioner proposes to place school facilities. Following review of the petition and the public hearing, the county board of education shall either grant or deny the charter within 90 days of receipt of the petition. However, this

date may be extended by an additional 30 days if both parties agree to the extension. A petition is deemed received by the county board of education for purposes of commencing the timelines described in this subdivision when the petitioner submits a petition, in accordance with subparagraph (A) or (B) of paragraph (1) of subdivision (a), to the county office of education. The county board of education shall publish all staff recommendations, including the recommended findings, regarding the petition at least 15 days before the public hearing at which the county board of education will either grant or deny the charter. At the public hearing at which the county board of education will either grant or deny the charter, petitioners shall have equivalent time and procedures to present evidence and testimony to respond to the staff recommendations and findings. A county board of education may impose any additional requirements beyond those required by this section that it considers necessary for the sound operation of a countywide charter school. A county board of education may grant a charter for the operation of a charter school under this part only if it is satisfied that granting the charter is consistent with sound educational practice and that the charter school has reasonable justification for why it could not be established by petition to a school district pursuant to Section 47605. The county board of education shall deny a petition for the establishment of a charter school if it finds one or more of the following:

(1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.

(2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

(3) The petition does not contain the number of signatures required by subdivision (a).

(4) The petition does not contain an affirmation of each of the conditions described in subdivision (e).

(5) The petition does not contain reasonably comprehensive descriptions of all of the following:

(A) (i) The educational program of the charter school, designed, among other things, to identify those pupils whom the charter school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of

enabling pupils to become self-motivated, competent, and lifelong learners.

(ii) The annual goals for the charter school for all pupils and for each subgroup of pupils identi®ed pursuant to Section 52052, to be achieved in the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served by the charter school, and speci®c annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the speci®c annual actions to achieve those goals.

(iii) If the proposed charter school will enroll high school pupils, the manner in which the charter school will inform parents regarding the transferability of courses to other public high schools. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered to be transferable to other public high schools.

(iv) If the proposed charter school will enroll high school pupils, information as to the manner in which the charter school will inform parents as to whether each individual course offered by the charter school meets college entrance requirements. Courses approved by the University of California or the California State University as satisfying their prerequisites for admission may be considered as meeting college entrance requirements for purposes of this clause.

(B) The measurable pupil outcomes identi®ed for use by the charter school. ªPupil outcomes,º for purposes of this part, means the extent to which all pupils of the charter school demonstrate that they have attained the skills, knowledge, and aptitudes speci®ed as goals in the charter school's educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both school wide and for all pupil subgroups served by the charter school, as that term is de®ned in subdivision (a) of Section 52052. The pupil outcomes shall align with the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served by the charter school.

(C) The method by which pupil progress in meeting those pupil outcomes is to be measured. To the extent practicable, the method for measuring pupil outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.

(D) The location of each charter school facility that the petitioner proposes to operate.

(E) The governance structure of the charter school, including, but not limited to, the process to be followed by the charter school to ensure parental involvement.

(F) The qualifications to be met by individuals to be employed by the charter school.

(G) The procedures that the charter school will follow to ensure the health and safety of pupils and staff. These procedures shall require all of the following:

(i) That each employee of the charter school furnish the charter school with a criminal record summary as described in Section 44237.

(ii) The development of a school safety plan, which shall include the safety topics listed in subparagraphs (A) to (J), inclusive, of paragraph (2) of subdivision (a) of Section 32282.

(iii) That the school safety plan be reviewed and updated by March 1 of every year by the charter school.

(H) The means by which the charter school will achieve a balance of racial and ethnic pupils, special education pupils, and English learner pupils, including redesignated fluent English proficient pupils as defined by the evaluation rubrics in Section 52064.5, that is reflective of the general population residing within the territorial jurisdiction of the county board of education to which the charter petition is submitted. Upon renewal, for a charter school not deemed to be a local educational agency for purposes of special education pursuant to Section 47641, the chartering authority may consider the effect of school placements made by the chartering authority in providing a free and appropriate public education as required by the federal Individuals with Disabilities EducationAct (Public Law 101-476), on the balance of pupils with disabilities at the charter school.

(I) The manner in which annual, independent financial audits shall be conducted pursuant to Section 47604.2, in accordance with regulations established by the state board, and the manner in which audit exceptions and deficiencies shall be resolved.

(J) The procedures by which pupils can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason. These procedures, at a minimum, shall include an explanation of

how the charter school will comply with federal and state constitutional procedural and substantive due process requirements that is consistent with all of the following:

(i) For suspensions of fewer than 10 days, provide oral or written notice of the charges against the pupil and, if the pupil denies the charges, an explanation of the evidence that supports the charges and an opportunity for the pupil to present the pupil' s side of the story.

(ii) For suspensions of 10 days or more and all other expulsions for disciplinary reasons, both of the following:

(I) Provide timely, written notice of the charges against the pupil and an explanation of the pupil's basic rights.

(II) Provide a hearing adjudicated by a neutral of®cer within a reasonable number of days at which the pupil has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the pupil has the right to bring legal counsel or an advocate.

(iii) Contain a clear statement that no pupil shall be involuntarily removed by the charter school for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than ®ve schooldays before the effective date of the action. The written notice shall be in the native language of the pupil or the pupil' s parent or guardian or, if the pupil is a foster child or youth or a homeless child or youth, the pupil' s educational rights holder, and shall inform the pupil, the pupil' s parent or guardian, or the pupil' s educational rights holder of the right to initiate the procedures speci®ed in clause (ii) before the effective date of the action. If the pupil' s parent, guardian, or educational rights holder initiates the procedures speci®ed in clause (ii), the pupil shall remain enrolled and shall not be removed until the charter school issues a ®nal decision. For purposes of this clause, ªinvoluntarily removedº includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions speci®ed in clauses (i) and (ii).

(K) The manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.

(L) The procedures to be followed by the charter school and the county board of education to resolve disputes relating to provisions of the charter.

(M) Admission policy and procedures, consistent with subdivision (e).

(N) The public school attendance alternatives for pupils residing within the county who choose not to attend the charter school.

(O) The rights of an employee of the county office of education, upon leaving the employment of the county office of education, to be employed by the charter school, and any rights of return to the county office of education that an employee may have upon leaving the employment of the charter school.

(P) The procedures to be used if the charter school closes. The procedures shall ensure a final audit of the charter school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of public records.

(6) A declaration of whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for purposes of the Educational Employment Relations Act (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code).

(7) Any other basis that the county board of education finds justifies the denial of the petition.

(c) A county board of education that approves a petition for the operation of a countywide charter may, as a condition of charter approval, enter into an agreement with a third party, at the expense of the charter school, to oversee, monitor, and report to the county board of education on the operations of the charter school. The county board of education may prescribe the aspects of the charter school's operations to be monitored by the third party and may prescribe appropriate requirements regarding the reporting of information concerning the operations of the charter school to the county board of education.

(d) (1) Charter schools shall meet all statewide standards and conduct the pupil assessments required pursuant to Section 60605 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in noncharter public schools.

(2) Charter schools shall on a regular basis consult with their parents and teachers regarding the charter school's educational programs.

(e) (1) In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs,

admission policies, employment practices, and all other operations, shall not char ge tuition, and shall not discriminate ag ainst an y pupil on the basis of ethnicity , national origin, gender , gender identity, gender e xpression, or disability . Except as pro vided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of the pupil' s parent or guardian, within this state.

