

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: financial 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 would require the board to prescribe rules relating to the requirements established in this bill for ~~all auditors of licensees who plan, direct, or approve any financial or compliance audit report on~~ school districts, county offices of education, and charter schools, as described in (6) below.

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

This bill would require the Education Audits 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 offices of education, charter schools, and ~~auditors certified public accountants and public accountants who audit local educational agencies~~ relating to attendance accounting documentation for independent study, including requiring ~~auditors~~ *these certified public accountants and public accountants* to analyze enrollment at a charter school classified as a nonclassroom-based charter school each fiscal year, and to report to the State Department of Education any 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 would impose a state-mandated local program.

(3) Existing law, whenever in the Education Code the power to contract is invested in the governing board of a school district or any member thereof, authorizes that power, by a majority vote of the governing board, to be delegated to its district superintendent, or to any persons the district superintendent may designate, or if there is no district superintendent, to any other officer or employee of the district that the governing board may designate, as specified. Existing law similarly authorizes the designation of school district officers or employees to exercise the authority to purchase supplies, materials, apparatus, equipment, and services on behalf of the district. In the event of malfeasance in office, existing law requires the school district officer or employee invested by the governing board with the power to contract to be personally liable for any and all moneys of the school district paid out as a result of the malfeasance.

This bill would add to existing law similar provisions relating to charter school governing bodies and charter school officials 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 governance and financing of the public elementary and secondary schools of this state.

This bill would establish the Office of Inspector General in the department. The bill would provide for the appointment of the Inspector General by the Governor, subject to confirmation by a vote of the majority of the membership of the Senate. The bill would require the Inspector General to conduct and supervise audits and investigations relating to the programs and operations of the department, to provide leadership and coordination and recommend policies to prevent and detect fraud and abuse in programs and operations of the department, and to provide a means for keeping the Superintendent and the Legislature fully and currently informed about problems and deficiencies relating to the administration of the programs and operations of the department and the necessity for and progress of corrective actions that the Inspector General deems to be appropriate.

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

This bill, beginning in the 2022–23 school year, would prohibit a school ~~district, county office 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 specified.

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

This bill, commencing with the 2022–23 fiscal year Guide for Annual Audits of K–12 Local Education Agencies and State Compliance Reporting, would require the Controller to include instructions requiring specified supplemental information and schedules in audit report components for charter school audits. *The bill would require the instructions to ensure that all school districts, county offices 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 supervisory 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 supervisory 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 defined.

This bill would extend to charter schools the provisions of the act that currently apply to school districts. To the extent the bill would impose additional duties on charter schools, the bill would 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 would provide that with regard to certain mandates no reimbursement is required by this act for a specified 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:

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

3 5027. (a) The board shall by regulation prescribe, amend, or
4 repeal rules including, but not necessarily limited to, all of the
5 following:

6 (1) A definition of basic requirements for continuing education.

7 (2) A licensee who plans, directs, or approves any financial or
8 compliance audit report on any governmental agency shall
9 complete a minimum of 24 hours of qualifying continuing
10 education in the area of governmental accounting and auditing or
11 related subjects during the two-year license renewal period.

12 (3) A licensee who provides audit, review, other attestation
13 services, or issues compiled financial statement reports shall, during
14 the two-year license renewal period, complete a minimum of 24
15 hours of qualifying continuing education in the area of accounting
16 and auditing related to reporting on financial statements.

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

1 course on the provisions of this chapter and the rules of
2 professional conduct.

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

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

8 (7) A system of control and compliance reporting.

9 (8) The requirements prescribed for all ~~auditors of licensees~~
10 *who plan, direct, or approve any financial or compliance audit*
11 *report on school districts, county offices of education, or charter*
12 *schools pursuant to Sections 41020.6 and 41020.7 of the Education*
13 *Code.*

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

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

24 5029. The board may establish an advisory continuing
25 education committee of nine members, six of whom shall be
26 certified public accountants, two of whom shall be board members,
27 one of whom is a public member of the board, and one of whom
28 shall be a public accountant, to perform any of the following duties:

29 (a) To evaluate programs and advise the board as to whether
30 they qualify under the regulations adopted by the board pursuant
31 to paragraph (6) of subdivision (a) of Section 5027. Educational
32 courses offered by professional accounting societies shall be
33 accepted by the board as qualifying if the courses are approved by
34 the committee as meeting the requirements of the board under the
35 regulations.

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

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

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

3 14500. It is the intent of the Legislature in enacting this chapter
4 to promote accountability over public educational funding by
5 establishing a new program to review and report on financial and
6 compliance audits of school districts, county offices of education,
7 and charter schools. It is further the intent of the Legislature that
8 the Controller shall have the primary responsibility for
9 implementing and overseeing the program.

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

12 14502.1. (a) The Controller, in consultation with the
13 Department of Finance and the State Department of Education,
14 shall develop a plan to review and report on financial and
15 compliance audits. The plan shall commence with the 2003–04
16 fiscal year for audits of school districts, other local educational
17 agencies, and the offices of county superintendents of schools.
18 The Controller, in consultation with the Department of Finance,
19 the State Department of Education, and representatives of the
20 California School Boards Association, the California Association
21 of School Business Officials, the California County
22 Superintendents Educational Service Association, the California
23 Teachers Association, and the California Society of Certified Public
24 Accountants, shall recommend the statements and other information
25 to be included in the audit reports filed with the state, and shall
26 propose the content of an audit guide to carry out the purposes of
27 this chapter. A supplement to the audit guide may be suggested in
28 the audit year, following the above process, to address issues
29 resulting from new legislation in that year that changes the
30 conditions of apportionment. The proposed content of the audit
31 guide and any supplement to the audit guide shall be submitted by
32 the Controller to the Education Audits Appeal Panel for review
33 and possible amendment.

34 (b) The audit guide and any supplement shall be adopted by the
35 Education Audits Appeal Panel pursuant to the rulemaking
36 procedures of the Administrative Procedure Act as set forth in
37 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division
38 3 of Title 2 of the Government Code. It is the intent of the
39 Legislature that, for the 2003–04 fiscal year, the audit guide be
40 adopted by July 1 of the fiscal year to be audited. A supplemental

1 audit guide may be adopted to address legislative changes to the
2 conditions of apportionment. It is the intent of the Legislature that
3 supplements be adopted before March 1 of the audit year.
4 Commencing with the 2004–05 fiscal year, and each fiscal year
5 thereafter, the audit guide shall be adopted by July 1 of the fiscal
6 year to be audited. The supplements shall be adopted before March
7 1 of the audit year. To meet these goals and to ensure the accuracy
8 of the audit guide, the process for adopting emergency regulations
9 set forth in Section 11346.1 of the Government Code may be
10 followed to adopt the audit guide and supplemental audit guide.
11 It is the intent of the Legislature that once the audit guide has been
12 adopted for a fiscal year, as well as any supplement for that year,
13 thereafter only suggested changes to the audit guide and any
14 additional supplements need be adopted pursuant to the rulemaking
15 procedures of the Administrative Procedure Act. The audit guide
16 and any supplement shall be issued in booklet form and may be
17 made available by any means deemed appropriate. The Controller
18 and consultants in the development of the suggested audit guide
19 and any supplement shall work cooperatively on a timeline that
20 will allow the Education Audits Appeal Panel to meet the July 1
21 and March 1 issuance dates. Consistent with current practices for
22 development of the audit guide before the 2003–04 fiscal year, the
23 Controller shall provide for the adoption of procedures and
24 timetables for the development of the suggested audit guide, any
25 supplement, and the format for additions, deletions, and revisions.

26 (c) For the audit of school districts or county offices of education
27 electing to take formal action pursuant to Sections 22714 and
28 44929, the audit guide content proposed by the Controller shall
29 include, but not be limited to, the following:

- 30 (1) The number and type of positions vacated.
- 31 (2) The age and service credit of the retirees receiving the
32 additional service credit provided by Sections 22714 and 44929.
- 33 (3) A comparison of the salary and benefits of each retiree
34 receiving the additional service credit with the salary and benefits
35 of the replacement employee, if any.
- 36 (4) The resulting retirement cost, including interest, if any, and
37 postretirement health care benefits costs, incurred by the employer.

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

1 actions taken by school districts and county offices of education
2 pursuant to Sections 22714 and 44929, and shall report the results
3 of the cost analysis to the Governor and the Legislature by April
4 1 of each year.

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

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

15 (g) Commencing with the 2022–23 fiscal year, the Education
16 Audits Appeal Panel shall include both of the following in the
17 audit guide, Standards and Procedures for Audits of California
18 K–12 Local Educational Agencies:

19 (1) ~~Auditors~~ *Certified public accountants and public accountants*
20 *performing the audits* shall receive all attendance accounting
21 documentation, including master agreements and work samples,
22 for independent study from school districts, county offices of
23 education, and charter schools, and shall choose the samples
24 themselves to audit. ~~Auditors~~ *Certified public accountants and*
25 *public accountants performing the audits* shall verify pupil
26 residences with pupil enrollment documentation, using a sample
27 of pupil addresses, from the master agreements of independent
28 study programs.

29 (2) ~~Auditors~~ *Certified public accountants and public accountants*
30 *performing the audits* shall analyze enrollment at a charter school
31 classified as a nonclassroom-based charter school for each fiscal
32 year, and shall report to the department any instance where
33 enrollment increases or decreases at the charter school by more
34 than 5 percent during any month over the prior month.

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

37 17604. (a) Wherever in this code the power to contract is
38 invested in the governing board of the school district, the governing
39 body of a charter school, or any member thereof, the power may,
40 by a majority vote of the governing board or body, be delegated

1 to its district superintendent or charter school administrator, or to
2 any persons that the district superintendent or charter school
3 administrator may designate, or if there is no district superintendent
4 or charter school administrator, then to any other officer or
5 employee of the district or charter school that the governing board
6 or body may designate. The delegation of power may be limited
7 as to time, money, or subject matter or may be a blanket
8 authorization in advance of its exercise, all as the governing board
9 or body may direct. However, no contract made pursuant to the
10 delegation and authorization shall be valid or constitute an
11 enforceable obligation against the school district or charter school
12 unless and until the same shall have been approved or ratified by
13 the governing board or body, the approval or ratification to be
14 evidenced by a motion of the governing board or body duly passed
15 and adopted.

16 (b) In the event of malfeasance in office, the school district or
17 charter school official invested by the governing board or body
18 with the power of contract shall be personally liable to the school
19 district or charter school employing the official for any and all
20 moneys of the school district or charter school paid out as a result
21 of the malfeasance.

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

24 17605. (a) The governing board or body, by majority vote,
25 may adopt a rule, delegating to any officer or employee of the
26 school district or charter school as the board may designate, the
27 authority to purchase supplies, materials, apparatus, equipment,
28 and services. No rule shall authorize any officer or employee to
29 make any purchases involving an expenditure by the school district
30 or charter school in excess of the amount specified by Section
31 20111 of the Public Contract Code. The rule shall prescribe the
32 limits of the delegation as to time, money, and subject matter. All
33 transactions entered into by the officer or employee shall be
34 reviewed by the governing board or governing body every 60 days.

35 (b) In the event of malfeasance in office, the school district or
36 charter school officer or employee invested by the governing board
37 or governing body with the power to contract shall be personally
38 liable for any and all moneys of the school district or charter school
39 paid out as a result of the malfeasance.

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

3 33309.5. (a) The Office of the Inspector General is hereby
4 established in the department. The Inspector General shall be
5 appointed by the Governor, subject to confirmation by a majority
6 of the membership of the Senate, without regard to political
7 affiliation, and solely on the basis of integrity and demonstrated
8 ability in accounting, auditing, financial analysis, law, management
9 analysis, public administration, or investigations. The Inspector
10 General shall report to, and be under the general supervision of,
11 the Superintendent. The Superintendent shall not prevent or
12 prohibit the Inspector General from initiating, carrying out, or
13 completing any audit or investigation, or from issuing any subpoena
14 during the course of any audit or investigation.

15 (b) The Office of the Inspector General shall be responsible for
16 all of the following:

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

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

22 (3) Providing a means for keeping the Superintendent and the
23 Legislature fully and currently informed about problems and
24 deficiencies relating to the administration of the programs and
25 operations of the department, and the necessity for and progress
26 of corrective actions that the Inspector General deems to be
27 appropriate.

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

30 37670. (a) Beginning in the 2022–23 school year, a school
31 ~~district, county office of education, or charter school~~ *district* shall
32 not operate a program of multitrack year-round scheduling. A
33 school ~~district, county office of education, or charter school~~ *district*
34 may be authorized to operate a multitrack calendar by the state
35 board, pursuant to Section 37670.1, due to impacted facilities.

36 (b) Except as provided in Article 2 (commencing with Section
37 37680), a school district may operate a program of multitrack
38 year-round scheduling at one or more schools within the district
39 with state board approval pursuant to Section 37670.1. A program
40 of multitrack year-round scheduling may operate at a schoolsite

1 for as few as 163 days in each fiscal year if the governing board
2 of the school district adopts a resolution at a regularly scheduled
3 board meeting certifying that both of the following criteria are met
4 at the schoolsite:

5 (1) The number of annual instructional minutes is not less than
6 that of schools of the same grade levels using the traditional school
7 calendar.

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

13 (c) A certificated employee working under a program described
14 in this section, except one serving under an administrative or
15 supervisory credential who is assigned full time to a school in a
16 position requiring qualifications for certification, shall work the
17 same number of days and shall increase the number of minutes
18 worked daily on a uniform basis.

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

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

23 37670.1. The state board may waive the requirements of
24 subdivision (a) of Section 37670 and subdivision (e) of Section
25 47612 if a school ~~district, county office of education, district~~ or a
26 classroom-based charter school demonstrates that it is unable to
27 serve all of the pupils in a school without operating with facilities
28 at maximum capacity year round, as determined by basic loading
29 standards.

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

32 41020.4. (a) Commencing with the 2022–23 fiscal year Guide
33 for Annual Audits of K–12 Local Education Agencies and State
34 Compliance Reporting, the Controller shall include, but is not
35 necessarily limited to, instructions necessary to require, at a
36 minimum, all of the following supplemental information and
37 schedules in audit report components for an audit of a charter
38 school:

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

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

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

9 (3) Schedule of payments or transfers: schedule of the largest
10 25 payments or transfers of assets to organizations, determined by
11 value accumulated over the fiscal year, including to individuals,
12 corporations, partnerships, nonprofit organizations, and other
13 organizations, but excluding governmental entities.

14 (4) Related parties: determining if a related entity, such as an
15 entity managing a charter school, as defined by Section 47604.1,
16 or similar third party with financial, economic, or controlling
17 membership interest, exists with the charter school.

18 (A) If such a relationship exists, evaluate the level of the
19 relationship to determine if it is material. For purposes of
20 materiality, determine if the related party has a material financial,
21 economic, or controlling interest in the charter school or can
22 exercise material control, such as common management or board,
23 majority voting interest, or sole corporate or statutory member or
24 other arrangement.

25 (B) If such a relationship is material, ensure that the financial
26 statements of the related entity are reviewed through a separate
27 independent audit and consolidated into the charter school's audit
28 report pursuant to the related party disclosure rules of the Financial
29 Accounting Standards Board Accounting Standards Codification
30 and pronouncements, and other generally accepted accounting
31 principles and constraints regarding when financial statement
32 consolidation is required, permitted, and prohibited.

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

36 (b) Commencing with the 2022–23 fiscal year Guide for Annual
37 Audits of K–12 Local Education Agencies and State Compliance
38 Reporting, the Controller shall include, but is not necessarily
39 limited to, instructions necessary to require, at a minimum, that

1 all of the following compliance procedures are performed in an
2 audit of a charter school:

3 (1) Sample selection: where representative samples of pupils,
4 pupil work product, financial transactions, or other sampling is
5 required to be performed and selected, the ~~auditor~~ *certified public*
6 *accountant or public accountant performing the audit* shall identify
7 and make that selection personally.

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

10 (A) Using appropriate sampling techniques, verify pupil
11 enrollment, including obtaining a written confirmation from the
12 parent or guardian of an enrolled pupil. The sampling shall include
13 at least one sample from each attendance month.

14 (B) If any inappropriately reported enrollment is identified, state
15 that in a finding.

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

20 (A) Verify the number of days of attendance.

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

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

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

28 (4) Teacher certification and misassignments: verify that each
29 teacher possesses a valid certification document and is an employee
30 of the charter school pursuant to subdivision (l) of Section 47605.

31 (5) Independent study.

32 (A) Verify that the frequency ~~that~~ *of the interaction between*
33 *certificated employees of the charter school and each pupil*
34 *generating average daily attendance through nonclassroom-based*
35 *instruction complies with Section 51747.6.*

36 (B) Verify that, if the charter school offers nonclassroom-based
37 instruction, the charter school also provides classroom-based
38 instruction for those pupils who the charter school determines shall
39 return to another program in the charter school for which the pupil
40 is enrolled, pursuant to subdivision (f) of Section 51747.

