

AMENDED IN SENATE JULY 2, 2014
AMENDED IN ASSEMBLY MAY 1, 2014
AMENDED IN ASSEMBLY MARCH 28, 2014
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2007

**Introduced by Assembly Member Grove
(Principal coauthor: Assembly Member Olsen)**

February 20, 2014

An act to amend, *repeal, and add* Section 51747.3 of the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 2007, as amended, Grove. Virtual or online charter schools: average daily attendance.

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 pupils who are residents of a county immediately adjacent to the county in which the apportionment claim is reported.

This bill, *until January 1, 2018*, would authorize a virtual or online charter school, as defined, to also claim independent study average daily attendance for a pupil who is enrolled in a virtual or online charter school and moves to a residence outside of the geographic boundaries in which the virtual or online charter school is authorized to operate for the duration of the virtual or online charter school course or courses or until the end of the school year, whichever occurs first.

The bill would require the State Department of Education to report to the appropriate policy committees of both houses of the Legislature, the Department of Finance, and the Legislative Analyst’s Office on or before December 31, 2016, on the department’s assessment of the need for a virtual or online charter school to claim the independent study average daily attendance of pupils enrolled in a virtual or online charter school that have moved outside of the geographic boundaries in which the virtual or online charter school is authorized for the duration of the courses in which the pupils are enrolled.

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

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

1 SECTION 1. Section 51747.3 of the Education Code is
 2 amended to read:

3 51747.3. (a) Notwithstanding any other law, a local educational
 4 agency, including, but not limited to, a charter school, may not
 5 claim state funding for the independent study of a pupil, whether
 6 characterized as home study or otherwise, if the local educational
 7 agency has provided any funds or other thing of value to the pupil
 8 or his or her parent or guardian that the local educational agency
 9 does not provide to pupils who attend regular classes or to their
 10 parents or guardians. A charter school may not claim state funding
 11 for the independent study of a pupil, whether characterized as
 12 home study or otherwise, if the charter school has provided any
 13 funds or other thing of value to the pupil or his or her parent or
 14 guardian that a school district could not legally provide to a
 15 similarly situated pupil of the school district, or to his or her parent
 16 or guardian.

17 (b) (1) Notwithstanding paragraph (1) of subdivision (d) of
 18 Section 47605 or any other law, and except as specified in
 19 paragraph (2), community school and independent study average
 20 daily attendance shall be claimed by school districts, county
 21 superintendents of schools, and charter schools only for pupils
 22 who are residents of the county in which the apportionment claim
 23 is reported, or who are residents of a county immediately adjacent
 24 to the county in which the apportionment claim is reported.

25 (2) In addition to claiming independent study average daily
 26 attendance pursuant to paragraph (1), a virtual or online charter

1 school may also claim independent study average daily attendance
2 for a pupil who is enrolled in the school and moves to a residence
3 located outside of the geographical boundaries of the virtual or
4 online charter school. The virtual or online charter school may
5 claim independent study average daily attendance for the pupil
6 under this paragraph only for the duration of the course or courses
7 in which the pupil is enrolled or until the end of the school year,
8 whichever occurs first.

9 (c) The Superintendent shall not apportion funds for reported
10 average daily attendance, through full-time independent study, of
11 pupils who are enrolled in school pursuant to subdivision (b) of
12 Section 48204.

13 (d) In conformity with Provisions 25 and 28 of Item
14 6110-101-001 of Section 2.00 of the Budget Act of 1992, this
15 section is applicable to average daily attendance reported for
16 apportionment purposes beginning July 1, 1992. The provisions
17 of this section are not subject to waiver by the state board, by the
18 Superintendent, or under any provision of Part 26.8 (commencing
19 with Section 47600).

20 (e) For purposes of this section, “virtual or online charter school”
21 means a charter school in which at least 80 percent of teaching
22 and pupil interaction occurs via the Internet.

23 (f) *This section shall remain in effect only until January 1, 2018,*
24 *and as of that date is repealed, unless a later enacted statute, that*
25 *is enacted before January 1, 2018, deletes or extends that date.*

26 *SEC. 2. Section 51747.3 is added to the Education Code, to*
27 *read:*

28 *51747.3. (a) Notwithstanding any other law, a local*
29 *educational agency, including, but not limited to, a charter school,*
30 *may not claim state funding for the independent study of a pupil,*
31 *whether characterized as home study or otherwise, if the local*
32 *educational agency has provided any funds or other thing of value*
33 *to the pupil or his or her parent or guardian that the local*
34 *educational agency does not provide to pupils who attend regular*
35 *classes or to their parents or guardians. A charter school may not*
36 *claim state funding for the independent study of a pupil, whether*
37 *characterized as home study or otherwise, if the charter school*
38 *has provided any funds or other thing of value to the pupil or his*
39 *or her parent or guardian that a school district could not legally*

1 provide to a similarly situated pupil of the school district, or to
2 his or her parent or guardian.

3 (b) Notwithstanding paragraph (1) of subdivision (d) of Section
4 47605 or any other law, community school and independent study
5 average daily attendance shall be claimed by school districts,
6 county superintendents of schools, and charter schools only for
7 pupils who are residents of the county in which the apportionment
8 claim is reported, or who are residents of a county immediately
9 adjacent to the county in which the apportionment claim is
10 reported.

11 (c) The Superintendent shall not apportion funds for reported
12 average daily attendance, through full-time independent study, of
13 pupils who are enrolled in school pursuant to subdivision (b) of
14 Section 48204.

15 (d) In conformity with Provisions 25 and 28 of Item
16 6110-101-001 of Section 2.00 of the Budget Act of 1992, this
17 section is applicable to average daily attendance reported for
18 apportionment purposes beginning July 1, 1992. The provisions
19 of this section are not subject to waiver by the state board, by the
20 Superintendent, or under any provision of Part 26.8 (commencing
21 with Section 47600).

22 (e) This section shall become operative on January 1, 2018.

23 SEC. 3. The State Department of Education shall report to the
24 appropriate policy committees of both houses of the Legislature,
25 the Department of Finance, and the Legislative Analyst’s Office
26 on or before December 31, 2016, on the department’s assessment
27 of the need for a virtual or online charter school to claim the
28 independent study average daily attendance of pupils enrolled in
29 a virtual or online charter school that have moved outside of the
30 geographic boundaries in which the virtual or online charter
31 school is authorized for the duration of the courses in which the
32 pupils are enrolled, as authorized pursuant to paragraph (2) of
33 subdivision (b) of Section 51747.3 of the Education Code.

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