(2) (A) A charter school shall admit all pupils who wish to attend the charter school.

(B) If the number of pupils who wish to attend the charter school exceeds the charter school' s capacity , attendance, e xcept for existing pupils of the charter school, shall be determined by a public random dra wing. Preference shall be e xtended to pupils currently attending the charter school and pupils who reside in the county e xcept as pro vided for in Section 47614.5. Preferences, including, b ut not limited to, siblings of pupils admitted or attending the charter school and children of the charter school' s teachers, staff, and founders identi®ed in the initial charter, may also be permitted by the chartering authority on an indi vidual charter school basis. Priority order for an y preference shall be determined in the charter petition in accordance with all of the following:

(i) Each type of preference shall be approved by the chartering authority at a public hearing.

(ii) Preferences shall be consistent with federal la w, the California Constitution, and Section 200.

(iii) Preferences shall not result in limiting enrollment access for pupils with disabilities, academically lo w-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation.

(iv) In accordance with Section 49011, preferences shall not require mandatory parental v olunteer hours as a criterion for admission or continued enrollment.

(C) In the e vent of a dra wing, the county board of education shall make reasonable efforts to accommodate the gro wth of the charter school and in no event shall take any action to impede the charter school from expanding enrollment to meet pupil demand.

(3) If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known address within 30 days and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including report cards or a transcript of grades, and health information. If the pupil is subsequently expelled or leaves the school district without graduating or completing the school year for any reason, the school district shall provide this information to the charter school within 30 days if the charter school demonstrates that the pupil had been enrolled in the charter school. This paragraph applies only to pupils subject to compulsory full-time education pursuant to Section 48200.

(4) (A) A charter school shall not discourage a pupil from enrolling or seeking to enroll in the charter school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in clause (iii) of subparagraph (B) of paragraph (2).

(B) A charter school shall not request a pupil's records or require a parent, guardian, or pupil to submit the pupil's records to the charter school before enrollment.

(C) A charter school shall not encourage a pupil currently attending the charter school to disenroll from the charter school or transfer to another school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in clause (iii) of subparagraph (B) of paragraph (2). This subparagraph shall not apply to actions taken by a charter school pursuant to the procedures described in subparagraph (J) of paragraph (5) of subdivision (b).

(D) The department shall develop a notice of the requirements of this paragraph. This notice shall be posted on a charter school's internet website. A charter school shall provide a parent or guardian, or a pupil if the pupil is 18 years of age or older, a copy of this notice at all of the following times:

(i) When a parent, guardian, or pupil inquires about enrollment.

(ii) Before conducting an enrollment lottery.

(iii) Before disenrollment of a pupil.

(E) (i) A person who suspects that a charter school has violated this paragraph may ®le a complaint with the chartering authority.

(ii) The department shall develop a template to be used for ®ling complaints pursuant to clause (i).

(5) Notwithstanding any other law, a charter school in operation as of July 1, 2019, that operates in partnership with the California National Guard may dismiss a pupil from the charter school for failing to maintain the minimum standards of conduct required by the Military Department.

(f) The county board of education shall not require an employee of the county or a school district to be employed in a charter school.

(g) The county board of education shall not require a pupil enrolled in a county program to attend a charter school.

(h) The county board of education shall require that the petitioner or petitioners provide information regarding the proposed operation and potential effects of the charter school, including, but not limited to, the facilities to be used by the charter school, the manner in which administrative services of the charter school are to be provided, and potential civil liability effects, if any, upon the charter school, any school district where the charter school may operate, and upon the county board of education. The petitioner or petitioners shall also be required to provide ®nancial statements that include a proposed ®rst-year operational budget, including startup costs, and cash¯ow and ®nancial projections for the ®rst three years of operation. If the charter school is to be operated by, or as, a nonpro®t public bene®t corporation, the petitioner shall provide the names and relevant quali®cations of all persons whom the petitioner nominates to serve on the governing body of the charter school.

(i) In reviewing petitions for the establishment of charter schools within the county, the county board of education shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identi®ed by the petitioner or petitioners as academically low achieving pursuant to the standards established by the department under Section 54032, as that section read before July 19, 2006.

(j) Upon the approval of the petition by the county board of education, the petitioner or petitioners shall provide written notice of that approval, including a copy of the petition, to the school districts within the county, the Superintendent, and the state board.

(k) If a county board of education denies a petition, the petitioner shall not elect to submit the petition for the establishment of the charter school to the state board.

(*l*) (1) Teachers *and pr oviders of dir ect services for whic h certi®cation quali®cations ar e established pur suant to Section 44065 and Chapter 2 (commencing with Section 44200) of P art 25 of Division 3, e xcept for Section 44270.1,* in charter schools shall be required to hold the Commission on Teacher Credentialing certi®cate, permit, or other document required for the teacher' s certi®cated ~~assignment and be an employee of the charter school.~~ *assignment.* These documents shall be maintained on ®le at the charter school and shall be subject to periodic inspection by the chartering authority. A governing body of a direct-funded charter school may use local assignment options authorized in statute and regulations for the purpose of le gally assigning certi®cated teachers, in accordance with all of the requirements of the applicable statutes or regulations in the same manner as a governing board of a school district. A charter school shall have authority to request an emer gency permit or a w aiver from the Commission on Teacher Credentialing for individuals in the same manner as a school district.

(2) The Commission on Teacher Credentialing shall include in the bulletins it issues pursuant to subdivision (k) of Section 44237 to provide noti®cation to local educational agencies of any adverse actions taken against the holders of an y commission documents, notice of any adverse actions taken against teachers employed by charter schools. The Commission on Teacher Credentialing shall make this bulletin available to all chartering authorities and charter schools in the same manner in which it is made available to local educational agencies.

(m) A charter school may encourage parental involvement but shall notify the parents and guardians of applicant pupils and currently enrolled pupils that parental in volvement is not a requirement for acceptance to, or continued enrollment at, the charter school.

(n) The requirements of this section shall not be waived by the state board pursuant to Section 33050 or any other law.

~~SEC. 30.~~

SEC. 22. Section 47605.8 is added to the Education Code, to read:

47605.8. The state board shall appoint an advisory committee on charter schools. The advisory committee shall include, but shall not necessarily be limited to, representatives from school district superintendents, charter schools, teachers, parents, members of the governing boards of school districts, county superintendents of schools, and the Superintendent.

~~SEC. 31.~~

SEC. 23. Section 47605.10 is added to the Education Code, immediately following Section 47605.9, to read:

47605.10. (a) Notwithstanding any other law, a school district shall be limited in the size of the totality of the nonclassroom-based charter schools that it may authorize based on the following:

(1) A school district with an average daily attendance of fewer than 2,500 pupils shall not authorize a nonclassroom-based charter school or approve a material revision to expand an existing nonclassroom-based charter school to more than 100 percent of the average daily attendance of the school district authorizing the charter.

(2) A school district with an average daily attendance of 2,500 pupils or more but fewer than 5,000 pupils shall not authorize a nonclassroom-based charter school or approve a material revision to expand an existing nonclassroom-based charter school to an average daily attendance of more than 2,500 pupils.

(3) A school district with an average daily attendance of 5,000 pupils or more but fewer than 10,000 pupils shall not authorize a nonclassroom-based charter school or approve a material revision to expand an existing nonclassroom-based charter school to more than 50 percent of the average daily attendance of the school district authorizing the charter.

(b) For purposes of this section, the determination of the average daily attendance used shall be the second principal apportionment in the prior year.