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

5 ~~(1) All charter schools are audited, irrespective of the type of~~
6 ~~organizational entity.~~

7 *(1) All school districts, county offices of education, and charter*
8 *schools are audited annually.*

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

11 *(A) Financial statements.* For materiality purposes, charter
12 schools that are a component entity of a school district or county
13 office of education and who report financial data in the general
14 fund as opposed to other funds of the school district or county
15 superintendent of schools, ~~the auditor~~ *certified public accountant*
16 *or public accountant performing the audit* shall sample transactions
17 of the charter school as if the financial data of the charter school
18 represented a major fund of the school district or county
19 superintendent of schools.

20 ~~(2) Auditor transaction~~

21 *(B) (i) Compliance requirements.* For school districts and
22 county superintendent of schools that operate both noncharter
23 schools and charter schools, it is the intent of the Legislature that
24 the certified public accountant or public accountant performing
25 the audit shall sample activity from both charter schools and
26 noncharter schools in conducting required compliance procedures.

27 *(ii) Certified public accountants and public accountants*
28 *performing audits of school districts and county offices of*
29 *education shall develop a multiyear rotational schedule to ensure*
30 *that charter schools that are a component entity of a school district*
31 *or county office of education are sampled in conducting required*
32 *compliance procedures no less than every three years.*

33 *(3) Certified public accountant and public accountant*
34 *transaction* sampling includes sample size and materiality levels
35 appropriate for charter schools.

36 ~~(3)~~

37 *(4) All school districts, county offices of education, and charter*
38 *schools shall follow the staffing ratios for independent study*
39 *pursuant to Section 51745.6.*

40 ~~(4)~~

1 (5) All school districts, county offices of education, and charter
2 schools are audited to verify the certification of methodology for
3 time value assigned to pupil work pursuant to Section ~~51747.5.~~
4 51747.5.

5 ~~(5)~~
6 (6) All school districts, county offices of education, and charter
7 schools are audited to verify minimum instructional minutes,
8 pursuant to Chapter 2 (commencing with Section 46100) of Part
9 26 of Division 4.

10 ~~(d) Commencing with the 2022–23 fiscal year Guide for Annual~~
11 ~~Audits of K–12 Local Education Agencies and State Compliance~~
12 ~~Reporting, the Controller shall incorporate, but is not necessarily~~
13 ~~limited to, all of the requirements and instructions contained in~~
14 ~~the Controller’s Desk Review Checklist for K–12 local educational~~
15 ~~agencies.~~

16 *(d) Commencing with the 2022–23 fiscal year Guide for Annual*
17 *Audits of K–12 Local Educational Agencies and State Compliance*
18 *Reporting, the Controller shall incorporate, but is not necessarily*
19 *limited to, the following:*

20 *(1) Requirements and instructions requiring certified public*
21 *accountants and public accountants performing the audits to*
22 *disclose the name, county-district-school code, and charter school*
23 *number, if applicable, of schools that were selected for compliance*
24 *sampling.*

25 *(2) The Controller’s Desk Review Checklist for K–12 local*
26 *educational agencies.*

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

29 41020.5. (a) (1) If the Controller determines by two
30 consecutive quality control reviews pursuant to Section 14504.2,
31 or if a county superintendent of schools determines, that audits
32 performed by a certified public accountant or public accountant
33 under Sections 41020 and 47604.2 were not performed in
34 substantial conformity with provisions of the audit guide, or that
35 the audit reports, including amended reports, submitted by February
36 15 following the close of the fiscal year audited, for two
37 consecutive years do not conform to provisions of the audit guide
38 as required by Section 14504, the Controller or the county
39 superintendent of schools, as appropriate, shall notify in writing

1 the certified public accountant or public accountant and the
2 California Board of Accountancy.

3 (2) If the certified public accountant or public accountant does
4 not file an appeal in writing with the California Board of
5 Accountancy within 30 calendar days after receipt of the
6 notification from the Controller or county superintendent of
7 schools, the determination of the Controller or county
8 superintendent of schools pursuant to this section shall be final.

9 (b) If an appeal is filed with the California Board of
10 Accountancy, the board shall complete an investigation of the
11 appeal within 90 days of the filing date. On the basis of the
12 investigation, the board may do either of the following:

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

15 (2) Schedule the appeal for a hearing, in which case, the final
16 action on the appeal shall be completed by the board within one
17 year from the date of filing the appeal.

18 (c) If the determination of the Controller or county
19 superintendent of schools under subdivision (a) becomes final, the
20 certified public accountant or public accountant shall be ineligible
21 to conduct audits under Sections 41020 and 47604.2 for a period
22 of three years, or, in the event of an appeal, for any period, and
23 subject to the conditions, that may be ordered by the California
24 Board of Accountancy. Not later than the first day of March of
25 each year, the Controller shall notify each school district, charter
26 school, and county office of education of those certified public
27 accountants or public accountants determined to be ineligible under
28 this section. School districts, charter schools, and county offices
29 of education shall not use the audit services of a certified public
30 accountant or public accountant ineligible under this section.

31 (d) For purposes of this section, “certified public accountant or
32 public accountant” includes any person or firm entering into a
33 contract to conduct an audit under Sections 41020 and 47604.2.

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

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

39 41020.6. (a) The Legislature finds and declares all of the
40 following:

1 (1) High quality audits of local educational agencies are
 2 necessary for consistent financial and compliance transparency
 3 and to produce essential accountability measures.

4 (2) The quality of audits of local educational agencies is directly
 5 influenced by the quality of certified public accountants *and public*
 6 *accountants* who serve as auditors.

7 (3) The quality of individual—~~auditors’~~ *certified public*
 8 *accountant’s and public accountant’s* work product is correlated
 9 to training and experience.

10 (b) On or before January 1, 2023, the California Board of
 11 Accountancy, in consultation with the Chief Executive Officer of
 12 the County Office Fiscal Crisis and Management Assistance Team,
 13 shall adopt regulations, as a condition of licensure renewal, for
 14 specific continuing education requirements for certified public
 15 accountants *and public accountants* who audit local educational
 16 agencies. The state board shall address in those regulations, at a
 17 minimum, all of the following:

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

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

26 (A) Training on the specific requirements included in the Guide
 27 for Annual Audits of K–12 Local Education Agencies and State
 28 Compliance Reporting.

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

32 (3) That such requirements shall apply to audits of local
 33 educational agencies, irrespective if the local educational agency
 34 is a governmental agency or a nonprofit organization.

35 (c) For purposes of this section, a “local educational agency”
 36 means a school district, county office of education, or charter
 37 school.

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

1 41020.7. (a) The Legislature finds and declares both of the
2 following:

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

7 (2) The quality of audits of local educational agencies is
8 influenced and enhanced by a peer review process.

9 (b) On or before January 1, 2023, the California Board of
10 Accountancy, in consultation with the Chief Executive Officer of
11 the County Office Fiscal Crisis and Management Assistance Team,
12 shall adopt regulations, for peer review, as a condition of an audit
13 firm’s ability to perform audits of local educational agencies. The
14 state board shall address in those regulations, at a minimum, all
15 of the following:

16 (1) Definitions shall include a reference to local educational
17 agencies as distinct from governmental agencies.

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

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

22 (B) A requirement, for those firms undergoing a peer review
23 that conduct financial and compliance audits of local educational
24 agencies, that the cross-section of a firm’s engagement includes
25 (i) at least one audit of a local educational agency, and (ii) if the
26 firm conducts financial or compliance audits of charter schools,
27 at least one audit of a charter school.

28 (C) A requirement that firms engaged in peer reviews of firms
29 performing financial and compliance audits for local educational
30 agencies have current knowledge of the professional standards
31 related to accounting and auditing of local educational agencies,
32 including where applicable, charter schools.

33 (c) For purposes of this section, a “local educational agency”
34 means a school district, county office of education, or charter
35 school.

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

38 44258.9. (a) (1) The Legislature finds and declares that
39 continued monitoring of teacher assignments by county
40 superintendents of schools will help ensure that local educational

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

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

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

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

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

21 (2) “Misassignment” has the same meaning as defined in Section
 22 33126. For purposes of this section, “employee,” as used in the
 23 definition of “misassignment” in Section 33126, includes an
 24 individual hired on a contract. ~~For purposes of this section, in a~~
 25 ~~charter school, “misassignment” shall apply only to employees in~~
 26 ~~teaching positions.~~

27 (3) “Monitoring authority” means:

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

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

35 (C) The chartering authority for a charter school.

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

1 (5) “Vacant position” means a position to which a
2 single-designated certificated employee has not been assigned at
3 the beginning of the year or, if the position is for a one-semester
4 course, a position to which a single-designated certificated
5 employee has not been assigned at the beginning of a semester.

6 (c) The commission and the department shall enter into a data
7 sharing agreement to provide the commission with employee
8 assignment data necessary to annually identify misassignments
9 and vacant positions at local educational agencies. The data sharing
10 agreement shall also require the commission to make credential,
11 misassignment, and other relevant data available to the department
12 to support reporting consistent with the state plan approved by the
13 state board that is required for compliance with the federal Every
14 Student Succeeds Act, or any other federal law that effectively
15 replaces that act.

16 (d) The commission may engage in a variety of activities
17 designed to inform school administrators, teachers, and personnel
18 within the county offices of education of the regulations and
19 statutes affecting the assignment of employees. These activities
20 may include, but shall not necessarily be limited to, the preparation
21 of instructive brochures and the holding of regional workshops.

22 (e) (1) The commission shall annually use the data provided
23 by the department pursuant to subdivision (c) to produce an initial
24 data file of vacant positions and certificated employee assignments
25 that do not have a clear match of credential to assignment. The
26 commission shall notify local educational agencies and monitoring
27 authorities of the opportunity to access the system and review the
28 initial data file of potential misassignments and vacant positions.

29 (2) A local educational agency may do any of the following
30 within 60 days of the commission’s notification pursuant to
31 paragraph (1):

32 (A) Access and review the initial data file in the system to
33 determine if each employee included in the initial data file is
34 otherwise legally authorized for the assignment.

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

1 (C) Submit documentation to the commission and monitoring
2 authority showing that a position identified in the initial data file
3 as vacant was miscoded and that a legally authorized employee
4 was assigned to the position.

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

8 (4) A monitoring authority shall access the system to review
9 the initial data file and any documentation or additional information
10 submitted by a local educational agency for which it is a monitoring
11 authority and make a determination of potential misassignments
12 and vacant positions within 90 days of the commission's
13 notification pursuant to paragraph (1).

14 (5) After the 90-day review period pursuant to paragraph (4),
15 the commission shall report the misassignments and vacant
16 positions for that year.

17 (6) The commission shall have the authority to make a final
18 determination for all potential misassignments.

19 (7) Notwithstanding any other law, the commission, when
20 identifying misassignments using the system, shall identify an
21 employee in a teaching position, including an employee of a charter
22 school, as correctly assigned only when the employee holds the
23 certificate or credential required by the commission for that
24 assignment in a noncharter public school, taking into account local
25 assignment options.

26 (8) Commencing in the 2020–21 school year, a chartering
27 authority, as provided in this section, may request technical
28 assistance to assist in its determination of potential misassignments
29 and vacant positions from the county office of education in the
30 county in which the chartering authority is located.

31 (9) For a school district, the county superintendent of schools
32 shall notify, through the office of the school district superintendent,
33 a certificated school administrator responsible for the assignment
34 of a certificated person to a position for which the person has no
35 legal authorization of the ~~misassignment~~ *misassignment*, and shall
36 advise the school administrator to correct the assignment within
37 30 calendar days. For a charter school, the monitoring authority
38 shall notify the charter school administrator responsible for the
39 assignment of a certificated person to a position for which the
40 person has no legal authorization of the ~~misassignment~~

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

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

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

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

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

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

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

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

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

1 (6) If it is determined that a misassignment has occurred, a
2 performance evaluation pursuant to Article 11 (commencing with
3 Section 44660) of Chapter 3 of the certificated employee in the
4 misassignment shall be nullified.

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

9 (h) For the 2019–20 school year, the final data file generated
10 by the system to identify misassignments and vacant positions
11 shall be nonconsequential and shall be provided to the department,
12 local educational agencies, and monitoring authorities by the
13 commission for informational purposes only.

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

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

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

24 (3) Maintain each year’s data for no less than five years.

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

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

33 (j) The commission may promulgate regulations that define
34 standards for a local educational agency, including a charter school,
35 that consistently misassigns employees and what sanctions, if any,
36 to impose on that local educational agency.

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

1 (A) The development and current status of the system.

2 (B) The ability of the system to efficiently produce accurate
3 annual data on teacher misassignments.

4 (C) Statewide information regarding misassignments, delineated
5 by credential type, assignment, and type of school.

6 (D) Use of local assignment options, delineated by local
7 assignment option and type of school.

8 (E) Any recommendations to improve the system and the local
9 assignment monitoring process required by this section.

10 (F) Identification of any need for further technical assistance
11 for local educational agencies, including chartering authorities, to
12 improve assignment monitoring and reduce the overall rate of
13 misassignment.

14 (2) Pursuant to Section 10231.5 of the Government Code, the
15 reporting requirement described in paragraph (1) shall be
16 inoperative on December 1, 2026.

17 (l) This section shall not relieve a local educational agency from
18 compliance with state and federal law regarding teachers of English
19 learners or be construed to alter the definition of “misassignment”
20 for purposes of Section 33126.

21 (m) (1) *A teacher of a course offered by a local educational*
22 *agency in which pupils receive course credit or that count towards*
23 *instructional minutes, or both, shall hold the certificate, permit,*
24 *or other document required by the commission for that assignment*
25 *and shall be monitored.*

26 (2) *A person who is employed by a vendor providing direct*
27 *services to pupils at a local educational agency for which*
28 *certification qualifications are established pursuant to Section*
29 *44065 and this chapter, except Sections 44266, 44267, 44267.5,*
30 *44268, and 44269, shall hold the certificate, permit, or other*
31 *document required by the commission for their assignment, or an*
32 *appropriately credentialed teacher shall be in immediate*
33 *supervision and control of the pupils during direct services*
34 *provided by the vendor. Direct services to pupils provided by the*
35 *vendor shall be standards-aligned curriculum.*

36 (3) *A person who is employed by a vendor providing direct*
37 *services to pupils at a local educational agency for which*
38 *certification qualifications are established pursuant to Sections*
39 *44266, 44267, 44267.5, 44268, and 44269 shall hold the certificate,*
40 *permit, or other document required by the commission for their*

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

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

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

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

16 ~~46100. The governing board of each school district and the~~
 17 ~~governing body of each charter school shall, subject to the~~
 18 ~~provisions of this chapter, fix the length of the schoolday for the~~
 19 ~~several grades and classes of the schools maintained by the district~~
 20 ~~or charter school.~~

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

23 46101. The state board may adopt regulations as it deems
 24 appropriate and consistent with this part. Upon the ~~enactment of~~
 25 ~~a minimum day requirement for charter schools, operative date of~~
 26 ~~the act that added this section, pursuant to Sections 46100, 46110,~~
 27 ~~46112, 46113, 46114, 46117, 46141, and 46142, paragraph (4)~~
 28 ~~of subdivision (a) of Section 47612.5, the state board shall adopt~~
 29 ~~regulations specifying that the record of daily engagement is no~~
 30 ~~longer required of a charter school day of nonclassroom-based~~
 31 ~~independent study attendance.~~

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

34 ~~46110. No pupil in a kindergarten or in any grade of an~~
 35 ~~elementary school operated by a school district or charter school~~
 36 ~~shall be credited with more than one day of attendance in any~~
 37 ~~calendar day and nothing in this article shall be construed to the~~
 38 ~~contrary.~~

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

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

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

11 ~~46113. The minimum schoolday in grades 4, 5, 6, 7, and 8 in~~
12 ~~elementary schools operated by a school district or charter school,~~
13 ~~and in special day and evening classes of an elementary school~~
14 ~~district, except in opportunity schools, classes, or programs, is 240~~
15 ~~minutes.~~

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

18 ~~46114. (a) The minimum schoolday in grades 1, 2, and 3 in~~
19 ~~elementary schools operated by a school district or charter school~~
20 ~~may be computed by determining the number of minutes of~~
21 ~~attendance in any 10 consecutive schooldays and dividing that~~
22 ~~number by 10. If the resulting quotient is 230 or more, the pupils~~
23 ~~shall be deemed to have complied with Section 46112, even if the~~
24 ~~number of minutes attended in any one schoolday is less than 230,~~
25 ~~but not less than 170.~~

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

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

1 ~~attended in any one schoolday is less than 180, but not less than~~
2 ~~60.~~

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

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

7 ~~46117. The minimum schoolday for pupils in kindergartens~~
8 ~~operated by a school district or charter school is 180 minutes~~
9 ~~inclusive of recesses, and no units of average daily attendance~~
10 ~~shall be credited for attendance in kindergarten classes if the~~
11 ~~minimum schoolday of those classes is less than 180 minutes.~~

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

14 ~~46141. The minimum schoolday in a high school operated by~~
15 ~~a school district or charter school is 240 minutes, except in an~~
16 ~~evening high school, an early college high school, a middle college~~
17 ~~high school, a regional occupational center, an opportunity school~~
18 ~~and in opportunity classes, a continuation high school, in~~
19 ~~continuation education classes, in late afternoon or Saturday~~
20 ~~occupationally organized vocational training programs conducted~~
21 ~~under a federally approved plan for vocational education, and for~~
22 ~~pupils enrolled in a work experience education program approved~~
23 ~~under Article 7 (commencing with Section 51760) of Chapter 5~~
24 ~~of Part 28.~~

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

27 ~~46142. (a) The minimum schoolday in any junior high school~~
28 ~~or high school operated by a school district or charter school~~
29 ~~described in Section 46141 may be computed by determining the~~
30 ~~number of minutes of attendance in any two consecutive~~
31 ~~schooldays and dividing that number by two. If the resulting~~
32 ~~quotient is 240 or more, the pupils shall be deemed to have~~
33 ~~complied with Section 46141, even if the number of minutes~~
34 ~~attended in any one schoolday is less than 240, but not less than~~
35 ~~180.~~

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

38 ~~SEC. 23.~~

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

1 46306. (a) The department, in consultation with the County
2 Office Fiscal Crisis and Management Assistance Team, shall
3 provide a report to the Legislature detailing the business and
4 alternatives analysis of integrating the California Longitudinal
5 Pupil Achievement Data System (CALPADS) and the average
6 daily attendance apportionment data system for purposes of
7 monitoring statewide average daily attendance by unique pupil
8 identifier.

