
SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

Bill No: AB 1528 **Hearing Date:** July 5, 2017
Author: Acosta
Version: March 28, 2017
Urgency: No **Fiscal:** Yes
Consultant: Ian Johnson

Subject: Virtual or online charter schools: average daily attendance: report

SUMMARY

This bill extends by three years the authority of a virtual or online charter school to continue claiming independent study attendance for a pupil who moves outside of the geographic boundaries of the school for the remainder of the pupil's course or school year, whichever is less.

BACKGROUND

Existing law:

- 1) Allows school districts, county offices of education, and charter schools to claim independent study average daily attendance (ADA) 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.
- 2) Allows, until January 1, 2018, a virtual or online charter school to claim independent study ADA for a pupil who moves outside of the geographic boundaries of the school for the duration of the course or courses in which the pupil is enrolled or until the end of the school year, whichever comes first.
- 3) Requires the California Department of Education to report by December 31, 2016 on the need for a virtual or online charter school to claim independent study attendance for a pupil who moves outside of the geographic boundaries of the school for the remainder of the pupil's course or school year, whichever is less.

ANALYSIS

This bill:

- 1) Extends from January 1, 2018 to January 1, 2021 a provision allowing a virtual or online charter school to claim independent study student average daily attendance for a pupil who moves outside of the geographic boundaries of the school for the duration of the course or courses in which the pupil is enrolled or until the end of the school year, whichever comes first.
- 2) Requires the California Department of Education to report, on or before December 31, 2019, to the appropriate policy committees of both houses of the

Legislature, the Department of Finance, and the Legislative Analyst's Office on the department's assessment of the need for a virtual or online charter school to claim the independent study average daily attendance (ADA) for a pupil who is enrolled in a virtual or online charter school and moves outside of the geographic boundaries of the virtual or online charter school for the duration of the course or until the end of the school year.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author's office, this bill is needed because students and parents are often unaware of the requirement that pupils must remain within the geographic boundaries of a virtual school in order for the school to claim that pupil's ADA for state funding purposes. Families often move due to circumstances beyond their control and the ability to stay enrolled in a virtual school provides some stability and eases the transition to a new location.
- 2) ***Does this allowance hinder oversight or student services?*** Schools are primarily funded on the basis of ADA, also referred to as "seat time." It serves as the proxy for the funds needed for teachers, administrators, and other school employees to provide instruction, instructional support, ancillary services, etc. Currently, a virtual or online charter school is prohibited from receiving ADA for the instruction of pupils who do not reside in the county where the school is chartered or in a county adjacent to that in which it is authorized. By continuing to allow a charter school to receive ADA for students that have moved to a different county, albeit on a limited basis, this bill continues potential oversight difficulties for the charter authorizer, and raises questions regarding the school's ability to provide instructional services for its students. Instruction for virtual charter schools may not necessarily take place via the Internet 100 percent of the time. Students may still meet face-to-face with their teachers or other instructional staff in a classroom setting for testing purposes and to receive tutoring and counseling services. For students living potentially across the state, this would be difficult to do. Further, if a special education student's Individualized Education Plan includes certain requirements, such as accommodations or modifications when taking an assessment, it is unclear how this can be done smoothly.
- 3) ***Avoiding negative impacts on students.*** Based on research demonstrating that moving between schools negatively impacts student performance, an argument can be made that this bill minimizes the need for students to change upon moving residences. Students who transfer between schools often encounter lower achievement levels due to discontinuity of curriculum between schools, behavioral problems, and difficulty developing peer relationships. While a student who transfers between online schools may avoid some of the social or behavioral issues, this bill addresses those students who are required to leave an online school and enroll in a brick and mortar school as well as addressing the academic concerns that will follow the student to any new school.
- 4) ***An uncodified reporting requirement.*** The attendance claiming flexibility for virtual or online charter schools that this bill would extend was first established by Chapter 807, Statutes of 2014 (AB 2007, Grove). AB 2007 also required the

California Department of Education (CDE) to report on the need for the attendance claiming flexibility by December 31, 2016. While the attendance claiming portion of AB 2007 was drafted as codified language (Education Code Section 51747.3), the reporting requirement was drafted in its own uncodified section of the bill. As a result, CDE was unaware that the report was included in the chaptered version of the bill, and the report was never completed. This bill includes codified language requiring CDE to complete the previously required report by December 31, 2019.

- 5) ***Opposition to virtual or online charter schools.*** Some opponents of this bill cite concerns with virtual or online charter schools generally. For example, the California Federation of Teachers states “Given the issues that surround virtual charter schools in our state, we urge the Legislature to bring a moratorium on virtual charter schools until after a full investigation, audit, or report has been authored to better understand the role, if any, that virtual charter schools may serve. There is no need to allow the harm done by these institutions to continue in order to study their effect on students.” Other opponents, such as the California School Employees Association, argue that extending the boundaries of these programs “...only allows online virtual charter schools to continue to encroach upon the boundaries of other school districts and their home study and/or online programs, anywhere in the state, which we do not support.”

The scope of this bill is limited to preserving the ability of a parent or guardian to keep their child enrolled in their virtual or online program for a limited time after moving outside of the school’s boundaries, to the extent that the parent or guardian decides that it would be beneficial in the short-term. As such, it can be argued that criticisms of the effectiveness of virtual or online programs should be addressed through broader independent study or charter school measures.

- 6) ***Related legislation.***

AB 318 (Cabellero) prohibits a local educational agency from being eligible to receive apportionments for independent study unless it has adopted and implemented written policies that include a statement that a teacher shall make visual in-person contact with a student or by a live visual connection at least once per week. The bill was heard by this Committee on June 28, 2017 and, at the request of the Committee, will be heard again on July 5, 2017.

SUPPORT

Aplus
 California Charter Schools Association
 California Connections Academy @ Central
 California Connections Academy @ North Bay
 California Connections Academy @ Ripon
 California Parents for Public Virtual Education
 Capistrano California Connections Academy
 Charter Schools Development Center
 iLead

OPPOSITION

California Federation of Teachers
California School Boards Association
California School Employees Association
California State PTA

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