(c) A nonclassroom-based charter school authorized and in operation before December 31, 2021, with an average daily attendance above the limits referenced in subdivision (a) may continue to be authorized by that school district if the charter school's average daily attendance does not exceed the average daily attendance of the charter school calculated at the second principal apportionment in the 2021–22 school year.

~~SEC. 32.~~

SEC. 24. Section 47609 is added to the Education Code, to read:

47609. (a) The Le gislature ®nds and declares all of the following:

(1) The Charter Accountability Resource and Support Network established a successful model for building strong charter school authorizing practices in California, with small charter school authorizers in mind.

(2) The strength of the Charter Accountability Resource and Support Netw ork w as in the collaboration, commitment, and coordination of resources for training and support between and among the expertise of regional lead county of®ces of education.

(3) Extending the Charter Accountability Resource and Support Network model and funding will pro vide essential resources to continue the positive momentum gained to date and strengthen the ability of chartering authorities to exercise their statutory charter authorization and oversight responsibilities.

(b) (1) The Charter Authorizing Support Team program is hereby established, to be administered by the County Of®ce Fiscal Crisis and Management Assistance Team, as an initiative to expand uniform charter school authorizing and oversight practices in the state.

(2) (A) The program shall develop high-quality ®scal, academic, and governance oversight and monitoring tools for uniform charter school authorizing practices. The program shall emplo y the proposed values and principles to be de veloped by the advisory board for quality charter school authorizing practices, as provided in subdivision (e), as guidance. The program shall share and update developed tools and materials, as needed, to help strengthen charter school authorizing practices, with a special focus on charter authorizers with an average daily attendance of fewer than 2,500 pupils.

(B) Materials and trainings pro vided for in this section shall ensure consistent and transparent charter school authorizing processes across the state. The trainings shall be related to subjects including, but not limited to, the charter school petition re view and appeal process, memorandum of understanding development, charter school o versight practices, the charter rene wal process, and the charter school intervention and charter revocation process.

(c) Responsibilities of the County Of®ce Fiscal Crisis and Management Assistance Team shall include all of the following:

(1) Acting as the ®scal agent for the program.

(2) (A) Collaborating with leading chartering authorities, county of®ces of education, and subject matter experts in the development and dissemination of high-quality charter school authorizing and oversight tools and best practices to ensure statewide consistency.

(B) Consulting with the state board in the development of high-quality charter school authorizing tools and best practices.

(3) Creating and maintaining an online database of materials and resources that can be adapted for use by chartering authorities.

(4) Facilitating an annual state wide conference for chartering authorities.

(5) Establishing and facilitating an advisory board, as provided in subdivision (e), to pro vide input on the development and full implementation of services provided by the program.

(6) Providing information, as requested, to the Legislative Analyst's Of®ce for purposes of subdivision (f) to measure the program's continual improvement and program ®delity, and to document the program's impact.

(7) Providing technical assistance and support to school districts and county of®ces of education when they have questions on the charter school petition review and appeal process, the charter renewal process, the charter school intervention and charter revocation processes, memorandum of understanding development, and the charter oversight process by and through all of the following:

(A) Establish and staff a help desk to respond to inquiries from chartering authorities and facilitate the connection between need and resources.

(B) Establish a community listserv for chartering authorities to ask each other questions, gather information, and generate feedback.

(C) Identify and maintain a list of school district and county of®ce of education personnel designated as responsible for charter school authorizing or charter oversight activity. Chartering authorities shall be invited and encouraged to attend regional meetings and trainings to build their knowledge and expertise.

(D) Provide professional learning on best practices for the charter school petition review and appeal process, the charter

renewal process, adherence to timelines, and memorandum of understanding development.

(E) Provide professional learning on best practices for the charter school intervention and charter revocation process.

(F) Provide professional learning on best practices for the charter oversight process, including ongoing monitoring and site reviews.

(d) In order to guide the preparation of materials and resources and provide professional learning opportunities consistent with its responsibilities, the program shall do all of the following:

(1) Seek input from chartering authorities across the state to determine the type of charter school materials, resources, training, and support needed in order to b uild the capacity of chartering authorities.

(2) Provide program data to assist in evaluating the effectiveness of the program in impro ving the quality of charter school authorizing practices.

(3) Offer outreach to chartering authorities that ha ve not previously participated in program trainings or conferences.

(e) (1) An advisory board shall be appointed by the board of directors of the County Of®ce Fiscal Crisis and Management Assistance Team, to be composed of 12 members, including ®ve experienced professionals from chartering authorities, two teacher representatives, two representatives from other organizations with expertise in charter school authorizing, one charter school representative, one representative of the department, and the Chief Executive Of®cer of the County Of®ce Fiscal Crisis and Management Assistance Team, or their designee.

(2) The board of directors of the County Of®ce Fiscal Crisis and Management Assistance Team shall establish bylaws for the advisory board that, at a minimum, provide for all of the following:

(A) The role and functions of the advisory board.

(B) The process and quali®cations for appointment as an advisory board member . At least one of the ®v e experienced professionals from chartering authorities required in this subdivision shall be from a chartering authority with an a verage daily attendance of fewer than 2,500 pupils.

(C) The terms of advisory board members.

(D) The selection of a chairperson and vice chairperson, and the establishment of subcommittees.

(E) Meetings, including the frequency of meetings.

(F) The rules of order.
(G) The process for amending bylaws.
(3) Notwithstanding any other law, the advisory board shall be subject to the Bagle y-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of P art 1 of Division 3 of Title 2 of the Government Code).
(4) The advisory board shall develop values and principles for charter school authorizing and oversight that will provide guidance for preparation of materials and resources, professional learning opportunities, and conference materials. The values and principles developed by the advisory board shall include, but are not limited to, all of the following:
(A) That the actions and decisions of ef fective chartering authorities are guided by all of the following values:
(i) Responsibility: the duty to serv e the state' s pupils and the public.
(ii) Integrity: adherence to moral and ethical principles in all aspects of charter school authorizing and oversight.
(iii) Fairness: impartial and just treatment of all stakeholders.
(iv) Knowledge: understanding of charter school la w and practice.
(B) In complying with the requirements of this part, chartering authorities shall consider all of the follo wing foundational principles:
(i) Through charter school appro val and o versight, chartering authorities serve the interests of pupils and the public.
(ii) Chartering authorities hold charter schools accountable for results in exchange for the substantial autonomy the law grants to charter schools.
(iii) Accountability for results includes maintaining high standards for performance in academics, ®nance, personnel management, operations, and governance.
(iv) Standards for performance include ensuring access and pursuing achievement for all pupils.
(f) On or before December 1, 2026, the Le gislative Analyst's Of®ce shall complete and submit to the Go vernor and the appropriate education polic y and b udget committees of the Legislature an evaluation of the program. The Legislative Analyst's Of®ce shall evaluate the program's effectiveness in administering training programs, outreach, and the participation of chartering

authorities that have not participated in trainings and conferences during previous years, and make recommendations regarding the continuation of funding.

(g) This section shall be implemented only upon an appropriation in the annual Budget Act or other statute for these purposes.

~~SEC. 33.~~

SEC. 25. Section 47612 of the Education Code is amended to read:

47612. (a) A charter school shall be deemed to be under the exclusive control of the of®cers of the public schools for purposes of Section 8 of Article IX of the California Constitution, with regard to the appropriation of public moneys to be apportioned to any charter school, including, b ut not necessarily limited to, appropriations made for purposes of this chapter.