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

11 (1) A procurement and cost analysis to integrate CALPADS
12 and the average daily attendance apportionment data system.

13 (2) The necessary timeline to complete an integration of
14 CALPADS and the average daily attendance apportionment data
15 system.

16 (3) The logistical and state- and end-user requirements for
17 integrating CALPADS and the average daily attendance
18 apportionment data system.

19 (4) A recommendation regarding the most efficient state
20 department or entity to house an integrated CALPADS and the
21 average daily attendance apportionment data system.

22 (5) A recommendation for a reasonable frequency for local
23 educational agencies to report attendance information to the state.

24 (c) The report with recommendations shall be completed by
25 January 1, 2024, and be presented to the appropriate policy and
26 fiscal committees in the Legislature in compliance with Section
27 9795 of the Government Code.

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

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

33 ~~46307.— Attendance of individuals with exceptional needs in a~~
34 ~~school district or charter school, identified pursuant to Chapter 4~~
35 ~~(commencing with Section 56300) of Part 30, enrolled in a special~~
36 ~~day class or given instruction individually or in a home, hospital,~~
37 ~~or licensed children’s institution who attend school for either the~~
38 ~~same number of minutes that constitutes a minimum schoolday~~
39 ~~pursuant to Chapter 2 (commencing with Section 46100), or for~~
40 ~~the number of minutes of attendance specified in that pupil’s~~

1 individualized education program developed pursuant to Article
2 3 (commencing with Section 56340) of Chapter 4 of Part 30,
3 whichever is less, shall constitute a day of attendance.

4 ~~SEC. 25.~~

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

7 47604.2. (a) The Legislature finds and declares all of the
8 following:

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

11 (2) High quality audits of local educational agencies, including
12 traditional and charter public schools, are necessary for financial
13 and compliance transparency and to produce essential
14 accountability measures.

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

17 (b) (1) It is the intent of the Legislature to encourage sound
18 fiscal management practices among charter schools for the most
19 efficient and effective use of public funds for the education of
20 pupils by strengthening fiscal accountability at the charter schools.

21 (2) Furthermore, it is the intent of the Legislature that all charter
22 schools shall be audited, including those charter schools that are
23 component entities of school districts, county offices of education,
24 or nonprofit corporations.

25 (c) (1) No later than May 1 of each fiscal year, each chartering
26 authority shall provide for an audit of all funds of charter schools
27 authorized by that chartering authority, and the governing body
28 of each charter school shall either provide for an audit of the books
29 and accounts of the charter school, including an audit of income
30 and expenditures by source of funds, or make arrangements with
31 the chartering authority to provide for that auditing.

32 (2) If the governing body of a charter school has not provided
33 for an audit of the books and accounts of the charter school by
34 April 1, the chartering authority shall provide for the audit of the
35 charter school.

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

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

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

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

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

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

14 (g) (1) The audits shall be conducted by a certified public
15 accountant or a public accountant, licensed by the California Board
16 of Accountancy, and selected by the charter school or chartering
17 authority, as applicable, from a directory of certified public
18 accountants and public accountants deemed by the Controller as
19 qualified to conduct audits of local educational agencies, which
20 shall be published by the Controller not later than December 31
21 of each year.

22 (2) It is unlawful for a public accounting firm to provide audit
23 services to a charter school if the lead audit partner, or coordinating
24 audit partner, having primary responsibility for the audit, or the
25 audit partner responsible for reviewing the audit, has performed
26 audit services for that charter school in each of the six previous
27 fiscal years. The Education Audits Appeal Panel may waive this
28 requirement if the panel finds that no otherwise eligible ~~auditor~~
29 *certified public accountant or public accountant* is available to
30 perform the audit.

31 (3) In determining certified public accountants and public
32 accountants to include in the directory, the Controller shall use the
33 same criteria as provided for in paragraph (3) of subdivision (f) of
34 Section 41020.

35 (h) (1) ~~The auditor's~~ *certified public accountant's or public*
36 *accountant's* report shall include all of the following:

37 (A) A statement that the audit was conducted pursuant to
38 standards and procedures developed in accordance with Chapter
39 3 (commencing with Section 14500) of Part 9 of Division 1 of
40 Title 1.

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

3 (C) An evaluation by the ~~auditor~~ *certified public accountant or*
4 *public accountant performing the audit* on whether there is
5 substantial doubt about the ability of the charter school to continue
6 as a going concern for a reasonable period of time. This evaluation
7 shall be based on the Statement on Auditing Standards (SAS) No.
8 59, as issued by the American Institute of Certified Public
9 Accountants regarding disclosure requirements relating to the
10 ability of the entity to continue as a going concern.

11 (2) To the extent possible, a description of correction or plan
12 of correction shall be incorporated in the audit report, describing
13 the specific actions that are planned to be taken, or that have been
14 taken, to correct the problem identified by the ~~auditor~~ *certified*
15 *public accountant or public accountant performing the audit*. The
16 descriptions of specific actions to be taken or that have been taken
17 shall not solely consist of general comments such as “will
18 implement,” “accepted the recommendation,” or “will discuss at
19 a later date.”

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

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

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

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

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

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

16 (l) If the exceptions have not been corrected, in the audit of a
17 charter school for a subsequent year, ~~the auditor~~ *certified public*
18 *accountant or public accountant performing the audit* shall review
19 the correction or plan or plans of correction submitted by the
20 charter school to determine if the exceptions have been resolved.
21 If not, ~~the auditor~~ *certified public accountant or public accountant*
22 *performing the audit* shall immediately notify the appropriate
23 chartering authority, county superintendent of schools, and the
24 Superintendent, and restate the exception in the audit report. After
25 receiving that notification, the Superintendent shall either consult
26 with the charter school to resolve the exception or require the
27 chartering authority to follow up with the charter school.

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

31 (A) All federal and state compliance audit exceptions identified
32 in the audit.

33 (B) Exceptions that the chartering authority certifies as of May
34 15 have not been corrected.

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

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

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

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

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

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

30 ~~SEC. 26.~~

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

33 47604.32. (a) Each chartering authority, in addition to any
 34 other duties imposed by this part, shall do all of the following with
 35 respect to each charter school under its authority:

- 36 (1) Identify at least one staff member as a contact person for
 37 the charter school.
- 38 (2) Visit each charter school at least annually.
- 39 (3) Ensure that each charter school under its authority complies
 40 with all reports required of charter schools by law, including the

1 local control and accountability plan and annual update to the local
2 control and accountability plan required pursuant to Section
3 47606.5.

4 (4) Monitor the fiscal condition of each charter school under its
5 authority.

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

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

10 (B) The charter is revoked.

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

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

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

17 (ii) Annually verify the
18 average-daily-attendance-to-certificated-teacher ratio used by the
19 charter school pursuant to Section 51745.6, across a teacher's
20 entire assignment at schools operated by the entity managing the
21 charter school.

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

28 (I) Monthly enrollment reports shall reflect sufficient details by
29 month, including beginning enrollment, additions, subtractions,
30 and transfers, reconciled to ending enrollment. Attendance reports
31 shall reflect sufficient details to enable the chartering authority to
32 determine a reasonable alignment of enrollment to attendance.

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

36 (ia) A comparison of the total first, second, and annual principal
37 apportionment attendance to the total respective data reported in
38 the prior year.

1 (ib) A comparison of California Longitudinal Pupil Achievement
2 Data System (CALPADS) Fall 1 data to first and second period
3 principal apportionment attendance using historical ratios.

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

6 (III) If the enrollment or attendance verification fails to support
7 the applicable first, second, or annual principal apportionment
8 reporting, including subsequent corrected reports, submitted to the
9 chartering authority, the chartering authority shall not certify the
10 applicable principal apportionment report.

11 (B) A charter school shall provide the chartering authority the
12 necessary supporting documentation in order for the chartering
13 authority to perform the verification described in subparagraph
14 (A).

15 (7) A chartering authority shall notify the ~~auditor~~ *certified public*
16 *accountant or public accountant performing the audit* of a charter
17 school if a charter school does not provide the required
18 documentation pursuant to paragraph (6). Failure of a charter
19 school to provide the documentation required pursuant to paragraph
20 (6) shall result in the ~~auditor~~ *certified public accountant or public*
21 *accountant performing the audit* reporting an attendance
22 apportionment finding in their annual audit report and a
23 corresponding reduction in allowable attendance apportionment
24 by the charter school.

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

28 ~~SEC. 27.~~

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

31 47604.35. (a) To ensure consistency in financial reporting,
32 and promote transparency and accountability of all local
33 educational agencies, the state board, in consultation with the
34 Superintendent, shall revise regulations to require that charter
35 schools report periodic and annual financial data in the same
36 manner and on the same form prescribed for school districts.

37 (b) Commencing with the 2023–24 fiscal year, charter schools
38 with an average daily attendance of 5,000 or more pupils shall
39 report periodic and annual financial data in the same manner and
40 on the same form prescribed for school districts.

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

6 (d) Commencing with the 2025–26 fiscal year, charter schools
7 with an average daily attendance of 2,499 or fewer pupils shall
8 report periodic and annual financial data in the same manner and
9 on the same form prescribed for school districts.

10 ~~SEC. 28.~~

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

13 47605. (a) (1) Except as set forth in paragraph (2), a petition
14 for the establishment of a charter school within a school district
15 may be circulated by one or more persons seeking to establish the
16 charter school. A petition for the establishment of a charter school
17 shall identify a single charter school that will operate within the
18 geographic boundaries of that school district. A charter school
19 may propose to operate at multiple sites within the school district
20 if each location is identified in the charter school petition. The
21 petition may be submitted to the governing board of the school
22 district for review after either of the following conditions is met:

23 (A) The petition is signed by a number of parents or legal
24 guardians of pupils that is equivalent to at least one-half of the
25 number of pupils that the charter school estimates will enroll in
26 the charter school for its first year of operation.

27 (B) The petition is signed by a number of teachers that is
28 equivalent to at least one-half of the number of teachers that the
29 charter school estimates will be employed at the charter school
30 during its first year of operation.

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

39 (3) A petition shall include a prominent statement that a
40 signature on the petition means that the parent or legal guardian

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

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

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

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

23 (ii) Submit a request for the renewal of the charter petition
24 pursuant to Section 47607 to the school district in which the charter
25 school is located.

26 (B) If a Presidential declaration of a major disaster or emergency
27 is issued in accordance with the federal Robert T. Stafford Disaster
28 Relief and Emergency Assistance Act (42 U.S.C. Sec. 5121 et
29 seq.) for an area in which a charter schoolsite is located and
30 operating, the charter school, for not more than five years, may
31 relocate that site outside the area subject to the Presidential
32 declaration if the charter school first obtains the written approval
33 of the school district where the site is being relocated to.

34 (C) Notwithstanding subparagraph (A), if a charter school was
35 relocated from December 31, 2016, to December 31, 2019,
36 inclusive, due to a Presidential declaration of a major disaster or
37 emergency in accordance with the federal Robert T. Stafford
38 Disaster Relief and Emergency Assistance Act (42 U.S.C. Sec.
39 5121 et seq.), that charter school shall be allowed to return to its
40 original campus location in perpetuity.

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

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

11 (E) The department shall regard as a continuing charter school
12 for all purposes a charter school that was granted approval of its
13 petition, that was providing educational services to pupils before
14 October 1, 2019, and is authorized by a different chartering
15 authority due to changes to this paragraph that took effect January
16 1, 2020. This paragraph shall be implemented only to the extent
17 it does not conflict with federal law. In order to prevent any
18 potential conflict with federal law, this paragraph does not apply
19 to covered programs as identified in Section 8101(11) of the federal
20 Elementary and Secondary Education Act of 1965 (20 U.S.C. Sec.
21 7801) to the extent the affected charter school is the restructured
22 portion of a divided charter school pursuant to Section 47654.

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

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

1 the petitioner submits a petition to the district office, along with a
2 signed certification that the petitioner deems the petition to be
3 complete. The governing board of the school district shall publish
4 all staff recommendations, including the recommended findings
5 and, if applicable, the certification from the county superintendent
6 of schools prepared pursuant to paragraph (8) of subdivision (c),
7 regarding the petition at least 15 days before the public hearing at
8 which the governing board of the school district will either grant
9 or deny the charter. At the public hearing at which the governing
10 board of the school district will either grant or deny the charter,
11 petitioners shall have equivalent time and procedures to present
12 evidence and testimony to respond to the staff recommendations
13 and findings.

14 (c) In reviewing petitions for the establishment of charter schools
15 pursuant to this section, the chartering authority shall be guided
16 by the intent of the Legislature that charter schools are and should
17 become an integral part of the California educational system and
18 that the establishment of charter schools should be encouraged.
19 The governing board of the school district shall grant a charter for
20 the operation of a school under this part if it is satisfied that
21 granting the charter is consistent with sound educational practice
22 and with the interests of the community in which the school is
23 proposing to locate. The governing board of the school district
24 shall consider the academic needs of the pupils the school proposes
25 to serve. The governing board of the school district shall not deny
26 a petition for the establishment of a charter school unless it makes
27 written factual findings, specific to the particular petition, setting
28 forth specific facts to support one or more of the following
29 findings:

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

32 (2) The petitioners are demonstrably unlikely to successfully
33 implement the program set forth in the petition.

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

36 (4) The petition does not contain an affirmation of each of the
37 conditions described in subdivision (e).

38 (5) The petition does not contain reasonably comprehensive
39 descriptions of all of the following:

1 (A) (i) The educational program of the charter school, designed,
2 among other things, to identify those whom the charter school is
3 attempting to educate, what it means to be an “educated person”
4 in the 21st century, and how learning best occurs. The goals
5 identified in that program shall include the objective of enabling
6 pupils to become self-motivated, competent, and lifelong learners.

7 (ii) The annual goals for the charter school for all pupils and
8 for each subgroup of pupils identified pursuant to Section 52052,
9 to be achieved in the state priorities, as described in subdivision
10 (d) of Section 52060, that apply for the grade levels served, and
11 specific annual actions to achieve those goals. A charter petition
12 may identify additional school priorities, the goals for the school
13 priorities, and the specific annual actions to achieve those goals.

14 (iii) If the proposed charter school will serve high school pupils,
15 the manner in which the charter school will inform parents about
16 the transferability of courses to other public high schools and the
17 eligibility of courses to meet college entrance requirements.
18 Courses offered by the charter school that are accredited by the
19 Western Association of Schools and Colleges may be considered
20 transferable and courses approved by the University of California
21 or the California State University as creditable under the “A to G”
22 admissions criteria may be considered to meet college entrance
23 requirements.

24 (B) The measurable pupil outcomes identified for use by the
25 charter school. “Pupil outcomes,” for purposes of this part, means
26 the extent to which all pupils of the charter school demonstrate
27 that they have attained the skills, knowledge, and attitudes specified
28 as goals in the charter school’s educational program. Pupil
29 outcomes shall include outcomes that address increases in pupil
30 academic achievement both schoolwide and for all pupil subgroups
31 served by the charter school, as that term is defined in subdivision
32 (a) of Section 52052. The pupil outcomes shall align with the state
33 priorities, as described in subdivision (d) of Section 52060, that
34 apply for the grade levels served by the charter school.

