

California Association of Health and Education Linked Professions
Joint Powers Authority (CAHELP JPA)
DESERT/MOUNTAIN CHARTER SELPA STEERING and FINANCE COMMITTEE MEETING
May 20, 2021 – 1:00 p.m. Virtual via Teleconference
Desert Mountain Educational Service Center, 17800 Highway 18, Apple Valley CA 92307

AGENDA

NOTICE: This meeting will be held virtually only. If members of the public wish to participate in the meeting and/or make public comment, please follow the instructions below to participate telephonically:

PARTICIPATE BY PHONE:

Dial Access Number: 1-415-655-0003

When prompted - enter Access Code: 133 455 0419

Follow directions as a Participant; an Attendee I.D. is not required to participate.

If you wish to make a public comment at this meeting, prior to the meeting please submit a request to address the Steering and Finance Committee to the recording secretary via fax at 1-760-242-5363 or email jamie.adkins@cahelp.org. Please include your name, contact information and which item you want to address.

Reasonable Accommodation: if you wish to request reasonable accommodation to participate in the meeting telephonically, please contact the recording secretary (via contact information noted above) at least 48 hours prior to the meeting.

1.0 CALL TO ORDER

2.0 ROLL CALL

3.0 PUBLIC PARTICIPATION

The public is encouraged to participate in the deliberation of the Desert/Mountain Charter SELPA Steering Committee. Several opportunities are available during the meeting for the Council to receive oral communication regarding the presentations of any items listed on the agenda. Please ask for recognition either before a presentation or after the presentation has been completed. Please complete and submit a “Registration Card to Address the Desert/Mountain Charter SELPA Steering Committee” to the Recording Secretary and adhere to the provisions described therein.

4.0 ADOPTION OF THE AGENDA

4.1 **BE IT RESOLVED** that the May 20, 2021 Desert/Mountain Charter SELPA Steering and Finance Committee Meeting Agenda be approved as presented.

5.0 CONSENT ITEMS

It is recommended that the Charter Steering Committee consider approving several Agenda items as a Consent list. Consent Items are routine in nature and can be enacted in one motion without further discussion. Consent items may be called up by any Committee Member at the meeting for clarification, discussion, or change.

5.1 **BE IT RESOLVED** that the following Consent Item be approved as presented:

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- 5.1.1 Approve the April 15, 2021 Desert/Mountain Charter SELPA Steering and Finance Committee Meeting Minutes.

6.0 CHIEF EXECUTIVE OFFICER AND STAFF REPORTS

6.1 California Department of Education (CDE) Updates

Jenae Holtz will present the latest California Department of Education (CDE) updates.

6.2 Assembly Bill (AB) 1316

Jenae Holtz will provide information pertaining to Assembly Bill (AB) 1316 https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB1316.

6.3 California Charter Schools Association Guide to Academic Data in Charter Renewals

Jenae Holtz will share the California Charter Schools Association (CCSA) Guide to Academic Data in Charter Renewals <https://www.ccsasnapshots.org/charter-renewals>.

6.4 Confidential Addresses on IEPs

Jenae Holtz will provide direction on when and how to keep student addresses confidential in IEPs.

6.5 2021-22 Desert/Mountain Charter SELPA Meeting Dates

Jenae Holtz will share the 2021-22 Desert/Mountain Charter SELPA Steering and Finance Committee meeting dates, as well as dates for Directors' Trainings and Community Advisory Committee (CAC) meetings.

6.6 Desert/Mountain Children's Center Client Services Reports

Linda Llamas will present the Desert/Mountain Children's Center Client Services monthly reports.

6.7 Impact of the Pandemic on Family Life

Linda Llamas will discuss how the events of the past year have impacted family life.

6.8 Professional Learning Summary

Heidi Chavez will present the D/M Charter SELPA's Professional Learning Summary.

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6.9 Resolution Support Services Summary

Kathleen Peters will present the D/M Charter SELPA's Resolution Support Services Summary.

6.10 Office of Administrative Hearings Decisions

Kathleen Peters will review Office of Administrative Hearings (OAH) decisions.

6.11 Learning Loss Mitigation Discussion

Kathleen Peters will lead a discussion on learning loss mitigation.

6.12 Alternative Dispute Resolution (ADR) Planning Committee Update

Kathleen Peters will share an update from the ADR Planning Committee including District ADR Facilitation Teams and 2021-22 ADR Professional Development Series.

6.13 You be the Judge Scenario

Kathleen Peters will present a You be the Judge scenario for committee member participation.

6.14 Prevention and Intervention Updates

Kami Murphy will present Prevention and Intervention Updates.