(b) The average daily attendance in a charter school may not, in an y e vent, be generated by a pupil who is not a California resident. To remain eligible for generating charter school apportionments, a pupil over 19 years of age shall be continuously enrolled in public school and make satisfactory progress towards award of a high school diploma.The state board shall, on or before January 1, 2000, adopt regulations de®ning ªsatisfactory progress.º

(c) A charter school shall be deemed to be a ªschool districtº for purposes of Article 1 (commencing with Section 14000) of Chapter 1 of Part 9 of Division 1 of Title 1, Section 41301, Section 41302.5, Article 10 (commencing with Section 41850) of Chapter 5 of Part 24 of Division 3, Section 47638, and Sections 8 and 8.5 of Article XVI of the California Constitution.

(d) For purposes of calculating a verage daily attendance, no pupil shall generate more than one day of attendance in a calendar day.

(e) Beginning in the 2022±23 school year , a ~~school district, county of®ce of education, or charter school~~ *c harter sc hool, including a c harter sc hool authorized by a county of®ce of education,* shall not operate a program of multitrack year -round scheduling. A ~~school district, county of®ce of education, or~~ *classroom-based* charter school may be authorized to operate a multitrack calendar by the state board, pursuant to Section 37670.1, due to impacted facilities.

(f) Notwithstanding any other law, a *classroom-based* charter school that operates a multitrack calendar with state board approval pursuant to Section 37670.1 shall comply with all of the following:

(1) Calculate attendance separately for each track. The divisor in the calculation shall be the calendar days in which school was taught for pupils in each track.

(2) Operate no more than ®ve tracks.

(3) Operate each track for a minimum of 175 days. If the charter school is a conversion school, the charter school may continue its previous schedule as long as it provides no fewer than 163 days of instruction in each track.

(4) For each track, provide the total number of instructional minutes, as speci®ed in Section 47612.5.

(5) No track shall have less than 55 percent of its schooldays before April 15.

(g) Unless otherwise authorized by statute, a pupil shall not generate more than one unit of average daily attendance in a ®scal year.

(h) Compliance with the conditions set forth in this section shall be included in the audits conducted pursuant to Section 41020.

~~SEC. 34.~~

SEC. 26. Section 47612.5 of the Education Code is amended to read:

47612.5. (a) Notwithstanding any other law and as a condition of apportionment, a charter school shall do all of the following:

(1) For each ®scal year, offer, at a minimum, the following number of minutes of instruction:

(A) To pupils in kindergarten, 36,000 minutes.

(B) To pupils in grades 1 to 3, inclusive, 50,400 minutes.

(C) To pupils in grades 4 to 8, inclusive, 54,000 minutes.

(D) To pupils in grades 9 to 12, inclusive, 64,800 minutes.

(2) Maintain written contemporaneous records that document all pupil attendance and make these records available for audit and inspection.

(3) Certify that its pupils have participated in the state testing programs speci®ed in Chapter 5 (commencing with Section 60600) of Part 33 in the same manner as other pupils attending public schools as a condition of apportionment of state funding.

(4) ~~Adhere~~ *Commencing July 1, 2022, adhere* to the minimum day requirements *that apply to school districts* pursuant to Sections

46100, *46010, 46110,* 46112, 46113, 46114, 46117, 46141, 46142, and 46307, as applicable.

(b) Notwithstanding any other law and except to the extent inconsistent with this section and Section 47634.2, a charter school that provides independent study shall comply with Article 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 and implementing regulations adopted thereunder.

(c) A reduction in apportionment made pursuant to subdivision (a) shall be proportional to the magnitude of the exception that causes the reduction. For purposes of paragraphs (1) and (4) of subdivision (a), for each charter school that fails to offer pupils the minimum number of minutes of instruction specified in that paragraph, the Superintendent shall withhold from the charter school's apportionment for average daily attendance of the affected pupils, by grade level, the sum of that apportionment multiplied by the percentage of the minimum number of minutes of instruction at each grade level that the charter school failed to offer.

(d) Nonclassroom-based instruction includes, but is not limited to, independent study, home study, work study, and distance and computer-based education. In prescribing any conditions or limitations relating to the qualifications of instructional personnel, the state board shall be guided by subdivision (*l*) of Section 47605.

(e) (1) Notwithstanding any other law, and as a condition of apportionment, "classroom-based instruction" in a charter school, for purposes of this part, occurs only when charter school pupils are engaged in educational activities required of those pupils and are under the immediate supervision and control of an employee of the charter school who possesses a valid certification document registered as required by law. For purposes of calculating average daily attendance for classroom-based instruction apportionments, at least 80 percent of the instructional time offered by the charter school shall be at the schoolsite, and the charter school shall require the attendance of all pupils for whom a classroom-based apportionment is claimed at the schoolsite for at least 80 percent of the minimum instructional time required to be offered pursuant to paragraph (1) of subdivision (a).

(2) For the purposes of this part, "nonclassroom instruction" or "nonclassroom-based instruction" means instruction that does not meet the requirements specified in paragraph (1).The state board may adopt regulations pursuant to paragraph (1) of subdivision

(d) specifying other conditions or limitations on what constitutes nonclassroom-based instruction, as it deems appropriate and consistent with this part.

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

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

(f) ~~A~~ *Commencing July 1, 2022, a* charter school that offers nonclassroom-based instruction shall provide classroom-based instruction for those pupils for whom the charter school determines shall return to another program in the charter school for which the pupil is enrolled or a charter school operated by the entity managing the charter school, pursuant to subdivision (f) of Section 51747.

~~SEC. 35.~~

SEC. 27. Section 47613 of the Education Code is amended to read:

47613. (a) (1) For the 2021±22 ®scal year , a chartering authority may charge for the actual costs of supervisorial oversight of a charter school not to exceed 1 percent of the revenue of the charter school.

(2) A local educational agency that is given the responsibility for supervisorial oversight of a charter school, pursuant to paragraph (1) of subdivision (k) of Section 47605, may charge for the actual costs of supervisorial oversight, and administrative costs necessary to secure charter school funding. A charter school that is charged for costs under this subdivision shall not be charged pursuant to paragraph (1).

(b) (1) For the 2022±23 ®scal year a chartering authority may charge for the actual costs of supervisorial oversight of a charter school not to exceed 2 percent of the revenue of the charter school.

(2) A local educational agency that is given the responsibility for supervisorial oversight of a charter school, pursuant to paragraph (1) of subdivision (k) of Section 47605, may charge for the actual costs of supervisorial oversight, and administrative costs necessary to secure charter school funding. A charter school that is charged for costs under this subdivision shall not be charged pursuant to paragraph (1).

(c) (1) Notwithstanding other implementation timelines in this section, effective July 1, 2023, a chartering authority may charge for the actual costs of supervisorial oversight of a charter school not to exceed 3 percent of the revenue of the charter school.

(2) A local educational agency that is designated as the chartering authority pursuant to subdivision (b) or (c) of Section 47605.9, or pursuant to subparagraph (E) of paragraph (2) of subdivision (k) of Section 47605, may charge for the actual costs of supervisorial oversight, and administrative costs necessary to perform the oversight duties listed in Section 47604.32. A charter school that is charged for costs under this subdivision shall not be charged pursuant to paragraph (1).

(d) A chartering authority may charge a charter school a fee not to exceed 2 percent of the revenue of the charter school if the charter school is able to obtain substantially rent-free facilities from the chartering authority.