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

- 1 (D) The governance structure of the charter school, including,
2 but not limited to, the process to be followed by the charter school
3 to ensure parental involvement.
- 4 (E) The qualifications to be met by individuals to be employed
5 by the charter school.
- 6 (F) The procedures that the charter school will follow to ensure
7 the health and safety of pupils and staff. These procedures shall
8 require all of the following:
 - 9 (i) That each employee of the charter school furnish the charter
10 school with a criminal record summary as described in Section
11 44237.
 - 12 (ii) The development of a school safety plan, which shall include
13 the safety topics listed in subparagraphs (A) to (J), inclusive, of
14 paragraph (2) of subdivision (a) of Section 32282.
 - 15 (iii) That the school safety plan be reviewed and updated by
16 March 1 of every year by the charter school.
- 17 (G) The means by which the charter school will achieve a
18 balance of racial and ethnic pupils, special education pupils, and
19 English learner pupils, including redesignated fluent English
20 proficient pupils, as defined by the evaluation rubrics in Section
21 52064.5, that is reflective of the general population residing within
22 the territorial jurisdiction of the school district to which the charter
23 petition is submitted. Upon renewal, for a charter school not
24 deemed to be a local educational agency for purposes of special
25 education pursuant to Section 47641, the chartering authority may
26 consider the effect of school placements made by the chartering
27 authority in providing a free and appropriate public education as
28 required by the federal Individuals with Disabilities Education Act
29 (Public Law 101-476), on the balance of pupils with disabilities
30 at the charter school.
- 31 (H) Admission policies and procedures, consistent with
32 subdivision (e).
- 33 (I) The manner in which annual, independent financial audits
34 shall be conducted pursuant to Section 47604.2, which shall employ
35 generally accepted accounting principles, and the manner in which
36 audit exceptions and deficiencies shall be resolved to the
37 satisfaction of the chartering authority.
- 38 (J) The procedures by which pupils can be suspended or expelled
39 from the charter school for disciplinary reasons or otherwise
40 involuntarily removed from the charter school for any reason.

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

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

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

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

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

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

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

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

1 (M) The rights of an employee of the school district upon
2 leaving the employment of the school district to work in a charter
3 school, and of any rights of return to the school district after
4 employment at a charter school.

5 (N) The procedures to be followed by the charter school and
6 the chartering authority to resolve disputes relating to provisions
7 of the charter.

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

13 (6) The petition does not contain a declaration of whether or
14 not the charter school shall be deemed the exclusive public
15 employer of the employees of the charter school for purposes of
16 Chapter 10.7 (commencing with Section 3540) of Division 4 of
17 Title 1 of the Government Code.

18 (7) The charter school is demonstrably unlikely to serve the
19 interests of the entire community in which the school is proposing
20 to locate. Analysis of this finding shall include consideration of
21 the fiscal impact of the proposed charter school. A written factual
22 finding under this paragraph shall detail specific facts and
23 circumstances that analyze and consider the following factors:

24 (A) The extent to which the proposed charter school would
25 substantially undermine existing services, academic offerings, or
26 programmatic offerings.

27 (B) Whether the proposed charter school would duplicate a
28 program currently offered within the school district and the existing
29 program has sufficient capacity for the pupils proposed to be served
30 within reasonable proximity to where the charter school intends
31 to locate.

32 (8) The school district is not positioned to absorb the fiscal
33 impact of the proposed charter school. A school district satisfies
34 this paragraph if it has a qualified interim certification pursuant to
35 Section 42131 and the county superintendent of schools, in
36 consultation with the County Office Fiscal Crisis and Management
37 Assistance Team, certifies that approving the charter school would
38 result in the school district having a negative interim certification
39 pursuant to Section 42131, has a negative interim certification
40 pursuant to Section 42131, or is under state receivership. Charter

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

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

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

10 (e) (1) In addition to any other requirement imposed under this
11 part, a charter school shall be nonsectarian in its programs,
12 admission policies, employment practices, and all other operations,
13 shall not charge tuition, and shall not discriminate against a pupil
14 on the basis of the characteristics listed in Section 220. Except as
15 provided in paragraph (2), admission to a charter school shall not
16 be determined according to the place of residence of the pupil, or
17 of that pupil's parent or legal guardian, within this state, except
18 that an existing public school converting partially or entirely to a
19 charter school under this part shall adopt and maintain a policy
20 giving admission preference to pupils who reside within the former
21 attendance area of that public school.

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

24 (B) If the number of pupils who wish to attend the charter school
25 exceeds the charter school's capacity, attendance, except for
26 existing pupils of the charter school, shall be determined by a
27 public random drawing. Preference shall be extended to pupils
28 currently attending the charter school and pupils who reside in the
29 school district except as provided for in Section 47614.5.
30 Preferences, including, but not limited to, siblings of pupils
31 admitted or attending the charter school and children of the charter
32 school's teachers, staff, and founders identified in the initial charter,
33 may also be permitted by the chartering authority on an individual
34 charter school basis. Priority order for any preference shall be
35 determined in the charter petition in accordance with all of the
36 following:

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

39 (ii) Preferences shall be consistent with federal law, the
40 California Constitution, and Section 200.

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

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

10 (C) In the event of a drawing, the chartering authority shall
11 make reasonable efforts to accommodate the growth of the charter
12 school and shall not take any action to impede the charter school
13 from expanding enrollment to meet pupil demand.

14 (3) If a pupil is expelled or leaves the charter school without
15 graduating or completing the school year for any reason, the charter
16 school shall notify the superintendent of the school district of the
17 pupil's last known address within 30 days, and shall, upon request,
18 provide that school district with a copy of the cumulative record
19 of the pupil, including report cards or a transcript of grades, and
20 health information. If the pupil is subsequently expelled or leaves
21 the school district without graduating or completing the school
22 year for any reason, the school district shall provide this
23 information to the charter school within 30 days if the charter
24 school demonstrates that the pupil had been enrolled in the charter
25 school. This paragraph applies only to pupils subject to compulsory
26 full-time education pursuant to Section 48200.

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

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

35 (C) A charter school shall not encourage a pupil currently
36 attending the charter school to disenroll from the charter school
37 or transfer to another school for any reason, including, but not
38 limited to, academic performance of the pupil or because the pupil
39 exhibits any of the characteristics described in clause (iii) of
40 subparagraph (B) of paragraph (2). This subparagraph shall not

1 apply to actions taken by a charter school pursuant to the
2 procedures described in subparagraph (J) of paragraph (5) of
3 subdivision (c).

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

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

10 (ii) Before conducting an enrollment lottery.

11 (iii) Before disenrollment of a pupil.

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

14 (ii) The department shall develop a template to be used for filing
15 complaints pursuant to clause (i).

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

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

23 (g) The governing board of a school district shall not require a
24 pupil enrolled in the school district to attend a charter school.

25 (h) The governing board of a school district shall require that
26 the petitioner or petitioners provide information regarding the
27 proposed operation and potential effects of the charter school,
28 including, but not limited to, the facilities to be used by the charter
29 school, the manner in which administrative services of the charter
30 school are to be provided, and potential civil liability effects, if
31 any, upon the charter school and upon the school district. The
32 description of the facilities to be used by the charter school shall
33 specify where the charter school intends to locate. The petitioner
34 or petitioners also shall be required to provide financial statements
35 that include a proposed first-year operational budget, including
36 startup costs, and cashflow and financial projections for the first
37 three years of operation. If the school is to be operated by, or as,
38 a nonprofit public benefit corporation, the petitioner shall provide
39 the names and relevant qualifications of all persons whom the

1 petitioner nominates to serve on the governing body of the charter
2 school.

3 (i) In reviewing petitions for the establishment of charter schools
4 within the school district, the governing board of the school district
5 shall give preference to petitions that demonstrate the capability
6 to provide comprehensive learning experiences to pupils identified
7 by the petitioner or petitioners as academically low achieving
8 pursuant to the standards established by the department under
9 Section 54032, as that section read before July 19, 2006.

10 (j) Upon the approval of the petition by the governing board of
11 the school district, the petitioner or petitioners shall provide written
12 notice of that approval, including a copy of the petition, to the
13 applicable county superintendent of schools, the department, and
14 the state board.

15 (k) (1) (A) (i) If the governing board of a school district denies
16 a petition, the petitioner may elect to submit the petition for the
17 establishment of a charter school to the county board of education.
18 The petitioner shall submit the petition to the county board of
19 education within 30 days of a denial by the governing board of the
20 school district. At the same time the petition is submitted to the
21 county board of education, the petitioner shall also provide a copy
22 of the petition to the school district. The county board of education
23 shall review the petition pursuant to subdivisions (b) and (c). If
24 the petition submitted on appeal contains new or different material
25 terms, the county board of education shall immediately remand
26 the petition to the governing board of the school district for
27 reconsideration, which shall grant or deny the petition within 30
28 days. If the governing board of the school district denies a petition
29 after reconsideration, the petitioner may elect to resubmit the
30 petition for the establishment of a charter school to the county
31 board of education.

32 (ii) The county board of education shall review the appeal
33 petition pursuant to subdivision (c). If the denial of the petition
34 was made pursuant to paragraph (8) of subdivision (c), the county
35 board of education shall also review the school district's findings
36 pursuant to paragraph (8) of subdivision (c).

37 (iii) As used in this subdivision, "material terms" of the petition
38 means the signatures, affirmations, disclosures, documents, and
39 descriptions described in subdivisions (a), (b), (c), and (h), but
40 shall not include minor administrative updates to the petition or

1 related documents due to changes in circumstances based on the
2 passage of time related to fiscal affairs, facilities arrangements, or
3 state law, or to reflect the county board of education as the
4 chartering authority.

5 (B) If the governing board of a school district denies a petition
6 and the county board of education has jurisdiction over a single
7 school district, the petitioner may elect to submit the petition for
8 the establishment of a charter school to the state board. The state
9 board shall review a petition submitted pursuant to this
10 subparagraph pursuant to subdivision (c). If the denial of a charter
11 petition is reversed by the state board pursuant to this subparagraph,
12 the state board shall designate the governing board of the school
13 district in which the charter school is located as the chartering
14 authority.

15 (2) If the county board of education denies a petition, the
16 petitioner may appeal that denial to the state board.

17 (A) The petitioner shall submit the petition to the state board
18 within 30 days of a denial by the county board of education. The
19 petitioner shall include the findings and documentary record from
20 the governing board of the school district and the county board of
21 education and a written submission detailing, with specific citations
22 to the documentary record, how the governing board of the school
23 district or the county board of education, or both, abused their
24 discretion. The governing board of the school district and county
25 board of education shall prepare the documentary record, including
26 transcripts of the public hearing at which the governing board of
27 the school district and county board of education denied the charter,
28 at the request of the petitioner. The documentary record shall be
29 prepared by the governing board of the school district and county
30 board of education no later than 10 business days after the request
31 of the petitioner is made. At the same time the petition and
32 supporting documentation is submitted to the state board, the
33 petitioner shall also provide a copy of the petition and supporting
34 documentation to the school district and the county board of
35 education.

36 (B) If the appeal contains new or different material terms, as
37 defined in clause (iii) of subparagraph (A) of paragraph (1), the
38 state board shall immediately remand the petition to the governing
39 board of the school district to which the petition was submitted
40 for reconsideration. The governing board of the school district

1 shall grant or deny the petition within 30 days. If the governing
2 board of the school district denies a petition after reconsideration,
3 the petitioner may elect to resubmit the petition to the state board.

4 (C) Within 30 days of receipt of the appeal submitted to the
5 state board, the governing board of the school district or county
6 board of education may submit a written opposition to the state
7 board detailing, with specific citations to the documentary record,
8 how the governing board of the school district or the county board
9 of education did not abuse its discretion in denying the petition.
10 The governing board of the school district or the county board of
11 education may submit supporting documentation or evidence from
12 the documentary record that was considered by the governing
13 board of the school district or the county board of education.

14 (D) The state board's Advisory Commission on Charter Schools
15 shall hold a public hearing to review the appeal and documentary
16 record. Based on its review, the Advisory Commission on Charter
17 Schools shall submit a recommendation to the state board whether
18 there is sufficient evidence to hear the appeal or to summarily deny
19 review of the appeal based on the documentary record. If the
20 Advisory Commission on Charter Schools does not submit a
21 recommendation to the state board, the state board shall consider
22 the appeal, and shall either hear the appeal or summarily deny
23 review of the appeal based on the documentary record at a regular
24 public meeting of the state board.

25 (E) The state board shall either hear the appeal or summarily
26 deny review of the appeal based on the documentary record. If the
27 state board hears the appeal, the state board may affirm the
28 determination of the governing board of the school district or the
29 county board of education, or both of those determinations, or may
30 reverse only upon a determination that there was an abuse of
31 discretion. If the denial of a charter petition is reversed by the state
32 board, the state board shall designate, in consultation with the
33 petitioner, either the governing board of the school district or the
34 county board of education in which the charter school is located
35 as the chartering authority.

36 (3) A charter school for which a charter is granted by either the
37 county board of education or the state board based on an appeal
38 pursuant to this subdivision shall qualify fully as a charter school
39 for all funding and other purposes of this part.

1 (4) A charter school that receives approval of its petition from
2 a county board of education or from the state board on appeal shall
3 be subject to the same requirements concerning geographic location
4 to which it would otherwise be subject if it received approval from
5 the chartering authority to which it originally submitted its petition.
6 A charter petition that is submitted to either a county board of
7 education or to the state board shall meet all otherwise applicable
8 petition requirements, including the identification of the proposed
9 site or sites where the charter school will operate.

10 (5) Upon the approval of the petition by the county board of
11 education, the petition or petitioners shall provide written notice
12 of that approval, including a copy of the petition, to the governing
13 board of the school district in which the charter school is located,
14 the department, and the state board.

15 (6) If either the county board of education or the state board
16 fails to act on a petition within 180 days of receipt, the decision
17 of the governing board of the school district to deny the petition
18 shall be subject to judicial review.

19 *(l) (1) Teachers and providers of direct services for which*
20 *certification qualifications are established pursuant to Section*
21 *44065 and Chapter 2 (commencing with Section 44200) of Part*
22 *25 of Division 3, except for Section 44270.1, in charter schools*
23 *shall hold the Commission on Teacher Credentialing certificate,*
24 *permit, or other document required for the teacher's certificated*
25 *assignment and be an employee of the charter school. assignment.*
26 These documents shall be maintained on file at the charter school
27 and are subject to periodic inspection by the chartering authority.
28 A governing body of a direct-funded charter school may use local
29 assignment options authorized in statute and regulations for the
30 purpose of legally assigning certificated teachers, in accordance
31 with all of the requirements of the applicable statutes or regulations
32 in the same manner as a governing board of a school district. A
33 charter school shall have authority to request an emergency permit
34 or a waiver from the Commission on Teacher Credentialing for
35 individuals in the same manner as a school district.

36 (2) By July 1, 2020, all teachers in charter schools shall obtain
37 a certificate of clearance and satisfy the requirements for
38 professional fitness pursuant to Sections 44339, 44340, and 44341.

39 (3) The Commission on Teacher Credentialing shall include in
40 the bulletins it issues pursuant to subdivision (k) of Section 44237

1 to provide notification to local educational agencies of any adverse
 2 actions taken against the holders of any commission documents,
 3 notice of any adverse actions taken against teachers employed by
 4 charter schools and shall make this bulletin available to all
 5 chartering authorities and charter schools in the same manner in
 6 which it is made available to local educational agencies.

7 *(4) The Commission on Teacher Credentialing shall update*
 8 *existing school district regulations regarding pupil personnel*
 9 *service credentials to include parity for charter schools.*

10 (m) A charter school may encourage parental involvement, but
 11 shall notify the parents and guardians of applicant pupils and
 12 currently enrolled pupils that parental involvement is not a
 13 requirement for acceptance to, or continued enrollment at, the
 14 charter school.

15 (n) The requirements of this section shall not be waived by the
 16 state board pursuant to Section 33050 or any other law.

17 ~~SEC. 29.~~

18 *SEC. 21.* Section 47605.6 of the Education Code is amended
 19 to read:

20 47605.6. (a) (1) In addition to the authority provided by
 21 Section 47605.5, a county board of education may also approve a
 22 petition for the operation of a charter school that operates at one
 23 or more sites within the geographic boundaries of the county and
 24 that provides instructional services that are not generally provided
 25 by a county office of education. A county board of education may
 26 approve a countywide charter only if it finds, in addition to the
 27 other requirements of this section, that the educational services to
 28 be provided by the charter school will offer services to a pupil
 29 population that will benefit from those services and that cannot be
 30 served as well by a charter school that operates in only one school
 31 district in the county. A petition for the establishment of a
 32 countywide charter school pursuant to this subdivision may be
 33 circulated throughout the county by any one or more persons
 34 seeking to establish the charter school. The petition may be
 35 submitted to the county board of education for review after either
 36 of the following conditions is met:

37 (A) The petition is signed by a number of parents or guardians
 38 of pupils residing within the county that is equivalent to at least
 39 one-half of the number of pupils that the charter school estimates
 40 will enroll in the school for its first year of operation and each of

1 the school districts where the charter school petitioner proposes
2 to operate a facility has received at least 30 days' notice of the
3 petitioner's intent to operate a charter school pursuant to this
4 section.