6.15 Compliance Update

Peggy Dunn will present an update on compliance items from the California Department of Education (CDE).

7.0 FINANCE COMMITTEE REPORTS

7.1 Governor's Budget – May Revise

Marina Gallegos will speak on the May Revise of the Governor's budget.

8.0 INFORMATION ITEMS

8.1 Monthly Occupational & Physical Therapy Services Reports

8.2 Upcoming Professional Learning Opportunities

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9.0 STEERING COMMITTEE MEMBERS COMMENTS / REPORTS

10.0 CEO COMMENTS

11.0 MATTERS BROUGHT BY THE PUBLIC

This is the time during the agenda when the Desert/Mountain Charter SELPA Steering Committee is again prepared to receive the comments of the public regarding items on this agenda or any school related special education issue.

When coming to the podium, speakers are requested to give their name and limit their remarks to three minutes.

Persons wishing to make complaints against Desert/Mountain Charter SELPA Steering Committee personnel must have filed an appropriate complaint form prior to the meeting.

When the Desert/Mountain Charter SELPA Steering Committee goes into Closed Session, there will be no further opportunity for citizens to address the Council on items under consideration.

12.0 ADJOURNMENT

The next regular meeting of the Desert/Mountain Charter SELPA Steering Committee will be held on Thursday, June 17, 2021 at 1:00 p.m., at the Desert Mountain Educational Service Center, Aster/Cactus Room, 17800 Highway 18, Apple Valley, CA 92307.

Individuals requiring special accommodations for disabilities are requested to contact Jamie Adkins at (760) 955-3555, at least seven days prior to the date of this meeting.

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D/M CHARTER SELPA MEMBERS PRESENT:

Allegiance STEAM – Callie Moreno, Aveson Global – Kelly Jung, Aveson School of Leaders – Dr. Chantell Butler, Ballington Academy – Gisella Wong, Desert Trails Preparatory Academy (DTPA) – Sarah Ballard-Wiley, Debbie Tarver, Elite Academic Academy – Susana Waisman, Adam Woodard, Encore Jr/Sr High – Esther Haskins, Julia Lee Performing Arts Academy – Mikaleen Klepper, Tanya Taylor, LaVerne Elementary Prep (LEPA) – Sarah Ballard-Wiley, Debbie Tarver, Odyssey Charter – Chasityflame Price, Pasadena Rosebud Academy – Susan Mathews, Taylion High Desert – Brenda Congo and Virtual Prep Academy in Lucerne – Michelle Romaine.

CAHELP, SELPA, & DMCC STAFF PRESENT:

Jamie Adkins, Heidi Chavez, Ariel Clark, Craig Cleveland, Danielle Cote, Lindsey Devor, Marina Gallegos, Bonnie Garcia, Renee Garcia, Colette Garland, Derek Hale, Jenae Holtz, Linda Llamas, Robin McMullen, Kami Murphy, Lisa Nash, Sheila Parisian, Kathleen Peters, Karina Quezada, Daria Raines, Jennifer Rountree, Veronica Rousseau, Natalie Sedano, Adrienne Shepherd-Myles, Jessica Soto, Pamela Strigglers, Jennifer Sutton, Stephanie Sweem, and Charis Washington.

1.0 CALL TO ORDER

The regular meeting of the California Association of Health and Education Linked Professions Joint Powers Authority (CAHELP JPA) Desert/Mountain Charter SELPA Steering and Finance Committee Meeting was called to order by Chairperson Jenae Holtz, at 1:03 p.m., at the Desert/Mountain Educational Service Center, Apple Valley.

2.0 ROLL CALL

3.0 PUBLIC PARTICIPATION

None.

4.0 ADOPTION OF THE AGENDA

4.1 **BE IT RESOLVED** that a motion was made by Sarah Ballard-Wiley, seconded by Tanya Taylor, to approve the April 15, 2021 Desert/Mountain Charter SELPA Steering and Finance Committee Meeting Agenda as presented. A vote was taken and the following carried 13:0: Ayes: Ballard-Wiley (DTPA), Ballard-Wiley (LEPA), Butler, Congo Haskins, Jung, Klepper, Matthews, Moreno, Price, Romaine, Waisman, and Wong. Nays: None, Abstentions: None.

5.0 PUBLIC HEARINGS

5.1 Desert/Mountain Charter SELPA Annual Service Plan (**ACTION**)

California Education Code requires that an Annual Service Plan be approved by the CAHELP JPA

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Governance Council as part of the Local Plan. The 2021-22 Annual Service Plan describes all special education services currently provided in the Desert/Mountain Charter SELPA broken down by type, location, and level of severity.