(e) This section does not prevent the charter school from separately purchasing administrative or other services from the chartering authority or any other source.

(f) For purposes of this section, "chartering authority" means a school district, county board of education, or the state board, that granted the charter to the charter school or the governing board of a school district or county board of education that was designated as the chartering authority pursuant to subdivision (b) or (c) of Section 47605.9 or pursuant to paragraph (1) of subdivision (k) of Section 47605.

(g) For purposes of this section, "revenue of the charter school" means the amount received in the current ®scal year from the local control funding formula calculated pursuant to Section 42238.02, as implemented by Section 42238.03.

(h) For purposes of this section, "costs of supervisorial oversight" exclude costs incurred pursuant to Section 47607.3.

~~SEC. 36.~~

SEC. 28. Section 47613.3 is added to the Education Code, to read:

47613.3. (a) A charter school shall comply with all of the following:

(1) For purposes of providing direct services to ~~pupils in order to meet instructional time requirements pursuant to Sections 46100, 46110, 46112, 46113, 46114, 46117, 46141, 46142, 46307, and~~

~~47612.5, as applicable, or for purposes of claiming apportionment~~, *pupils,* a charter school shall not expend public funds for a contract with a vendor, unless that vendor complies with ~~all~~ *both* of the following requirements:

(A) The materials, programs, and organizations providing services are nonsectarian.

(B) The funds that would be used to pay for direct services to pupils are not used to pay tuition or fees at a private school.

~~(C) Any persons employed by a vendor who are responsible for the direct services to pupils in order to meet instructional time requirements as referenced in this paragraph, shall hold the Commission on Teacher Credentialing certificate, permit, or other document required for their assignment consistent with the requirements for teachers in a charter school pursuant to subdivision (*l*) of Section 47605, Section 47605.4, and subdivision (*l*) of Section 47605.6.~~

~~(D) Notwithstanding subparagraph (C), direct services to pupils provided pursuant to an individualized educational program may be conducted by personnel employed by a vendor who are appropriately licensed or credentialed for their assignments.~~

(2) A charter school shall not offer any financial payments or gifts to a teacher, a pupil or prospective pupil, or to the parent or guardian of a pupil or prospective pupil for enrollment, referral, retention, participation in school meetings or activities, or participation in direct services to pupils by vendors.

(3) The salary and other income paid to an employee by a charter school or an entity managing a charter school, as defined by Section 47604.1, shall not depend on pupil attendance or pupil course completion.

(4) Management services, business services, marketing, and technology vendor fees shall not be calculated as a percentage of the revenue of the charter school, as defined in Section 47613.

(b) The extent of the charter school's compliance with subdivision (a) shall be reviewed and reported as part of the annual, independent financial audit that a charter school is required to transmit by April 1 of each year pursuant to Section 41020.

(c) This section does not supersede or invalidate a contract that is in effect at the time this section becomes operative. If a contract is in effect at the time this section becomes operative, the contract shall remain in effect until the parties to the agreement negotiate

a successor agreement. A memorandum of understanding shall not extend a contract that is in effect at the time this section becomes operative.

(d) This section shall become operative on July 1, 2022.

~~SEC. 37.~~

SEC. 29. Section 47634.2 of the Education Code is amended to read:

47634.2. (a) (1) Notwithstanding any other law, beginning July 1, 2022, the amount of funding to be allocated to a charter school on the basis of average daily attendance that is generated by pupils engaged in nonclassroom-based instruction, as defined by paragraph (2) of subdivision (e) of Section 47612.5, including funding provided on the basis of average daily attendance pursuant to Section 42238.02, as modified by Section 42238.03, shall be adjusted by the Superintendent as follows:

(A) For pupils engaged in classroom-based instruction, as defined in paragraph (1) of subdivision (e) of Section 47612.5, for at least 80 percent of their attendance, no adjustment shall be made to the reported average daily attendance used for funding their nonclassroom-based attendance.

(B) For pupils engaged in classroom-based instruction, as defined in paragraph (1) of subdivision (e) of Section 47612.5, for between 60 percent and 79 percent of their attendance, the reported average daily attendance used for funding their nonclassroom-based attendance shall be reduced by a factor of 7.5 percent.

(C) For pupils engaged in classroom-based instruction, as defined in paragraph (1) of subdivision (e) of Section 47612.5, for between 40 percent and 59 percent of their attendance, the reported average daily attendance used for funding their nonclassroom-based attendance shall be reduced by a factor of 15 percent.

(D) For pupils engaged in classroom-based instruction, as defined in paragraph (1) of subdivision (e) of Section 47612.5, for between 20 percent and 39 percent of their attendance, the reported average daily attendance used for funding their nonclassroom-based attendance shall be reduced by a factor of 22.5 percent.

(E) For pupils engaged in classroom-based instruction, as defined in paragraph (1) of subdivision (e) of Section 47612.5, for between 0 percent and 19 percent of their attendance, the reported average daily attendance used for funding their nonclassroom-based attendance shall be reduced by a factor of 30 percent.

(2) This section does not authorize the Superintendent to adjust the amount of funding a charter school receives on the basis of average daily attendance generated through classroom-based instruction, as defined for purposes of calculating average daily attendance for classroom-based instruction apportionments by paragraph (1) of subdivision (e) of Section 47612.5.

(3) The determination for funding shall be on a percentage basis and the Superintendent shall implement the determination for funding by reducing the charter school's reported average daily attendance by the determination for funding pursuant to this subdivision.

(b) Each charter school offering nonclassroom-based instruction shall, in each report provided to the Superintendent for apportionment purposes, identify the portion of its average daily attendance that is generated through nonclassroom-based instruction, as defined in paragraph (2) of subdivision (e) of Section 47612.5, based on the percentages specified pursuant to subdivision (a).

(c) Notwithstanding any other law, charter schools shall be subject, with regard to subdivisions (c) and (d) of Section 47612.5 and this section, to audits conducted pursuant to Section 41020.

~~SEC. 38.~~

SEC. 30. Section 51745 of the Education Code is amended to read:

51745. (a) The governing board of a school district, a county office of education, or a charter school may offer independent study to meet the educational needs of pupils in accordance with the requirements of this article. Educational opportunities offered through independent study may include, but shall not be limited to, the following:

(1) Special assignments extending the content of regular courses of instruction.

(2) Individualized study in a particular area of interest or in a subject not currently available in the regular school curriculum.

(3) Individualized alternative education designed to teach the knowledge and skills of the core curriculum. Independent study shall not be provided as an alternative curriculum.

(4) Continuing and special study during travel.

(5) Volunteer community service activities and leadership opportunities that support and strengthen pupil achievement.

(b) Not more than 10 percent of the pupils participating in an opportunity school or program, or a continuation high school, calculated as speci®ed by the department, shall be eligible for apportionment credit for independent study pursuant to this article. A pupil who is pregnant or is a parent who is the primary caregiver for one or more of their children shall not be counted within the 10 percent cap.

(c) An individual with exceptional needs, as de®ned in Section 56026, shall not participate in independent study , unless their individualized education program de veloped pursuant to Article 3 (commencing with Section 56340) of Chapter 4 of P art 30 speci®cally provides for that participation.

(d) A temporarily disabled pupil shall not recei ve indi vidual instruction pursuant to Section 48206.3 through independent study

(e) No course included among the courses required for high school graduation under Section 51225.3 or for admission to the University of California or the California State Uni versity shall be offered exclusively through independent study.