5 (B) The petition is signed by a number of teachers that is
6 equivalent to at least one-half of the number of teachers that the
7 charter school estimates will be employed at the school during its
8 first year of operation and each of the school districts where the
9 charter school petitioner proposes to operate a facility has received
10 at least 30 days' notice of the petitioner's intent to operate a charter
11 school pursuant to this section.

12 (2) An existing public school shall not be converted to a charter
13 school in accordance with this section.

14 (3) After receiving approval of its petition, a charter school that
15 proposes to establish operations at additional sites within the
16 geographic boundaries of the county board of education shall notify
17 the school districts where those sites will be located. The charter
18 school shall also request a material revision of its charter by the
19 county board of education that approved its charter and the county
20 board of education shall consider whether to approve those
21 additional locations at an open, public meeting, held no sooner
22 than 30 days following notification of the school districts where
23 the sites will be located. If approved, the location of the approved
24 sites shall be a material revision of the charter school's approved
25 charter.

26 (4) A petition shall include a prominent statement indicating
27 that a signature on the petition means that the parent or guardian
28 is meaningfully interested in having their child or ward attend the
29 charter school, or in the case of a teacher's signature, means that
30 the teacher is meaningfully interested in teaching at the charter
31 school. The proposed charter shall be attached to the petition.

32 (b) No later than 60 days after receiving a petition, in accordance
33 with subdivision (a), the county board of education shall hold a
34 public hearing on the provisions of the charter, at which time the
35 county board of education shall consider the level of support for
36 the petition by teachers, parents or guardians, and the school
37 districts where the charter school petitioner proposes to place
38 school facilities. Following review of the petition and the public
39 hearing, the county board of education shall either grant or deny
40 the charter within 90 days of receipt of the petition. However, this

1 date may be extended by an additional 30 days if both parties agree
2 to the extension. A petition is deemed received by the county board
3 of education for purposes of commencing the timelines described
4 in this subdivision when the petitioner submits a petition, in
5 accordance with subparagraph (A) or (B) of paragraph (1) of
6 subdivision (a), to the county office of education. The county board
7 of education shall publish all staff recommendations, including
8 the recommended findings, regarding the petition at least 15 days
9 before the public hearing at which the county board of education
10 will either grant or deny the charter. At the public hearing at which
11 the county board of education will either grant or deny the charter,
12 petitioners shall have equivalent time and procedures to present
13 evidence and testimony to respond to the staff recommendations
14 and findings. A county board of education may impose any
15 additional requirements beyond those required by this section that
16 it considers necessary for the sound operation of a countywide
17 charter school. A county board of education may grant a charter
18 for the operation of a charter school under this part only if it is
19 satisfied that granting the charter is consistent with sound
20 educational practice and that the charter school has reasonable
21 justification for why it could not be established by petition to a
22 school district pursuant to Section 47605. The county board of
23 education shall deny a petition for the establishment of a charter
24 school if it finds one or more of the following:

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

27 (2) The petitioners are demonstrably unlikely to successfully
28 implement the program set forth in the petition.

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

31 (4) The petition does not contain an affirmation of each of the
32 conditions described in subdivision (e).

33 (5) The petition does not contain reasonably comprehensive
34 descriptions of all of the following:

35 (A) (i) The educational program of the charter school, designed,
36 among other things, to identify those pupils whom the charter
37 school is attempting to educate, what it means to be an “educated
38 person” in the 21st century, and how learning best occurs. The
39 goals identified in that program shall include the objective of

1 enabling pupils to become self-motivated, competent, and lifelong
2 learners.

3 (ii) The annual goals for the charter school for all pupils and
4 for each subgroup of pupils identified pursuant to Section 52052,
5 to be achieved in the state priorities, as described in subdivision
6 (d) of Section 52060, that apply for the grade levels served by the
7 charter school, and specific annual actions to achieve those goals.
8 A charter petition may identify additional school priorities, the
9 goals for the school priorities, and the specific annual actions to
10 achieve those goals.

11 (iii) If the proposed charter school will enroll high school pupils,
12 the manner in which the charter school will inform parents
13 regarding the transferability of courses to other public high schools.
14 Courses offered by the charter school that are accredited by the
15 Western Association of Schools and Colleges may be considered
16 to be transferable to other public high schools.

17 (iv) If the proposed charter school will enroll high school pupils,
18 information as to the manner in which the charter school will
19 inform parents as to whether each individual course offered by the
20 charter school meets college entrance requirements. Courses
21 approved by the University of California or the California State
22 University as satisfying their prerequisites for admission may be
23 considered as meeting college entrance requirements for purposes
24 of this clause.

25 (B) The measurable pupil outcomes identified for use by the
26 charter school. “Pupil outcomes,” for purposes of this part, means
27 the extent to which all pupils of the charter school demonstrate
28 that they have attained the skills, knowledge, and aptitudes
29 specified as goals in the charter school’s educational program.
30 Pupil outcomes shall include outcomes that address increases in
31 pupil academic achievement both schoolwide and for all pupil
32 subgroups served by the charter school, as that term is defined in
33 subdivision (a) of Section 52052. The pupil outcomes shall align
34 with the state priorities, as described in subdivision (d) of Section
35 52060, that apply for the grade levels served by the charter school.

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

- 1 (D) The location of each charter school facility that the petitioner
2 proposes to operate.
- 3 (E) The governance structure of the charter school, including,
4 but not limited to, the process to be followed by the charter school
5 to ensure parental involvement.
- 6 (F) The qualifications to be met by individuals to be employed
7 by the charter school.
- 8 (G) The procedures that the charter school will follow to ensure
9 the health and safety of pupils and staff. These procedures shall
10 require all of the following:
- 11 (i) That each employee of the charter school furnish the charter
12 school with a criminal record summary as described in Section
13 44237.
- 14 (ii) The development of a school safety plan, which shall include
15 the safety topics listed in subparagraphs (A) to (J), inclusive, of
16 paragraph (2) of subdivision (a) of Section 32282.
- 17 (iii) That the school safety plan be reviewed and updated by
18 March 1 of every year by the charter school.
- 19 (H) The means by which the charter school will achieve a
20 balance of racial and ethnic pupils, special education pupils, and
21 English learner pupils, including redesignated fluent English
22 proficient pupils as defined by the evaluation rubrics in Section
23 52064.5, that is reflective of the general population residing within
24 the territorial jurisdiction of the county board of education to which
25 the charter petition is submitted. Upon renewal, for a charter school
26 not deemed to be a local educational agency for purposes of special
27 education pursuant to Section 47641, the chartering authority may
28 consider the effect of school placements made by the chartering
29 authority in providing a free and appropriate public education as
30 required by the federal Individuals with Disabilities Education Act
31 (Public Law 101-476), on the balance of pupils with disabilities
32 at the charter school.
- 33 (I) The manner in which annual, independent financial audits
34 shall be conducted pursuant to Section 47604.2, in accordance
35 with regulations established by the state board, and the manner in
36 which audit exceptions and deficiencies shall be resolved.
- 37 (J) The procedures by which pupils can be suspended or expelled
38 from the charter school for disciplinary reasons or otherwise
39 involuntarily removed from the charter school for any reason.
40 These procedures, at a minimum, shall include an explanation of

1 how the charter school will comply with federal and state
2 constitutional procedural and substantive due process requirements
3 that is consistent with all of the following:

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

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

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

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

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

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

38 (L) The procedures to be followed by the charter school and the
39 county board of education to resolve disputes relating to provisions
40 of the charter.

1 (M) Admission policy and procedures, consistent with
2 subdivision (e).

3 (N) The public school attendance alternatives for pupils residing
4 within the county who choose not to attend the charter school.

5 (O) The rights of an employee of the county office of education,
6 upon leaving the employment of the county office of education,
7 to be employed by the charter school, and any rights of return to
8 the county office of education that an employee may have upon
9 leaving the employment of the charter school.

10 (P) The procedures to be used if the charter school closes. The
11 procedures shall ensure a final audit of the charter school to
12 determine the disposition of all assets and liabilities of the charter
13 school, including plans for disposing of any net assets and for the
14 maintenance and transfer of public records.

15 (6) A declaration of whether or not the charter school shall be
16 deemed the exclusive public school employer of the employees of
17 the charter school for purposes of the Educational Employment
18 Relations Act (Chapter 10.7 (commencing with Section 3540) of
19 Division 4 of Title 1 of the Government Code).

20 (7) Any other basis that the county board of education finds
21 justifies the denial of the petition.

22 (c) A county board of education that approves a petition for the
23 operation of a countywide charter may, as a condition of charter
24 approval, enter into an agreement with a third party, at the expense
25 of the charter school, to oversee, monitor, and report to the county
26 board of education on the operations of the charter school. The
27 county board of education may prescribe the aspects of the charter
28 school’s operations to be monitored by the third party and may
29 prescribe appropriate requirements regarding the reporting of
30 information concerning the operations of the charter school to the
31 county board of education.

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

36 (2) Charter schools shall on a regular basis consult with their
37 parents and teachers regarding the charter school’s educational
38 programs.

39 (e) (1) In addition to any other requirement imposed under this
40 part, a charter school shall be nonsectarian in its programs,

1 admission policies, employment practices, and all other operations,
2 shall not charge tuition, and shall not discriminate against any
3 pupil on the basis of ethnicity, national origin, gender, gender
4 identity, gender expression, or disability. Except as provided in
5 paragraph (2), admission to a charter school shall not be determined
6 according to the place of residence of the pupil, or of the pupil's
7 parent or guardian, within this state.

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

10 (B) If the number of pupils who wish to attend the charter school
11 exceeds the charter school's capacity, attendance, except for
12 existing pupils of the charter school, shall be determined by a
13 public random drawing. Preference shall be extended to pupils
14 currently attending the charter school and pupils who reside in the
15 county except as provided for in Section 47614.5. Preferences,
16 including, but not limited to, siblings of pupils admitted or
17 attending the charter school and children of the charter school's
18 teachers, staff, and founders identified in the initial charter, may
19 also be permitted by the chartering authority on an individual
20 charter school basis. Priority order for any preference shall be
21 determined in the charter petition in accordance with all of the
22 following:

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

25 (ii) Preferences shall be consistent with federal law, the
26 California Constitution, and Section 200.

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

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

36 (C) In the event of a drawing, the county board of education
37 shall make reasonable efforts to accommodate the growth of the
38 charter school and in no event shall take any action to impede the
39 charter school from expanding enrollment to meet pupil demand.

1 (3) If a pupil is expelled or leaves the charter school without
2 graduating or completing the school year for any reason, the charter
3 school shall notify the superintendent of the school district of the
4 pupil's last known address within 30 days and shall, upon request,
5 provide that school district with a copy of the cumulative record
6 of the pupil, including report cards or a transcript of grades, and
7 health information. If the pupil is subsequently expelled or leaves
8 the school district without graduating or completing the school
9 year for any reason, the school district shall provide this
10 information to the charter school within 30 days if the charter
11 school demonstrates that the pupil had been enrolled in the charter
12 school. This paragraph applies only to pupils subject to compulsory
13 full-time education pursuant to Section 48200.

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

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

22 (C) A charter school shall not encourage a pupil currently
23 attending the charter school to disenroll from the charter school
24 or transfer to another school for any reason, including, but not
25 limited to, academic performance of the pupil or because the pupil
26 exhibits any of the characteristics described in clause (iii) of
27 subparagraph (B) of paragraph (2). This subparagraph shall not
28 apply to actions taken by a charter school pursuant to the
29 procedures described in subparagraph (J) of paragraph (5) of
30 subdivision (b).

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

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

37 (ii) Before conducting an enrollment lottery.

38 (iii) Before disenrollment of a pupil.

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

1 (ii) The department shall develop a template to be used for filing
2 complaints pursuant to clause (i).

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

8 (f) The county board of education shall not require an employee
9 of the county or a school district to be employed in a charter school.

10 (g) The county board of education shall not require a pupil
11 enrolled in a county program to attend a charter school.

12 (h) The county board of education shall require that the
13 petitioner or petitioners provide information regarding the proposed
14 operation and potential effects of the charter school, including, but
15 not limited to, the facilities to be used by the charter school, the
16 manner in which administrative services of the charter school are
17 to be provided, and potential civil liability effects, if any, upon the
18 charter school, any school district where the charter school may
19 operate, and upon the county board of education. The petitioner
20 or petitioners shall also be required to provide financial statements
21 that include a proposed first-year operational budget, including
22 startup costs, and cashflow and financial projections for the first
23 three years of operation. If the charter school is to be operated by,
24 or as, a nonprofit public benefit corporation, the petitioner shall
25 provide the names and relevant qualifications of all persons whom
26 the petitioner nominates to serve on the governing body of the
27 charter school.

28 (i) In reviewing petitions for the establishment of charter schools
29 within the county, the county board of education shall give
30 preference to petitions that demonstrate the capability to provide
31 comprehensive learning experiences to pupils identified by the
32 petitioner or petitioners as academically low achieving pursuant
33 to the standards established by the department under Section 54032,
34 as that section read before July 19, 2006.

35 (j) Upon the approval of the petition by the county board of
36 education, the petitioner or petitioners shall provide written notice
37 of that approval, including a copy of the petition, to the school
38 districts within the county, the Superintendent, and the state board.

1 (k) If a county board of education denies a petition, the petitioner
 2 shall not elect to submit the petition for the establishment of the
 3 charter school to the state board.

4 (l) (1) Teachers *and providers of direct services for which*
 5 *certification qualifications are established pursuant to Section*
 6 *44065 and Chapter 2 (commencing with Section 44200) of Part*
 7 *25 of Division 3, except for Section 44270.1, in charter schools*
 8 shall be required to hold the Commission on Teacher Credentialing
 9 certificate, permit, or other document required for the teacher's
 10 certificated assignment ~~and be an employee of the charter school.~~
 11 *assignment.* These documents shall be maintained on file at the
 12 charter school and shall be subject to periodic inspection by the
 13 chartering authority. A governing body of a direct-funded charter
 14 school may use local assignment options authorized in statute and
 15 regulations for the purpose of legally assigning certificated
 16 teachers, in accordance with all of the requirements of the
 17 applicable statutes or regulations in the same manner as a governing
 18 board of a school district. A charter school shall have authority to
 19 request an emergency permit or a waiver from the Commission
 20 on Teacher Credentialing for individuals in the same manner as a
 21 school district.

22 (2) The Commission on Teacher Credentialing shall include in
 23 the bulletins it issues pursuant to subdivision (k) of Section 44237
 24 to provide notification to local educational agencies of any adverse
 25 actions taken against the holders of any commission documents,
 26 notice of any adverse actions taken against teachers employed by
 27 charter schools. The Commission on Teacher Credentialing shall
 28 make this bulletin available to all chartering authorities and charter
 29 schools in the same manner in which it is made available to local
 30 educational agencies.

31 (m) A charter school may encourage parental involvement but
 32 shall notify the parents and guardians of applicant pupils and
 33 currently enrolled pupils that parental involvement is not a
 34 requirement for acceptance to, or continued enrollment at, the
 35 charter school.

36 (n) The requirements of this section shall not be waived by the
 37 state board pursuant to Section 33050 or any other law.

38 ~~SEC. 30.~~

39 *SEC. 22.* Section 47605.8 is added to the Education Code, to
 40 read:

1 47605.8. The state board shall appoint an advisory committee
2 on charter schools. The advisory committee shall include, but shall
3 not necessarily be limited to, representatives from school district
4 superintendents, charter schools, teachers, parents, members of
5 the governing boards of school districts, county superintendents
6 of schools, and the Superintendent.

7 ~~SEC. 31.~~

8 *SEC. 23.* Section 47605.10 is added to the Education Code,
9 immediately following Section 47605.9, to read:

10 47605.10. (a) Notwithstanding any other law, a school district
11 shall be limited in the size of the totality of the nonclassroom-based
12 charter schools that it may authorize based on the following:

13 (1) A school district with an average daily attendance of fewer
14 than 2,500 pupils shall not authorize a nonclassroom-based charter
15 school or approve a material revision to expand an existing
16 nonclassroom-based charter school to more than 100 percent of
17 the average daily attendance of the school district authorizing the
18 charter.

19 (2) A school district with an average daily attendance of 2,500
20 pupils or more but fewer than 5,000 pupils shall not authorize a
21 nonclassroom-based charter school or approve a material revision
22 to expand an existing nonclassroom-based charter school to an
23 average daily attendance of more than 2,500 pupils.

24 (3) A school district with an average daily attendance of 5,000
25 pupils or more but fewer than 10,000 pupils shall not authorize a
26 nonclassroom-based charter school or approve a material revision
27 to expand an existing nonclassroom-based charter school to more
28 than 50 percent of the average daily attendance of the school district
29 authorizing the charter.

30 (b) For purposes of this section, the determination of the average
31 daily attendance used shall be the second principal apportionment
32 in the prior year.