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

(g) A pupil shall not be e xcluded from participating in independent study solely on the basis that the pupil does not have the materials, equipment, or internet access that are necessary to participate in independent study.

~~SEC. 39.~~

SEC. 31. Section 51745.6 of the Education Code is amended to read:

51745.6. (a) The ratio of a verage daily attendance for independent study pupils 18 years of age or less to school district, county of®ce of education, or charter school full-time equivalent certi®cated emplo yees responsible for independent study , calculated as speci®ed by the department, shall comply with one of the following:

(1) It shall not e xceed the equi valent ratio of a verage daily attendance to full-time equivalent certi®cated employees providing instruction in other educational programs operated by the school district, county of®ce of education, or charter school unless a new higher or lo wer a verage daily attendance ratio for all other educational programs of fered is ne gotiated in a collecti ve bargaining agreement or a memorandum of understanding is

entered into that indicates an existing collective bargaining agreement contains an alternative average daily attendance ratio.

(2) It shall not exceed the equivalent prior year ratio of average daily attendance to full-time equivalent certificated employees for all other educational programs operated by the high school or unified school district with the largest average daily attendance of pupils in the county or the collectively bargained alternative ratio used by that high school or unified school district in the prior year, unless a new higher or lower average daily attendance ratio for all other educational programs offered is negotiated in a collective bargaining agreement or a memorandum of understanding is entered into that indicates an existing collective bargaining agreement contains an alternative average daily attendance ratio. In the case of a charter school serving pupils in more than one county, the ratio shall not exceed the ratio of the high school or unified school district with the average daily attendance of pupils in a county served by the charter school. The computation of the ratios shall be performed annually by the reporting agency at the time of, and in connection with, the second principal apportionment report to the Superintendent.

(3) It shall be calculated by using a fixed average-daily-attendance-to-certificated-employee ratio of 25 to 1, or by using a ratio of less than 25 pupils per certificated employee. A new higher or lower ratio for all other educational programs offered by a school district, county office of education, or charter school may be negotiated in a collective bargaining agreement, or a memorandum of understanding indicating that an existing collective bargaining agreement contains an alternative average daily attendance ratio. All pupils of the school district, county office of education, or charter school, regardless of age, shall be included in the applicable average-daily-attendance-to-certificated-employee ratio calculations.

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

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

(2) The average daily attendance or teachers in necessary small schools that are eligible to receive funding pursuant to Article 4

(commencing with Section 42280) of Chapter 7 of P art 24 of Division 3.

~~SEC. 40.~~

SEC. 32. Section 51747 of the Education Code is amended to read:

51747. A school district, county of®ce of education, or charter school shall not be eligible to recei ve apportionments for independent study by pupils, re gardless of age, unless it has adopted written policies, and has implemented those policies, pursuant to rules and re gulations adopted by the Superintendent, that include, but are not limited to, all of the following:

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

(b) The level of satisfactory educational progress, pursuant to Section 51747.6, and the number of missed assignments that will be allowed before an evaluation is conducted to determine whether it is in the best interests of the pupil to remain in independent study or whether the pupil should return to the regular school program. A written record of the ®ndings of any evaluation made pursuant to this subdi vision shall be treated as a mandatory interim pupil record. The record shall be maintained for a period of three years from the date of the evaluation and, if the pupil transfers to another California public school, the record shall be forw arded to that school.

(c) Minimum standards and procedures for re gular communication with parents and guardians re garding a pupil' s satisfactory educational progress.

(d) The minimum standard for the frequenc y, duration, and content of supervising teacher -pupil contact pursuant to Section 51747.5 for the school district, county of®ce of education, or charter school.

(e) Procedures for tiered reengagement strategies for all pupils who are not generating attendance for more than three schooldays or 60 percent of the instructional days in a school week, or who are in violation of the written agreement pursuant to subdi vision (g). These procedures shall include, but are not necessarily limited to, all of the following:

(1) Veri®cation of current contact information for each enrolled pupil, including the address of the pupil's residence.

(2) Daily noti®cation to parents or guardians of absences.

(3) A plan for outreach from the school to determine pupil needs, including connection with health and social services as necessary

(f) (1) The criteria for re voking an independent study written agreement pursuant to subdi vision (g), and when a pupil shall return to another program in the school district, county of®ce of education, or charter school for which the pupil is enrolled. The criteria shall include all of the following:

(A) The le vel of satisf actory educational performance and missed assignments, as speci®ed in subdivision (b).

(B) Not generating attendance, as speci®ed in subdivision (c).

(C) If or when a pupil may return to independent study if their written agreement is revoked.

(2) For those independent study written agreements longer than 20 calendar days, a pupil not generating attendance for more than 12 school days or 60 percent of the instructional days in four school weeks, at a minimum, shall be in violation of the written agreement and shall return to another program in the school district, county of®ce of education, or charter school for which the pupil is enrolled.

(g) Before enrolling a pupil in independent study , a school district, county of®ce of education, or charter school shall provide the pupil and, if the pupil is less than 18 years of age, the pupil' s parent or le gal guardian, with a written agreement that shall be maintained on ®le that includes, but is not necessarily limited to, all of the following:

(1) A summary of the policies and procedures adopted by the governing board or body of the school district, county of®ce of education, or charter school pursuant to subdi visions (a) to (f), inclusive, and this subdivision, as applicable.

(2) The manner, time, frequenc y, and place for submitting a pupil's assignments and for reporting the pupil's progress.

(3) The learning objectives and expectations for each course of study or indi vidual course in the independent study program, including, b ut not limited to, a description of ho w satisf actory educational progress is measured, when a pupil e valuation is required to determine whether the pupil should remain in the independent study program, or when a pupil shall return to another

program in the school district, county of®ce of education, or charter school for which the pupil is enrolled.

(4) The speci®c resources, including materials and personnel, that will be made available to the pupil.

(5) A statement of the policies adopted pursuant to subdivisions (a) to (f), inclusive, regarding the maximum length of time allowed between the assignment and the completion of a pupil' s assigned work, and the number of missed assignments allo wed before an evaluation of whether or not the pupil should be allo wed to continue in independent study.

(6) The duration of the independent study written agreement, including the be ginning and ending dates for the pupil' s participation in independent study under the written agreement. No independent study written agreement shall be v alid for an y period longer than one school year or span multiple school years.

(7) The duration of the enrolled course or courses for those pupils with a written agreement that includes a speci®c course or courses.

(8) A statement of the number of course credits or , for the elementary grades, other measures of academic accomplishment and satisfactory educational progress appropriate to the course of study speci®ed in the written agreement, to be earned by the pupil upon completion, consistent with the certi®cations adopted by the governing board or body of a school district, county of®ce of education, or charter school pursuant to Section 51747.6.

(9) The inclusion of a statement in each independent study written agreement that independent study is an optional educational alternative in which no pupil may be required to participate. In the case of a pupil who is referred or assigned to any school, class, or program pursuant to Section 48915 or 48917, the written agreement also shall include the statement that instruction may be pro vided to the pupil through independent study only if the pupil is offered the alternative of classroom instruction.

(10) (A) Each written agreement shall be signed, before the commencement of independent study , by the pupil, the pupil' s parent, le gal guardian, or care giver, if the pupil is less than 18 years of age, the certi®cated employee who has been designated as having responsibility for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the pupil. For purposes of this paragraph "caregiver"

means a person who has met the requirements of P art 1.5 (commencing with Section 6550) of Di vision 11 of the F amily Code.

(B) For purposes of this paragraph, the written agreement may be signed using an electr onic signature that complies with state and feder al standar ds, as determined by the department. An electronic signatur e may be a marking that is either computer generated or produced by electronic means as is intended by the signatory to have the same effect as a handwritten signature. The use of an electronic signature shall have the same force and effect as a handwritten signatur e if the r equirements for electr onic signatures and their acceptable technology, as provided in Section 16.5 of the Government Code and Chapter 10 (commencing with Section 22000) of Division 7 of Title 2 of the California Code of Regulations, are satis®ed.

~~(B)~~

(C) Signed written agreements, supplemental agreements, assignment records, w ork samples, and attendance records assessing time v alue of w ork or e vidence that an instructional activity occurred may be maintained as an electronic ®le.

~~(C)~~

(D) For purposes of this section, an electronic ®le includes a computer or electronic stored image of an original document, including, b ut not limited to, portable document format (PDF), JPEG, or other digital image ®le type, that may be sent via f ax machine, email, or other electronic means.

~~(D)~~

(E) Either an original document or an electronic ®le of the original document is allo wable documentation for auditing purposes.

~~(E)~~

(F) The signed written agreement constitutes permission from a pupil's parent or legal guardian, if the pupil is less than 18 years of age, for the pupil to recei ve instruction through independent study.

(11) The veri®ed current contact information for each enrolled pupil, including the address of the pupil's residence.

(h) The written agreement shall be in the form of an af®da vit or statement, and shall be signed under penalty of perjury.

~~SEC. 41.~~

SEC. 33. Section 51747.3 of the Education Code is amended to read:

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

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

(c) Commencing July 1, 2022, notwithstanding subdivision (b), paragraph (1) of subdivision (e) of Section 47605, or any other law, independent study average daily attendance shall be claimed by nonclassroom-based charter schools only for pupils who are residents of the county in which the apportionment claim is reported.

(d) Notwithstanding subdivision (c), for a charter school operating a satellite facility in compliance with paragraph (5) of subdivision (c) of Section 47605.1, or that is otherwise exempt from that paragraph, independent study average daily attendance shall be claimed for pupils who are residents of a county immediately adjacent to the county in which the apportionment claim is reported.

~~(c)~~

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

~~(d)~~

(f) In conformity with Pro visions 25 and 28 of Item 6110±101±001 of Section 2.00 of the Budget Act of 1992, this section is applicable to a verage daily attendance reported for apportionment purposes be ginning July 1, 1992. The pro visions of this section are not subject to waiver by the state board, by the Superintendent, or under any provision of Part 26.8 (commencing with Section 47600).

~~SEC. 42.~~

SEC. 34. Section 51747.5 of the Education Code is amended to read:

51747.5. (a) The independent study by each pupil shall be coordinated, e valuated, and, notwithstanding subdi vision (a) of Section 46300, shall be under the general supervision of an employee of the school district, charter school, or county of®ce of education who possesses a valid certi®cation document pursuant to Section ~~44865~~ *44865, the required certi®cate, permit, or other document r equired by subdivision (l) of Section 47605 or subdivision (l) of Section 47605.6,* or an emer gency credential pursuant to Section 44300, ~~subdivision (*l*) of Section 47605, or subdivision (*l*) of Section 47605.6,~~ registered as required by law.

(b) For purposes of this article, ªgeneral supervisionº is de®ned to mean a supervising teacher' s responsibility for all of the following:

(1) Continuing oversight of the study design, implementation plan, allocation of resources, and e valuation of a pupil' s satisfactory educational progress for a pupil©s independent study

(2) Assignment and evaluation of all work products.

(A) A supervising teacher shall assign pupil w ork products before the start of each learning period. Supervising teachers or other school personnel shall not delete pupil w ork products after the learning period begins.

(B) A supervising teacher shall require all pupil work products to be dated by the pupil and veri®ed by the supervising teacher

(C) A school district, county of®ce of education, or charter school shall maintain a copy of all pupil work products for at least two years in order to be made available for auditing purposes.

(3) Determination of the time values for apportionment purposes of a pupil' s work products. A supervising teacher shall maintain a record of the time v alue for each pupil' s w ork products. The record shall be in the form of an af®davit or statement, and shall be signed by the supervising teacher under penalty of perjury.

(4) Personal determination or personal re view of the determination made by another certi®cated teacher of the time values for apportionment purposes of a pupil's work products.

(c) School districts, charter schools, and county of®ces of education may claim apportionment credit for independent study only to the e xtent of the time v alue of pupil w ork products, as personally judged in each instance by a certi®cated teacher.

(d) For purposes of this section, school districts, charter schools, and county of®ces of education shall not be required to sign and date pupil work products when assessing the time v alue of pupil work products for apportionment purposes.

~~SEC. 43.~~

SEC. 35. Section 51747.6 is added to the Education Code, immediately following Section 51747.5, to read:

51747.6. (a) (1) The course of study, including speci®c courses, of fered through independent study shall be annually certi®ed by a school district, county of®ce of education, or charter school governing board or body resolution, to be of the same rigor and educational quality as equi valent classroom-based course of study, and shall be aligned to rele vant local and state content standards.

(2) This certi®cation shall, at a minimum, include the duration, number of equivalent daily instructional minutes for each schoolday that a pupil is enrolled, number of equi valent total instructional minutes, and as applicable, the number of course credits for each course. This information shall be consistent with that of an equivalent classroom-based educational program.

(b) (1) For purposes of this article, ~~supervising~~ *"supervising* teacher-pupil ~~contact~~ *contact"* means a supervising teacher communicating with each pupil for instruction or to assess whether the pupil is making satisf actory educational progress. The supervising teacher-pupil contact shall be in person, or by an y

other live visual and audio connection. No more than three school days shall pass without at least one instance of supervising teacher-pupil contact.

(2) For purposes of this article, ~~satisf actory~~ *ªsatisfactory* educational ~~progress~~ *progressº* includes, b ut is not limited to, applicable statewide accountability measures and the completion of assignments, examinations, assessments, or other indicators that evidence that the pupil is w orking on assignments, learning required concepts, and progressing toward successful completion of the course of study or indi vidual course, as determined by the supervising teacher providing instruction.

(3) If satisfactory educational progress is not being made, the supervising teacher shall notify the pupil and, if the pupil is less than 18 years of age, the pupil' s parent or le gal guardian, and conduct an evaluation to determine whether it is in the best interest of the pupil to remain in independent study or if the pupil should return to another program in the school district, county of®ce of education, or charter school for which the pupil is enrolled. A written record of the ®ndings of an e valuation made pursuant to this paragraph shall be treated as a mandatory interim pupil record. The record shall be maintained for a period of three years from the date of the e valuation and, if the pupil transfers to another California public school, the record shall be forw arded to that school.

(4) Written or computer -based e vidence of satisf actory educational progress, as described in paragraph (2), shall be retained for each course of study, individual course, as applicable, and pupil. At a minimum, this evidence shall include a grade book or summary document that, for the course of study or for each course of the educational program, lists all assignments, examinations, and associated grades.

(c) A test proctor shall administer all annual summati ve examinations. The de®nition of ªtest proctorº is consistent with regulations adopted by the department for proctoring the California Assessment of Student Performance and Progress.

(d) Statewide testing results for pupils enrolled in an y educational program, including speci®c courses, authorized pursuant to this article shall be reported and assigned to the school or charter school at which the pupil is enrolled, and to any school

district, charter school, or county of®ce of education within which that school's or charter school's testing results are aggregated.