33 (c) A nonclassroom-based charter school authorized and in
34 operation before December 31, 2021, with an average daily
35 attendance above the limits referenced in subdivision (a) may
36 continue to be authorized by that school district if the charter
37 school's average daily attendance does not exceed the average
38 daily attendance of the charter school calculated at the second
39 principal apportionment in the 2021–22 school year.

1 ~~SEC. 32.~~

2 ~~SEC. 24.~~ Section 47609 is added to the Education Code, to
3 read:

4 47609. (a) The Legislature finds and declares all of the
5 following:

6 (1) The Charter Accountability Resource and Support Network
7 established a successful model for building strong charter school
8 authorizing practices in California, with small charter school
9 authorizers in mind.

10 (2) The strength of the Charter Accountability Resource and
11 Support Network was in the collaboration, commitment, and
12 coordination of resources for training and support between and
13 among the expertise of regional lead county offices of education.

14 (3) Extending the Charter Accountability Resource and Support
15 Network model and funding will provide essential resources to
16 continue the positive momentum gained to date and strengthen the
17 ability of chartering authorities to exercise their statutory charter
18 authorization and oversight responsibilities.

19 (b) (1) The Charter Authorizing Support Team program is
20 hereby established, to be administered by the County Office Fiscal
21 Crisis and Management Assistance Team, as an initiative to expand
22 uniform charter school authorizing and oversight practices in the
23 state.

24 (2) (A) The program shall develop high-quality fiscal, academic,
25 and governance oversight and monitoring tools for uniform charter
26 school authorizing practices. The program shall employ the
27 proposed values and principles to be developed by the advisory
28 board for quality charter school authorizing practices, as provided
29 in subdivision (e), as guidance. The program shall share and update
30 developed tools and materials, as needed, to help strengthen charter
31 school authorizing practices, with a special focus on charter
32 authorizers with an average daily attendance of fewer than 2,500
33 pupils.

34 (B) Materials and trainings provided for in this section shall
35 ensure consistent and transparent charter school authorizing
36 processes across the state. The trainings shall be related to subjects
37 including, but not limited to, the charter school petition review
38 and appeal process, memorandum of understanding development,
39 charter school oversight practices, the charter renewal process,
40 and the charter school intervention and charter revocation process.

- 1 (c) Responsibilities of the County Office Fiscal Crisis and
2 Management Assistance Team shall include all of the following:
- 3 (1) Acting as the fiscal agent for the program.
- 4 (2) (A) Collaborating with leading chartering authorities, county
5 offices of education, and subject matter experts in the development
6 and dissemination of high-quality charter school authorizing and
7 oversight tools and best practices to ensure statewide consistency.
- 8 (B) Consulting with the state board in the development of
9 high-quality charter school authorizing tools and best practices.
- 10 (3) Creating and maintaining an online database of materials
11 and resources that can be adapted for use by chartering authorities.
- 12 (4) Facilitating an annual statewide conference for chartering
13 authorities.
- 14 (5) Establishing and facilitating an advisory board, as provided
15 in subdivision (e), to provide input on the development and full
16 implementation of services provided by the program.
- 17 (6) Providing information, as requested, to the Legislative
18 Analyst's Office for purposes of subdivision (f) to measure the
19 program's continual improvement and program fidelity, and to
20 document the program's impact.
- 21 (7) Providing technical assistance and support to school districts
22 and county offices of education when they have questions on the
23 charter school petition review and appeal process, the charter
24 renewal process, the charter school intervention and charter
25 revocation processes, memorandum of understanding development,
26 and the charter oversight process by and through all of the
27 following:
- 28 (A) Establish and staff a help desk to respond to inquiries from
29 chartering authorities and facilitate the connection between need
30 and resources.
- 31 (B) Establish a community listserv for chartering authorities to
32 ask each other questions, gather information, and generate
33 feedback.
- 34 (C) Identify and maintain a list of school district and county
35 office of education personnel designated as responsible for charter
36 school authorizing or charter oversight activity. Chartering
37 authorities shall be invited and encouraged to attend regional
38 meetings and trainings to build their knowledge and expertise.
- 39 (D) Provide professional learning on best practices for the
40 charter school petition review and appeal process, the charter

1 renewal process, adherence to timelines, and memorandum of
2 understanding development.

3 (E) Provide professional learning on best practices for the charter
4 school intervention and charter revocation process.

5 (F) Provide professional learning on best practices for the charter
6 oversight process, including ongoing monitoring and site reviews.

7 (d) In order to guide the preparation of materials and resources
8 and provide professional learning opportunities consistent with its
9 responsibilities, the program shall do all of the following:

10 (1) Seek input from chartering authorities across the state to
11 determine the type of charter school materials, resources, training,
12 and support needed in order to build the capacity of chartering
13 authorities.

14 (2) Provide program data to assist in evaluating the effectiveness
15 of the program in improving the quality of charter school
16 authorizing practices.

17 (3) Offer outreach to chartering authorities that have not
18 previously participated in program trainings or conferences.

19 (e) (1) An advisory board shall be appointed by the board of
20 directors of the County Office Fiscal Crisis and Management
21 Assistance Team, to be composed of 12 members, including five
22 experienced professionals from chartering authorities, two teacher
23 representatives, two representatives from other organizations with
24 expertise in charter school authorizing, one charter school
25 representative, one representative of the department, and the Chief
26 Executive Officer of the County Office Fiscal Crisis and
27 Management Assistance Team, or their designee.

28 (2) The board of directors of the County Office Fiscal Crisis
29 and Management Assistance Team shall establish bylaws for the
30 advisory board that, at a minimum, provide for all of the following:

31 (A) The role and functions of the advisory board.

32 (B) The process and qualifications for appointment as an
33 advisory board member. At least one of the five experienced
34 professionals from chartering authorities required in this
35 subdivision shall be from a chartering authority with an average
36 daily attendance of fewer than 2,500 pupils.

37 (C) The terms of advisory board members.

38 (D) The selection of a chairperson and vice chairperson, and
39 the establishment of subcommittees.

40 (E) Meetings, including the frequency of meetings.

1 (F) The rules of order.

2 (G) The process for amending bylaws.

3 (3) Notwithstanding any other law, the advisory board shall be
4 subject to the Bagley-Keene Open Meeting Act (Article 9
5 (commencing with Section 11120) of Chapter 1 of Part 1 of
6 Division 3 of Title 2 of the Government Code).

7 (4) The advisory board shall develop values and principles for
8 charter school authorizing and oversight that will provide guidance
9 for preparation of materials and resources, professional learning
10 opportunities, and conference materials. The values and principles
11 developed by the advisory board shall include, but are not limited
12 to, all of the following:

13 (A) That the actions and decisions of effective chartering
14 authorities are guided by all of the following values:

15 (i) Responsibility: the duty to serve the state’s pupils and the
16 public.

17 (ii) Integrity: adherence to moral and ethical principles in all
18 aspects of charter school authorizing and oversight.

19 (iii) Fairness: impartial and just treatment of all stakeholders.

20 (iv) Knowledge: understanding of charter school law and
21 practice.

22 (B) In complying with the requirements of this part, chartering
23 authorities shall consider all of the following foundational
24 principles:

25 (i) Through charter school approval and oversight, chartering
26 authorities serve the interests of pupils and the public.

27 (ii) Chartering authorities hold charter schools accountable for
28 results in exchange for the substantial autonomy the law grants to
29 charter schools.

30 (iii) Accountability for results includes maintaining high
31 standards for performance in academics, finance, personnel
32 management, operations, and governance.

33 (iv) Standards for performance include ensuring access and
34 pursuing achievement for all pupils.

35 (f) On or before December 1, 2026, the Legislative Analyst’s
36 Office shall complete and submit to the Governor and the
37 appropriate education policy and budget committees of the
38 Legislature an evaluation of the program. The Legislative Analyst’s
39 Office shall evaluate the program’s effectiveness in administering
40 training programs, outreach, and the participation of chartering

1 authorities that have not participated in trainings and conferences
 2 during previous years, and make recommendations regarding the
 3 continuation of funding.

4 (g) This section shall be implemented only upon an
 5 appropriation in the annual Budget Act or other statute for these
 6 purposes.

7 ~~SEC. 33.~~

8 *SEC. 25.* Section 47612 of the Education Code is amended to
 9 read:

10 47612. (a) A charter school shall be deemed to be under the
 11 exclusive control of the officers of the public schools for purposes
 12 of Section 8 of Article IX of the California Constitution, with
 13 regard to the appropriation of public moneys to be apportioned to
 14 any charter school, including, but not necessarily limited to,
 15 appropriations made for purposes of this chapter.

16 (b) The average daily attendance in a charter school may not,
 17 in any event, be generated by a pupil who is not a California
 18 resident. To remain eligible for generating charter school
 19 apportionments, a pupil over 19 years of age shall be continuously
 20 enrolled in public school and make satisfactory progress towards
 21 award of a high school diploma. The state board shall, on or before
 22 January 1, 2000, adopt regulations defining “satisfactory progress.”

23 (c) A charter school shall be deemed to be a “school district”
 24 for purposes of Article 1 (commencing with Section 14000) of
 25 Chapter 1 of Part 9 of Division 1 of Title 1, Section 41301, Section
 26 41302.5, Article 10 (commencing with Section 41850) of Chapter
 27 5 of Part 24 of Division 3, Section 47638, and Sections 8 and 8.5
 28 of Article XVI of the California Constitution.

29 (d) For purposes of calculating average daily attendance, no
 30 pupil shall generate more than one day of attendance in a calendar
 31 day.

32 (e) Beginning in the 2022–23 school year, ~~a school district,~~
 33 ~~county office of education, or charter school~~ *charter school,*
 34 *including a charter school authorized by a county office of*
 35 *education,* shall not operate a program of multitrack year-round
 36 scheduling. ~~A school district, county office of education, or~~
 37 *classroom-based* charter school may be authorized to operate a
 38 multitrack calendar by the state board, pursuant to Section 37670.1,
 39 due to impacted facilities.

1 (f) Notwithstanding any other law, a *classroom-based* charter
2 school that operates a multitrack calendar with state board approval
3 pursuant to Section 37670.1 shall comply with all of the following:

4 (1) Calculate attendance separately for each track. The divisor
5 in the calculation shall be the calendar days in which school was
6 taught for pupils in each track.

7 (2) Operate no more than five tracks.

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

12 (4) For each track, provide the total number of instructional
13 minutes, as specified in Section 47612.5.

14 (5) No track shall have less than 55 percent of its schooldays
15 before April 15.

16 (g) Unless otherwise authorized by statute, a pupil shall not
17 generate more than one unit of average daily attendance in a fiscal
18 year.

19 (h) Compliance with the conditions set forth in this section shall
20 be included in the audits conducted pursuant to Section 41020.

21 ~~SEC. 34.~~

22 *SEC. 26.* Section 47612.5 of the Education Code is amended
23 to read:

24 47612.5. (a) Notwithstanding any other law and as a condition
25 of apportionment, a charter school shall do all of the following:

26 (1) For each fiscal year, offer, at a minimum, the following
27 number of minutes of instruction:

28 (A) To pupils in kindergarten, 36,000 minutes.

29 (B) To pupils in grades 1 to 3, inclusive, 50,400 minutes.

30 (C) To pupils in grades 4 to 8, inclusive, 54,000 minutes.

31 (D) To pupils in grades 9 to 12, inclusive, 64,800 minutes.

32 (2) Maintain written contemporaneous records that document
33 all pupil attendance and make these records available for audit and
34 inspection.

35 (3) Certify that its pupils have participated in the state testing
36 programs specified in Chapter 5 (commencing with Section 60600)
37 of Part 33 in the same manner as other pupils attending public
38 schools as a condition of apportionment of state funding.

39 (4) ~~Adhere~~ *Commencing July 1, 2022, adhere* to the minimum
40 day requirements *that apply to school districts* pursuant to Sections

1 46100, 46010, 46110, 46112, 46113, 46114, 46117, 46141, 46142,
2 and 46307, as applicable.

3 (b) Notwithstanding any other law and except to the extent
4 inconsistent with this section and Section 47634.2, a charter school
5 that provides independent study shall comply with Article 5.5
6 (commencing with Section 51745) of Chapter 5 of Part 28 and
7 implementing regulations adopted thereunder.

8 (c) A reduction in apportionment made pursuant to subdivision
9 (a) shall be proportional to the magnitude of the exception that
10 causes the reduction. For purposes of paragraphs (1) and (4) of
11 subdivision (a), for each charter school that fails to offer pupils
12 the minimum number of minutes of instruction specified in that
13 paragraph, the Superintendent shall withhold from the charter
14 school's apportionment for average daily attendance of the affected
15 pupils, by grade level, the sum of that apportionment multiplied
16 by the percentage of the minimum number of minutes of instruction
17 at each grade level that the charter school failed to offer.

18 (d) Nonclassroom-based instruction includes, but is not limited
19 to, independent study, home study, work study, and distance and
20 computer-based education. In prescribing any conditions or
21 limitations relating to the qualifications of instructional personnel,
22 the state board shall be guided by subdivision (l) of Section 47605.

23 (e) (1) Notwithstanding any other law, and as a condition of
24 apportionment, "classroom-based instruction" in a charter school,
25 for purposes of this part, occurs only when charter school pupils
26 are engaged in educational activities required of those pupils and
27 are under the immediate supervision and control of an employee
28 of the charter school who possesses a valid certification document
29 registered as required by law. For purposes of calculating average
30 daily attendance for classroom-based instruction apportionments,
31 at least 80 percent of the instructional time offered by the charter
32 school shall be at the schoolsite, and the charter school shall require
33 the attendance of all pupils for whom a classroom-based
34 apportionment is claimed at the schoolsite for at least 80 percent
35 of the minimum instructional time required to be offered pursuant
36 to paragraph (1) of subdivision (a).

37 (2) For the purposes of this part, "nonclassroom instruction" or
38 "nonclassroom-based instruction" means instruction that does not
39 meet the requirements specified in paragraph (1). The state board
40 may adopt regulations pursuant to paragraph (1) of subdivision

1 (d) specifying other conditions or limitations on what constitutes
2 nonclassroom-based instruction, as it deems appropriate and
3 consistent with this part.

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

6 (4) Notwithstanding any other law, neither the state board nor
7 the Superintendent may waive the requirements of paragraph (1)
8 of subdivision (a).

9 (f) ~~A~~ *Commencing July 1, 2022*, a charter school that offers
10 nonclassroom-based instruction shall provide classroom-based
11 instruction for those pupils for whom the charter school determines
12 shall return to another program in the charter school for which the
13 pupil is enrolled or a charter school operated by the entity
14 managing the charter school, pursuant to subdivision (f) of Section
15 51747.

16 ~~SEC. 35.~~

17 *SEC. 27.* Section 47613 of the Education Code is amended to
18 read:

19 47613. (a) (1) For the 2021–22 fiscal year, a chartering
20 authority may charge for the actual costs of supervisory oversight
21 of a charter school not to exceed 1 percent of the revenue of the
22 charter school.

23 (2) A local educational agency that is given the responsibility
24 for supervisory oversight of a charter school, pursuant to
25 paragraph (1) of subdivision (k) of Section 47605, may charge for
26 the actual costs of supervisory oversight, and administrative costs
27 necessary to secure charter school funding. A charter school that
28 is charged for costs under this subdivision shall not be charged
29 pursuant to paragraph (1).

30 (b) (1) For the 2022–23 fiscal year a chartering authority may
31 charge for the actual costs of supervisory oversight of a charter
32 school not to exceed 2 percent of the revenue of the charter school.

33 (2) A local educational agency that is given the responsibility
34 for supervisory oversight of a charter school, pursuant to
35 paragraph (1) of subdivision (k) of Section 47605, may charge for
36 the actual costs of supervisory oversight, and administrative costs
37 necessary to secure charter school funding. A charter school that
38 is charged for costs under this subdivision shall not be charged
39 pursuant to paragraph (1).

1 (c) (1) Notwithstanding other implementation timelines in this
 2 section, effective July 1, 2023, a chartering authority may charge
 3 for the actual costs of supervisory oversight of a charter school
 4 not to exceed 3 percent of the revenue of the charter school.

5 (2) A local educational agency that is designated as the
 6 chartering authority pursuant to subdivision (b) or (c) of Section
 7 47605.9, or pursuant to subparagraph (E) of paragraph (2) of
 8 subdivision (k) of Section 47605, may charge for the actual costs
 9 of supervisory oversight, and administrative costs necessary to
 10 perform the oversight duties listed in Section 47604.32. A charter
 11 school that is charged for costs under this subdivision shall not be
 12 charged pursuant to paragraph (1).

13 (d) A chartering authority may charge a charter school a fee not
 14 to exceed 2 percent of the revenue of the charter school if the
 15 charter school is able to obtain substantially rent-free facilities
 16 from the chartering authority.

17 (e) This section does not prevent the charter school from
 18 separately purchasing administrative or other services from the
 19 chartering authority or any other source.