(e) Statewide testing results for pupils enrolled in independent study, including speci®c courses, pursuant to this article shall be disaggregated for purposes of comparing the testing results of those pupils to the testing results of pupils enrolled in classroom-based courses.

(f) This section shall become operative on July 1, 2022.

~~SEC. 44.~~

SEC. 36. Section 51748 of the Education Code is amended to read:

51748. School districts, charter schools, and county of®ces of education shall not be eligible to recei ve apportionment for independent study attendance by an y pupil who is not otherwise identi®ed in the written records of the district, charter school, or county board by grade le vel, program placement, and the school in which the pupil is enrolled.

~~SEC. 45.~~

SEC. 37. Section 51749.5 of the Education Code is amended to read:

51749.5. (a) Notwithstanding any other law, and commencing with the 2015±16 school year, a school district, charter school, or county of®ce of education may, for pupils enrolled in kindergarten and grades 1 to 12, inclusi ve, provide independent study courses pursuant to the following conditions:

(1) The go verning board or body of a participating school district, charter school, or county of®ce of education adopts policies, at a public meeting, that comply with the requirements of this section and any applicable regulations adopted by the state board.

(2) A signed learning agreement is completed and on ®le pursuant to Section 51749.6.

(3) Courses are taught under the general supervision of certi®cated employees who hold the appropriate subject matter credential pursuant to Section 44300 or 44865, or subdi vision (*l*) of Section 47605, and are employed by the school district, charter school, or county of®ce of education at which the pupil is enrolled, or by a school district, charter school, or county of®ce of education that has a memorandum of understanding to provide the instruction

in coordination with the school district, charter school, or county of®ce of education at which the pupil is enrolled.

(4) (A) Courses are annually certi®ed, by school district, charter school, or county of®ce of education go verning board or body resolution, to be of the same rigor and educational quality as equivalent classroom-based courses, and shall be aligned to all relevant local and state content standards.

(B) This certi®cation shall, at a minimum, include the duration, number of equivalent daily instructional minutes for each schoolday that a pupil is enrolled, number of equi valent total instructional minutes, and number of course credits for each course. This information shall be consistent with that of equi valent classroom-based courses.

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

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

(7) (A) Certi®cated emplo yees 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.

(B) For purposes of this section, satisf actory educational progress includes, b ut is not limited to, applicable state wide accountability measures and the completion of assignments, examinations, or other indicators that e vidence that the pupil is working on assignments, learning required concepts, and progressing to ward successful completion of the course, as determined by certi®cated employees providing instruction.

(C) If satisf actory educational progress is not being made, certi®cated employees providing instruction shall notify the pupil and, if the pupil is less than 18 years of age, the pupil' s parent or legal guardian, and conduct an evaluation to determine whether it is in the best interest of the pupil to remain in the course or whether the pupil should be referred to an alternative program, which may include, but is not limited to, a regular school program. A written record of the ®ndings of an e valuation made pursuant to this subdivision shall be treated as a mandatory interim pupil record.

The record shall be maintained for a period of three years from the date of the evaluation and, if the pupil transfers to another California public school, the record shall be forwarded to that school.

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

(8) A proctor shall administer examinations.

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

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

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

(11) The average-daily-attendance-to-certificated-employee ratio limitations established pursuant to Section 51745.6 apply to courses authorized by this section.

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

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

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

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

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

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

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

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

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

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

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

(4) Notwithstanding an y other la w, a verage daily attendance computed for pupils enrolled in courses authorized by this section shall not be credited with average daily attendance other than what is speci®ed in this section.

(5) If more than 10 percent of the total average daily attendance of a school district, charter school, or county of®ce of education is claimed pursuant to this section, then the amount of a verage daily attendance for all pupils enrolled by that school district, charter school, or county of®ce of education in courses authorized pursuant to this section that is in excess of 10 percent of the total average daily attendance for the school district, charter school, or

county of®ce of education shall be reduced by either (A) the statewide average rate of absence for elementary school districts for kindergarten and grades 1 to 8, inclusive, or (B) the statewide average rate of absence for high school districts for grades 9 to 12, inclusive, as applicable, as calculated by the department for the prior ®scal year, with the resultant ®gures and ranges rounded to the nearest 10th.

(c) For purposes of this section, ªequi valent total instructional minutesº means the same number of minutes as required for an equivalent classroom-based course.

(d) This section shall not be deemed to prohibit the right to collectively bargain any subject within the scope of representation pursuant to Section 3543.2 of the Government Code.

(e) (1) The Superintendent shall conduct an e valuation of independent study courses of fered pursuant to this section and report the ®ndings to the Legislature and the Director of Finance no later than September 1, 2019. The report shall, at a minimum, compare the academic performance of pupils in independent study with demographically similar pupils enrolled in equi valent classroom-based courses.

(2) The requirement for submitting a report imposed under paragraph (1) is inoperati ve on September 1, 2023, pursuant to Section 10231.5 of the Government Code.

(3) A report to be submitted pursuant to paragraph (1) shall be submitted in compliance with Section 9795 of the Go vernment Code.

(f) This section shall become inoperative on July 1, 2022, and, as of January 1, 2023, is repealed.

~~SEC. 46.~~

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

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

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

(2) The duration of the enrolled course or courses, the duration of the learning agreement, and the number of course credits for each enrolled course consistent with the certi®cations adopted by the governing board or body of the school district, charter school, or county of®ce of education pursuant to Section 51749.5. The duration of a learning agreement shall not exceed a school year or span multiple school years.

(3) The learning objecti ves and e xpectations for each course, including, b ut not limited to, a description of ho w satisf actory educational progress is measured and when a pupil e valuation is required to determine whether the pupil should remain in the course or be referred to an alternati ve program, which may include, b ut is not limited to, a regular school program.

(4) The speci®c resources, including materials and personnel, that will be made available to the pupil.

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

(b) (1) The learning agreement shall be signed by the pupil and, if the pupil is less than 18 years of age, the pupil's parent or legal guardian, and all certi®cated emplo yees pro viding instruction before instruction may commence.

(2) The signed learning agreement constitutes permission from a pupil's parent or legal guardian, if the pupil is less than 18 years of age, for the pupil to recei ve instruction through independent study.

(3) A ph ysical or electronic cop y of the signed learning agreement shall be retained by the school district, county of®ce of education, or charter school for at least three years and as appropriate for auditing purposes.

(4) For purposes of this section, an electronic cop y includes a computer or electronic stored image of an original document, including, but not limited to, portable document format, JPEG, or other digital image ®le type, that may be sent via f ax machine, email, or other electronic means.

(c) This section shall become inoperative on July 1, 2022, and, as of January 1, 2023, is repealed.

~~SEC. 47.~~

SEC. 39. Section 20110 of the Public Contract Code is amended to read:

20110. This part shall apply to contracts a warded by school districts subject to Part 21 (commencing with Section 35000) of Division 3 of Title 2 of the Education Code and to contracts awarded by charter schools subject to Part 26.8 (commencing with Section 47600) of Division 4 of Title 2 of the Education Code.

~~SEC. 48.~~

SEC. 40. Sections ~~14 to 22, inclusi ve, 24, 38, 39, 40, and 42~~ *15, 30, 31, 32, and 34* of this act shall become operati ve on July 1, 2022.

~~SEC. 49.~~

SEC. 41. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agenc y or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the de®nition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

O