20 (f) For purposes of this section, “chartering authority” means a
 21 school district, county board of education, or the state board, that
 22 granted the charter to the charter school or the governing board of
 23 a school district or county board of education that was designated
 24 as the chartering authority pursuant to subdivision (b) or (c) of
 25 Section 47605.9 or pursuant to paragraph (1) of subdivision (k) of
 26 Section 47605.

27 (g) For purposes of this section, “revenue of the charter school”
 28 means the amount received in the current fiscal year from the local
 29 control funding formula calculated pursuant to Section 42238.02,
 30 as implemented by Section 42238.03.

31 (h) For purposes of this section, “costs of supervisory
 32 oversight” exclude costs incurred pursuant to Section 47607.3.

33 ~~SEC. 36.~~

34 *SEC. 28.* Section 47613.3 is added to the Education Code, to
 35 read:

36 47613.3. (a) A charter school shall comply with all of the
 37 following:

38 (1) For purposes of providing direct services to pupils in order
 39 to meet instructional time requirements pursuant to Sections 46100,
 40 46110, 46112, 46113, 46114, 46117, 46141, 46142, 46307, and

1 ~~47612.5, as applicable, or for purposes of claiming apportionment,~~
2 ~~pupils,~~ a charter school shall not expend public funds for a contract
3 with a vendor, unless that vendor complies with ~~all~~ *both* of the
4 following requirements:

5 (A) The materials, programs, and organizations providing
6 services are nonsectarian.

7 (B) The funds that would be used to pay for direct services to
8 pupils are not used to pay tuition or fees at a private school.

9 ~~(C) Any persons employed by a vendor who are responsible for~~
10 ~~the direct services to pupils in order to meet instructional time~~
11 ~~requirements as referenced in this paragraph, shall hold the~~
12 ~~Commission on Teacher Credentialing certificate, permit, or other~~
13 ~~document required for their assignment consistent with the~~
14 ~~requirements for teachers in a charter school pursuant to~~
15 ~~subdivision (l) of Section 47605, Section 47605.4, and subdivision~~
16 ~~(l) of Section 47605.6.~~

17 ~~(D) Notwithstanding subparagraph (C), direct services to pupils~~
18 ~~provided pursuant to an individualized educational program may~~
19 ~~be conducted by personnel employed by a vendor who are~~
20 ~~appropriately licensed or credentialed for their assignments.~~

21 (2) A charter school shall not offer any financial payments or
22 gifts to a teacher, a pupil or prospective pupil, or to the parent or
23 guardian of a pupil or prospective pupil for enrollment, referral,
24 retention, participation in school meetings or activities, or
25 participation in direct services to pupils by vendors.

26 (3) The salary and other income paid to an employee by a charter
27 school or an entity managing a charter school, as defined by Section
28 47604.1, shall not depend on pupil attendance or pupil course
29 completion.

30 (4) Management services, business services, marketing, and
31 technology vendor fees shall not be calculated as a percentage of
32 the revenue of the charter school, as defined in Section 47613.

33 (b) The extent of the charter school's compliance with
34 subdivision (a) shall be reviewed and reported as part of the annual,
35 independent financial audit that a charter school is required to
36 transmit by April 1 of each year pursuant to Section 41020.

37 (c) This section does not supersede or invalidate a contract that
38 is in effect at the time this section becomes operative. If a contract
39 is in effect at the time this section becomes operative, the contract
40 shall remain in effect until the parties to the agreement negotiate

1 a successor agreement. A memorandum of understanding shall not
2 extend a contract that is in effect at the time this section becomes
3 operative.

4 (d) This section shall become operative on July 1, 2022.

5 ~~SEC. 37.~~

6 *SEC. 29.* Section 47634.2 of the Education Code is amended
7 to read:

8 47634.2. (a) (1) Notwithstanding any other law, beginning
9 July 1, 2022, the amount of funding to be allocated to a charter
10 school on the basis of average daily attendance that is generated
11 by pupils engaged in nonclassroom-based instruction, as defined
12 by paragraph (2) of subdivision (e) of Section 47612.5, including
13 funding provided on the basis of average daily attendance pursuant
14 to Section 42238.02, as modified by Section 42238.03, shall be
15 adjusted by the Superintendent as follows:

16 (A) For pupils engaged in classroom-based instruction, as
17 defined in paragraph (1) of subdivision (e) of Section 47612.5, for
18 at least 80 percent of their attendance, no adjustment shall be made
19 to the reported average daily attendance used for funding their
20 nonclassroom-based attendance.

21 (B) For pupils engaged in classroom-based instruction, as
22 defined in paragraph (1) of subdivision (e) of Section 47612.5, for
23 between 60 percent and 79 percent of their attendance, the reported
24 average daily attendance used for funding their nonclassroom-based
25 attendance shall be reduced by a factor of 7.5 percent.

26 (C) For pupils engaged in classroom-based instruction, as
27 defined in paragraph (1) of subdivision (e) of Section 47612.5, for
28 between 40 percent and 59 percent of their attendance, the reported
29 average daily attendance used for funding their nonclassroom-based
30 attendance shall be reduced by a factor of 15 percent.

31 (D) For pupils engaged in classroom-based instruction, as
32 defined in paragraph (1) of subdivision (e) of Section 47612.5, for
33 between 20 percent and 39 percent of their attendance, the reported
34 average daily attendance used for funding their nonclassroom-based
35 attendance shall be reduced by a factor of 22.5 percent.

36 (E) For pupils engaged in classroom-based instruction, as
37 defined in paragraph (1) of subdivision (e) of Section 47612.5, for
38 between 0 percent and 19 percent of their attendance, the reported
39 average daily attendance used for funding their nonclassroom-based
40 attendance shall be reduced by a factor of 30 percent.

1 (2) This section does not authorize the Superintendent to adjust
2 the amount of funding a charter school receives on the basis of
3 average daily attendance generated through classroom-based
4 instruction, as defined for purposes of calculating average daily
5 attendance for classroom-based instruction apportionments by
6 paragraph (1) of subdivision (e) of Section 47612.5.

7 (3) The determination for funding shall be on a percentage basis
8 and the Superintendent shall implement the determination for
9 funding by reducing the charter school's reported average daily
10 attendance by the determination for funding pursuant to this
11 subdivision.

12 (b) Each charter school offering nonclassroom-based instruction
13 shall, in each report provided to the Superintendent for
14 apportionment purposes, identify the portion of its average daily
15 attendance that is generated through nonclassroom-based
16 instruction, as defined in paragraph (2) of subdivision (e) of Section
17 47612.5, based on the percentages specified pursuant to subdivision
18 (a).

19 (c) Notwithstanding any other law, charter schools shall be
20 subject, with regard to subdivisions (c) and (d) of Section 47612.5
21 and this section, to audits conducted pursuant to Section 41020.

22 ~~SEC. 38.~~

23 *SEC. 30.* Section 51745 of the Education Code is amended to
24 read:

25 51745. (a) The governing board of a school district, a county
26 office of education, or a charter school may offer independent
27 study to meet the educational needs of pupils in accordance with
28 the requirements of this article. Educational opportunities offered
29 through independent study may include, but shall not be limited
30 to, the following:

31 (1) Special assignments extending the content of regular courses
32 of instruction.

33 (2) Individualized study in a particular area of interest or in a
34 subject not currently available in the regular school curriculum.

35 (3) Individualized alternative education designed to teach the
36 knowledge and skills of the core curriculum. Independent study
37 shall not be provided as an alternative curriculum.

38 (4) Continuing and special study during travel.

39 (5) Volunteer community service activities and leadership
40 opportunities that support and strengthen pupil achievement.

1 (b) Not more than 10 percent of the pupils participating in an
 2 opportunity school or program, or a continuation high school,
 3 calculated as specified by the department, shall be eligible for
 4 apportionment credit for independent study pursuant to this article.
 5 A pupil who is pregnant or is a parent who is the primary caregiver
 6 for one or more of their children shall not be counted within the
 7 10 percent cap.

8 (c) An individual with exceptional needs, as defined in Section
 9 56026, shall not participate in independent study, unless their
 10 individualized education program developed pursuant to Article
 11 3 (commencing with Section 56340) of Chapter 4 of Part 30
 12 specifically provides for that participation.

13 (d) A temporarily disabled pupil shall not receive individual
 14 instruction pursuant to Section 48206.3 through independent study.

15 (e) No course included among the courses required for high
 16 school graduation under Section 51225.3 or for admission to the
 17 University of California or the California State University shall
 18 be offered exclusively through independent study.

19 (f) A pupil participating in independent study shall not be
 20 assessed a fee prohibited by Section 49011.

21 (g) A pupil shall not be excluded from participating in
 22 independent study solely on the basis that the pupil does not have
 23 the materials, equipment, or internet access that are necessary to
 24 participate in independent study.

25 ~~SEC. 39.~~

26 *SEC. 31.* Section 51745.6 of the Education Code is amended
 27 to read:

28 51745.6. (a) The ratio of average daily attendance for
 29 independent study pupils 18 years of age or less to school district,
 30 county office of education, or charter school full-time equivalent
 31 certificated employees responsible for independent study,
 32 calculated as specified by the department, shall comply with one
 33 of the following:

34 (1) It shall not exceed the equivalent ratio of average daily
 35 attendance to full-time equivalent certificated employees providing
 36 instruction in other educational programs operated by the school
 37 district, county office of education, or charter school unless a new
 38 higher or lower average daily attendance ratio for all other
 39 educational programs offered is negotiated in a collective
 40 bargaining agreement or a memorandum of understanding is

1 entered into that indicates an existing collective bargaining
2 agreement contains an alternative average daily attendance ratio.

3 (2) It shall not exceed the equivalent prior year ratio of average
4 daily attendance to full-time equivalent certificated employees for
5 all other educational programs operated by the high school or
6 unified school district with the largest average daily attendance of
7 pupils in the county or the collectively bargained alternative ratio
8 used by that high school or unified school district in the prior year,
9 unless a new higher or lower average daily attendance ratio for all
10 other educational programs offered is negotiated in a collective
11 bargaining agreement or a memorandum of understanding is
12 entered into that indicates an existing collective bargaining
13 agreement contains an alternative average daily attendance ratio.
14 In the case of a charter school serving pupils in more than one
15 county, the ratio shall not exceed the ratio of the high school or
16 unified school district with the average daily attendance of pupils
17 in a county served by the charter school. The computation of the
18 ratios shall be performed annually by the reporting agency at the
19 time of, and in connection with, the second principal apportionment
20 report to the Superintendent.

21 (3) It shall be calculated by using a fixed
22 average-daily-attendance-to-certificated-employee ratio of 25 to
23 1, or by using a ratio of less than 25 pupils per certificated
24 employee. A new higher or lower ratio for all other educational
25 programs offered by a school district, county office of education,
26 or charter school may be negotiated in a collective bargaining
27 agreement, or a memorandum of understanding indicating that an
28 existing collective bargaining agreement contains an alternative
29 average daily attendance ratio. All pupils of the school district,
30 county office of education, or charter school, regardless of age,
31 shall be included in the applicable
32 average-daily-attendance-to-certificated-employee ratio
33 calculations.

34 (b) The calculations performed for purposes of this section shall
35 not include either of the following:

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

39 (2) The average daily attendance or teachers in necessary small
40 schools that are eligible to receive funding pursuant to Article 4

1 (commencing with Section 42280) of Chapter 7 of Part 24 of
2 Division 3.

3 ~~SEC. 40.~~

4 *SEC. 32.* Section 51747 of the Education Code is amended to
5 read:

6 51747. A school district, county office of education, or charter
7 school shall not be eligible to receive apportionments for
8 independent study by pupils, regardless of age, unless it has
9 adopted written policies, and has implemented those policies,
10 pursuant to rules and regulations adopted by the Superintendent,
11 that include, but are not limited to, all of the following:

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

16 (b) The level of satisfactory educational progress, pursuant to
17 Section 51747.6, and the number of missed assignments that will
18 be allowed before an evaluation is conducted to determine whether
19 it is in the best interests of the pupil to remain in independent study,
20 or whether the pupil should return to the regular school program.
21 A written record of the findings of any evaluation made pursuant
22 to this subdivision shall be treated as a mandatory interim pupil
23 record. The record shall be maintained for a period of three years
24 from the date of the evaluation and, if the pupil transfers to another
25 California public school, the record shall be forwarded to that
26 school.

27 (c) Minimum standards and procedures for regular
28 communication with parents and guardians regarding a pupil's
29 satisfactory educational progress.

30 (d) The minimum standard for the frequency, duration, and
31 content of supervising teacher-pupil contact pursuant to Section
32 51747.5 for the school district, county office of education, or
33 charter school.

34 (e) Procedures for tiered reengagement strategies for all pupils
35 who are not generating attendance for more than three schooldays
36 or 60 percent of the instructional days in a school week, or who
37 are in violation of the written agreement pursuant to subdivision
38 (g). These procedures shall include, but are not necessarily limited
39 to, all of the following:

- 1 (1) Verification of current contact information for each enrolled
2 pupil, including the address of the pupil’s residence.
- 3 (2) Daily notification to parents or guardians of absences.
- 4 (3) A plan for outreach from the school to determine pupil needs,
5 including connection with health and social services as necessary.
- 6 (f) (1) The criteria for revoking an independent study written
7 agreement pursuant to subdivision (g), and when a pupil shall
8 return to another program in the school district, county office of
9 education, or charter school for which the pupil is enrolled. The
10 criteria shall include all of the following:
 - 11 (A) The level of satisfactory educational performance and
12 missed assignments, as specified in subdivision (b).
 - 13 (B) Not generating attendance, as specified in subdivision (c).
 - 14 (C) If or when a pupil may return to independent study if their
15 written agreement is revoked.
- 16 (2) For those independent study written agreements longer than
17 20 calendar days, a pupil not generating attendance for more than
18 12 school days or 60 percent of the instructional days in four school
19 weeks, at a minimum, shall be in violation of the written agreement
20 and shall return to another program in the school district, county
21 office of education, or charter school for which the pupil is
22 enrolled.
- 23 (g) Before enrolling a pupil in independent study, a school
24 district, county office of education, or charter school shall provide
25 the pupil and, if the pupil is less than 18 years of age, the pupil’s
26 parent or legal guardian, with a written agreement that shall be
27 maintained on file that includes, but is not necessarily limited to,
28 all of the following:
 - 29 (1) A summary of the policies and procedures adopted by the
30 governing board or body of the school district, county office of
31 education, or charter school pursuant to subdivisions (a) to (f),
32 inclusive, and this subdivision, as applicable.
 - 33 (2) The manner, time, frequency, and place for submitting a
34 pupil’s assignments and for reporting the pupil’s progress.
 - 35 (3) The learning objectives and expectations for each course of
36 study or individual course in the independent study program,
37 including, but not limited to, a description of how satisfactory
38 educational progress is measured, when a pupil evaluation is
39 required to determine whether the pupil should remain in the
40 independent study program, or when a pupil shall return to another

1 program in the school district, county office of education, or charter
 2 school for which the pupil is enrolled.

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

5 (5) A statement of the policies adopted pursuant to subdivisions
 6 (a) to (f), inclusive, regarding the maximum length of time allowed
 7 between the assignment and the completion of a pupil’s assigned
 8 work, and the number of missed assignments allowed before an
 9 evaluation of whether or not the pupil should be allowed to
 10 continue in independent study.

11 (6) The duration of the independent study written agreement,
 12 including the beginning and ending dates for the pupil’s
 13 participation in independent study under the written agreement.
 14 No independent study written agreement shall be valid for any
 15 period longer than one school year or span multiple school years.

16 (7) The duration of the enrolled course or courses for those
 17 pupils with a written agreement that includes a specific course or
 18 courses.

19 (8) A statement of the number of course credits or, for the
 20 elementary grades, other measures of academic accomplishment
 21 and satisfactory educational progress appropriate to the course of
 22 study specified in the written agreement, to be earned by the pupil
 23 upon completion, consistent with the certifications adopted by the
 24 governing board or body of a school district, county office of
 25 education, or charter school pursuant to Section 51747.6.

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

34 (10) (A) Each written agreement shall be signed, before the
 35 commencement of independent study, by the pupil, the pupil’s
 36 parent, legal guardian, or caregiver, if the pupil is less than 18
 37 years of age, the certificated employee who has been designated
 38 as having responsibility for the general supervision of independent
 39 study, and all persons who have direct responsibility for providing
 40 assistance to the pupil. For purposes of this paragraph “caregiver”

1 means a person who has met the requirements of Part 1.5
2 (commencing with Section 6550) of Division 11 of the Family
3 Code.

4 (B) *For purposes of this paragraph, the written agreement may*
5 *be signed using an electronic signature that complies with state*
6 *and federal standards, as determined by the department. An*
7 *electronic signature may be a marking that is either computer*
8 *generated or produced by electronic means as is intended by the*
9 *signatory to have the same effect as a handwritten signature. The*
10 *use of an electronic signature shall have the same force and effect*
11 *as a handwritten signature if the requirements for electronic*
12 *signatures and their acceptable technology, as provided in Section*
13 *16.5 of the Government Code and Chapter 10 (commencing with*
14 *Section 22000) of Division 7 of Title 2 of the California Code of*
15 *Regulations, are satisfied.*

16 ~~(B)~~

17 (C) Signed written agreements, supplemental agreements,
18 assignment records, work samples, and attendance records
19 assessing time value of work or evidence that an instructional
20 activity occurred may be maintained as an electronic file.

21 ~~(C)~~

22 (D) For purposes of this section, an electronic file includes a
23 computer or electronic stored image of an original document,
24 including, but not limited to, portable document format (PDF),
25 JPEG, or other digital image file type, that may be sent via fax
26 machine, email, or other electronic means.

27 ~~(D)~~

28 (E) Either an original document or an electronic file of the
29 original document is allowable documentation for auditing
30 purposes.

31 ~~(E)~~

32 (F) The signed written agreement constitutes permission from
33 a pupil's parent or legal guardian, if the pupil is less than 18 years
34 of age, for the pupil to receive instruction through independent
35 study.

36 (11) The verified current contact information for each enrolled
37 pupil, including the address of the pupil's residence.

38 (h) The written agreement shall be in the form of an affidavit
39 or statement, and shall be signed under penalty of perjury.

1 ~~SEC. 41.~~

2 SEC. 33. Section 51747.3 of the Education Code is amended
 3 to read:

4 51747.3. (a) Notwithstanding any other law, a local educational
 5 agency, including, but not limited to, a charter school, may not
 6 claim state funding for the independent study of a pupil, whether
 7 characterized as home study or otherwise, if the local educational
 8 agency has provided any funds or other thing of value to the pupil
 9 or the pupil’s parent or guardian that the local educational agency
 10 does not provide to pupils who attend regular classes or to their
 11 parents or guardians. A charter school may not claim state funding
 12 for the independent study of a pupil, whether characterized as
 13 home study or otherwise, if the charter school has provided any
 14 funds or other thing of value to the pupil or the pupil’s parent or
 15 guardian that a school district could not legally provide to a
 16 similarly situated pupil of the school district, or to the pupil’s
 17 parent or guardian.

18 (b) Notwithstanding paragraph (1) of subdivision (e) of Section
 19 47605 or any other law, community school and independent study
 20 average daily attendance shall be claimed by school districts,
 21 county superintendents of schools, and *classroom-based* charter
 22 schools only for pupils who are residents of the county in which
 23 the apportionment claim is ~~reported.~~ *reported, or who are residents*
 24 *of a county immediately adjacent to the county in which the*
 25 *apportionment claim is reported.*

26 (c) *Commencing July 1, 2022, notwithstanding subdivision (b),*
 27 *paragraph (1) of subdivision (e) of Section 47605, or any other*
 28 *law, independent study average daily attendance shall be claimed*
 29 *by nonclassroom-based charter schools only for pupils who are*
 30 *residents of the county in which the apportionment claim is*
 31 *reported.*

32 (d) *Notwithstanding subdivision (c), for a charter school*
 33 *operating a satellite facility in compliance with paragraph (5) of*
 34 *subdivision (c) of Section 47605.1, or that is otherwise exempt*
 35 *from that paragraph, independent study average daily attendance*
 36 *shall be claimed for pupils who are residents of a county*
 37 *immediately adjacent to the county in which the apportionment*
 38 *claim is reported.*

39 ~~(e)~~

1 (e) The Superintendent shall not apportion funds for reported
2 average daily attendance, through full-time independent study, of
3 pupils who are enrolled in school pursuant to subdivision (b) of
4 Section 48204.

5 ~~(d)~~

6 (f) In conformity with Provisions 25 and 28 of Item
7 6110-101-001 of Section 2.00 of the Budget Act of 1992, this
8 section is applicable to average daily attendance reported for
9 apportionment purposes beginning July 1, 1992. The provisions
10 of this section are not subject to waiver by the state board, by the
11 Superintendent, or under any provision of Part 26.8 (commencing
12 with Section 47600).

13 ~~SEC. 42.~~

14 *SEC. 34.* Section 51747.5 of the Education Code is amended
15 to read:

16 51747.5. (a) The independent study by each pupil shall be
17 coordinated, evaluated, and, notwithstanding subdivision (a) of
18 Section 46300, shall be under the general supervision of an
19 employee of the school district, charter school, or county office
20 of education who possesses a valid certification document pursuant
21 to Section ~~44865~~ 44865, *the required certificate, permit, or other*
22 *document required by subdivision (l) of Section 47605 or*
23 *subdivision (l) of Section 47605.6, or an emergency credential*
24 *pursuant to Section 44300, ~~subdivision (l) of Section 47605, or~~*
25 *subdivision (l) of Section 47605.6, registered as required by law.*

26 (b) For purposes of this article, “general supervision” is defined
27 to mean a supervising teacher’s responsibility for all of the
28 following:

29 (1) Continuing oversight of the study design, implementation
30 plan, allocation of resources, and evaluation of a pupil’s
31 satisfactory educational progress for a pupil’s independent study.

32 (2) Assignment and evaluation of all work products.

33 (A) A supervising teacher shall assign pupil work products
34 before the start of each learning period. Supervising teachers or
35 other school personnel shall not delete pupil work products after
36 the learning period begins.

37 (B) A supervising teacher shall require all pupil work products
38 to be dated by the pupil and verified by the supervising teacher.

1 (C) A school district, county office of education, or charter
 2 school shall maintain a copy of all pupil work products for at least
 3 two years in order to be made available for auditing purposes.

4 (3) Determination of the time values for apportionment purposes
 5 of a pupil’s work products. A supervising teacher shall maintain
 6 a record of the time value for each pupil’s work products. The
 7 record shall be in the form of an affidavit or statement, and shall
 8 be signed by the supervising teacher under penalty of perjury.

9 (4) Personal determination or personal review of the
 10 determination made by another certificated teacher of the time
 11 values for apportionment purposes of a pupil’s work products.

12 (c) School districts, charter schools, and county offices of
 13 education may claim apportionment credit for independent study
 14 only to the extent of the time value of pupil work products, as
 15 personally judged in each instance by a certificated teacher.

16 (d) For purposes of this section, school districts, charter schools,
 17 and county offices of education shall not be required to sign and
 18 date pupil work products when assessing the time value of pupil
 19 work products for apportionment purposes.

20 ~~SEC. 43.~~

21 *SEC. 35.* Section 51747.6 is added to the Education Code,
 22 immediately following Section 51747.5, to read:

23 51747.6. (a) (1) The course of study, including specific
 24 courses, offered through independent study shall be annually
 25 certified by a school district, county office of education, or charter
 26 school governing board or body resolution, to be of the same rigor
 27 and educational quality as equivalent classroom-based course of
 28 study, and shall be aligned to relevant local and state content
 29 standards.

30 (2) This certification shall, at a minimum, include the duration,
 31 number of equivalent daily instructional minutes for each schoolday
 32 that a pupil is enrolled, number of equivalent total instructional
 33 minutes, and as applicable, the number of course credits for each
 34 course. This information shall be consistent with that of an
 35 equivalent classroom-based educational program.

36 (b) (1) For purposes of this article, ~~supervising~~ “*supervising*
 37 ~~teacher-pupil-contact~~ *contact*” means a supervising teacher
 38 communicating with each pupil for instruction or to assess whether
 39 the pupil is making satisfactory educational progress. The
 40 supervising teacher-pupil contact shall be in person, or by any

1 other live visual and audio connection. No more than three school
2 days shall pass without at least one instance of supervising
3 teacher-pupil contact.

4 (2) For purposes of this article, ~~satisfactory~~ “*satisfactory*
5 educational ~~progress~~ *progress*” includes, but is not limited to,
6 applicable statewide accountability measures and the completion
7 of assignments, examinations, assessments, or other indicators that
8 evidence that the pupil is working on assignments, learning
9 required concepts, and progressing toward successful completion
10 of the course of study or individual course, as determined by the
11 supervising teacher providing instruction.

12 (3) If satisfactory educational progress is not being made, the
13 supervising teacher shall notify the pupil and, if the pupil is less
14 than 18 years of age, the pupil’s parent or legal guardian, and
15 conduct an evaluation to determine whether it is in the best interest
16 of the pupil to remain in independent study or if the pupil should
17 return to another program in the school district, county office of
18 education, or charter school for which the pupil is enrolled. A
19 written record of the findings of an evaluation made pursuant to
20 this paragraph shall be treated as a mandatory interim pupil record.
21 The record shall be maintained for a period of three years from
22 the date of the evaluation and, if the pupil transfers to another
23 California public school, the record shall be forwarded to that
24 school.

25 (4) Written or computer-based evidence of satisfactory
26 educational progress, as described in paragraph (2), shall be
27 retained for each course of study, individual course, as applicable,
28 and pupil. At a minimum, this evidence shall include a grade book
29 or summary document that, for the course of study or for each
30 course of the educational program, lists all assignments,
31 examinations, and associated grades.

32 (c) A test proctor shall administer all annual summative
33 examinations. The definition of “test proctor” is consistent with
34 regulations adopted by the department for proctoring the California
35 Assessment of Student Performance and Progress.

36 (d) Statewide testing results for pupils enrolled in any
37 educational program, including specific courses, authorized
38 pursuant to this article shall be reported and assigned to the school
39 or charter school at which the pupil is enrolled, and to any school

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

3 (e) Statewide testing results for pupils enrolled in independent
4 study, including specific courses, pursuant to this article shall be
5 disaggregated for purposes of comparing the testing results of
6 those pupils to the testing results of pupils enrolled in
7 classroom-based courses.

8 (f) This section shall become operative on July 1, 2022.

9 ~~SEC. 44.~~

10 *SEC. 36.* Section 51748 of the Education Code is amended to
11 read:

12 51748. School districts, charter schools, and county offices of
13 education shall not be eligible to receive apportionment for
14 independent study attendance by any pupil who is not otherwise
15 identified in the written records of the district, charter school, or
16 county board by grade level, program placement, and the school
17 in which the pupil is enrolled.

18 ~~SEC. 45.~~

19 *SEC. 37.* Section 51749.5 of the Education Code is amended
20 to read:

21 51749.5. (a) Notwithstanding any other law, and commencing
22 with the 2015–16 school year, a school district, charter school, or
23 county office of education may, for pupils enrolled in kindergarten
24 and grades 1 to 12, inclusive, provide independent study courses
25 pursuant to the following conditions:

26 (1) The governing board or body of a participating school
27 district, charter school, or county office of education adopts
28 policies, at a public meeting, that comply with the requirements
29 of this section and any applicable regulations adopted by the state
30 board.

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

33 (3) Courses are taught under the general supervision of
34 certificated employees who hold the appropriate subject matter
35 credential pursuant to Section 44300 or 44865, or subdivision (I)
36 of Section 47605, and are employed by the school district, charter
37 school, or county office of education at which the pupil is enrolled,
38 or by a school district, charter school, or county office of education
39 that has a memorandum of understanding to provide the instruction

1 in coordination with the school district, charter school, or county
2 office of education at which the pupil is enrolled.

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

8 (B) This certification shall, at a minimum, include the duration,
9 number of equivalent daily instructional minutes for each schoolday
10 that a pupil is enrolled, number of equivalent total instructional
11 minutes, and number of course credits for each course. This
12 information shall be consistent with that of equivalent
13 classroom-based courses.

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

17 (6) Pupils enrolled in courses authorized by this section shall
18 meet the applicable residency and enrollment requirements
19 established pursuant to Sections 46300.2, 47612, 48204, and
20 51747.3.

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

25 (B) For purposes of this section, satisfactory educational
26 progress includes, but is not limited to, applicable statewide
27 accountability measures and the completion of assignments,
28 examinations, or other indicators that evidence that the pupil is
29 working on assignments, learning required concepts, and
30 progressing toward successful completion of the course, as
31 determined by certificated employees providing instruction.

32 (C) If satisfactory educational progress is not being made,
33 certificated employees providing instruction shall notify the pupil
34 and, if the pupil is less than 18 years of age, the pupil's parent or
35 legal guardian, and conduct an evaluation to determine whether it
36 is in the best interest of the pupil to remain in the course or whether
37 the pupil should be referred to an alternative program, which may
38 include, but is not limited to, a regular school program. A written
39 record of the findings of an evaluation made pursuant to this
40 subdivision shall be treated as a mandatory interim pupil record.

1 The record shall be maintained for a period of three years from
2 the date of the evaluation and, if the pupil transfers to another
3 California public school, the record shall be forwarded to that
4 school.

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

10 (8) A proctor shall administer examinations.

11 (9) (A) Statewide testing results for pupils enrolled in any
12 course authorized pursuant to this section shall be reported and
13 assigned to the school or charter school at which the pupil is
14 enrolled, and to any school district, charter school, or county office
15 of education within which that school's or charter school's testing
16 results are aggregated.

17 (B) Statewide testing results for pupils enrolled in a course or
18 courses pursuant to this section shall be disaggregated for purposes
19 of comparing the testing results of those pupils to the testing results
20 of pupils enrolled in classroom-based courses.

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

23 (11) The average-daily-attendance-to-certificated-employee
24 ratio limitations established pursuant to Section 51745.6 apply to
25 courses authorized by this section.

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

34 (13) Courses required for high school graduation or for
35 admission to the University of California or California State
36 University shall not be offered exclusively through independent
37 study.

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

1 (15) A pupil shall not be prohibited from participating in
2 independent study solely on the basis that the pupil does not have
3 the materials, equipment, or internet access that are necessary to
4 participate in the independent study course.

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

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

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

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

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

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

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

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

34 (5) If more than 10 percent of the total average daily attendance
35 of a school district, charter school, or county office of education
36 is claimed pursuant to this section, then the amount of average
37 daily attendance for all pupils enrolled by that school district,
38 charter school, or county office of education in courses authorized
39 pursuant to this section that is in excess of 10 percent of the total
40 average daily attendance for the school district, charter school, or

1 county office of education shall be reduced by either (A) the
 2 statewide average rate of absence for elementary school districts
 3 for kindergarten and grades 1 to 8, inclusive, or (B) the statewide
 4 average rate of absence for high school districts for grades 9 to
 5 12, inclusive, as applicable, as calculated by the department for
 6 the prior fiscal year, with the resultant figures and ranges rounded
 7 to the nearest 10th.

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

11 (d) This section shall not be deemed to prohibit the right to
 12 collectively bargain any subject within the scope of representation
 13 pursuant to Section 3543.2 of the Government Code.

14 (e) (1) The Superintendent shall conduct an evaluation of
 15 independent study courses offered pursuant to this section and
 16 report the findings to the Legislature and the Director of Finance
 17 no later than September 1, 2019. The report shall, at a minimum,
 18 compare the academic performance of pupils in independent study
 19 with demographically similar pupils enrolled in equivalent
 20 classroom-based courses.

21 (2) The requirement for submitting a report imposed under
 22 paragraph (1) is inoperative on September 1, 2023, pursuant to
 23 Section 10231.5 of the Government Code.

24 (3) A report to be submitted pursuant to paragraph (1) shall be
 25 submitted in compliance with Section 9795 of the Government
 26 Code.

27 (f) This section shall become inoperative on July 1, 2022, and,
 28 as of January 1, 2023, is repealed.

29 ~~SEC. 46.~~

30 *SEC. 38.* Section 51749.6 of the Education Code is amended
 31 to read:

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

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

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

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

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

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

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

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

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

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

35 (c) This section shall become inoperative on July 1, 2022, and,
36 as of January 1, 2023, is repealed.

37 ~~SEC. 47.~~

38 *SEC. 39.* Section 20110 of the Public Contract Code is amended
39 to read:

1 20110. This part shall apply to contracts awarded by school
2 districts subject to Part 21 (commencing with Section 35000) of
3 Division 3 of Title 2 of the Education Code and to contracts
4 awarded by charter schools subject to Part 26.8 (commencing with
5 Section 47600) of Division 4 of Title 2 of the Education Code.

6 ~~SEC. 48.~~

7 ~~SEC. 40.~~ Sections ~~14 to 22, inclusive, 24, 38, 39, 40, and 42~~
8 ~~15, 30, 31, 32, and 34~~ of this act shall become operative on July
9 1, 2022.

10 ~~SEC. 49.~~

11 ~~SEC. 41.~~ No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution for certain
13 costs that may be incurred by a local agency or school district
14 because, in that regard, this act creates a new crime or infraction,
15 eliminates a crime or infraction, or changes the penalty for a crime
16 or infraction, within the meaning of Section 17556 of the
17 Government Code, or changes the definition of a crime within the
18 meaning of Section 6 of Article XIII B of the California
19 Constitution.

20 However, if the Commission on State Mandates determines that
21 this act contains other costs mandated by the state, reimbursement
22 to local agencies and school districts for those costs shall be made
23 pursuant to Part 7 (commencing with Section 17500) of Division
24 4 of Title 2 of the Government Code.