5.1.1 **BE IT RESOLVED** that a motion was made by Callie Moreno, seconded by Tanya Taylor, to approve the Desert/Mountain Charter SELPA 2021-22 Annual Service Plan as presented. A vote was taken and the following carried 13:0: Ayes: Ballard-Wiley (DTPA), Ballard-Wiley (LEPA), Butler, Congo Haskins, Jung, Klepper, Matthews, Moreno, Price, Romaine, Waisman, and Wong. Nays: None, Abstentions: None.

5.2 Desert/Mountain Charter SELPA Annual Budget Plan (**ACTION**)

California Education Code requires that an Annual Budget Plan be approved by the CAHELP JPA Governance Council as part of the Local Plan. The 2021-22 Annual Budget Plan describes the revenues and expenditures for special education services currently for all local education agencies in the Desert/Mountain Charter SELPA.

5.2.1 **BE IT RESOLVED** that a motion was made by Dr. Chantell Butler, seconded by Michelle Romaine, to approve the Desert/Mountain Charter SELPA 2021-22 Annual Budget Plan as presented. A vote was taken and the following carried 13:0: Ayes: Ballard-Wiley (DTPA), Ballard-Wiley (LEPA), Butler, Congo Haskins, Jung, Klepper, Matthews, Moreno, Price, Romaine, Waisman, and Wong. Nays: None, Abstentions: None.

6.0 INFORMATION

6.1 Low Incidence Reimbursement

Jenae Holtz reported that D/M Charter SELPA Executive Council approved the use of increased low incidence funding to reimburse member LEAs for low incidence costs. She said there was a large increase in funding for low incidence equipment (LIE) that can be used to reimburse LEAs for their costs.

Marina Gallegos shared the projected LIE ending balance for 2020-21 is \$60,293 of which she proposed 85% be spent to reimburse charter members for low incidence costs at the LEA level up to the maximum reimbursement cost presented. Marina continued that an invoice and supporting documentation would be submitted by the LEA to D/M SELPA. She said some funds would be retained in case new LEAs have students with low incidence disabilities or additional equipment needs.

Jenae said the D/M SELPA business office will work with LEAs regarding what supporting documents need to be submitted for reimbursement.

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7.0 CONSENT ITEMS

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7.1 **BE IT RESOLVED** that a motion was made by Mikaleen Klepper, seconded by Sarah Ballard-Wiley, to approve the following Consent Item as presented. A vote was taken and the following carried 13:0: Ayes: Ballard-Wiley (DTPA), Ballard-Wiley (LEPA), Butler, Congo Haskins, Jung, Klepper, Matthews, Moreno, Price, Romaine, Waisman, and Wong. Nays: None, Abstentions: None.

7.1.1 Approve the March 25, 2021 Desert/Mountain Charter SELPA Steering and Finance Committee Meeting Minutes.

8.0 CHIEF EXECUTIVE OFFICER AND STAFF REPORTS

8.1 2021-22 Desert/Mountain Charter SELPA Applications for New Membership

Jenae Holtz presented 2021-22 D/M Charter SELPA Applications for new membership. She provided a summary of the applications for membership for both ASA Charter School and Virtual Preparatory Academy at Monterey. She reported both were approved by D/M Charter SELPA Executive Council earlier today and that the applications will be taken to CAHELP JPA Governance Council on May 14, 2021 for final approval.

8.2 Legislative Updates

Jenae Holtz presented the latest in State and Federal law related to students with disabilities and school law. She briefly reviewed multiple Assembly Bills (AB) and Senate Bills (SB) included in the meeting materials.

Jenae called on Heidi Chavez to present information from State SELPA Administrators regarding Least Restrictive Environment and SB 692. Heidi said there are implications regarding deaf and hard of hearing students as well as visually impaired and blind students and the least restrictive environment is not always conducive to their needs. A team from State SELPA Administrators along with California School of the Deaf and California School of the Blind came together to write some language for an amendment to SB 692. The current bill would add the least restrictive environment, as measured by the percentage of pupils with individualized education programs who are 6 to 21 years of age, inclusive, served inside a regular classroom 80% or more of the day, as a state priority. Heidi continued the bill would require the state and local indicators for this state priority to be the same as the above-referenced federal indicator and would require the standards

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for these indicators to be consistent with the state’s targets for the federal indicator. She said when it comes to a community regarding their language, the deaf, hard of hearing, and visually impaired students are not necessarily placed in their least restrictive environment. Heidi shared the amended language would be as follows: “These indicators and requirements, as needed, can be waived when working with low-incidence populations with special considerations, such as children who are deaf and hard of hearing (DHH), that require specialized services, special placement, and language support. In this case, a school for the deaf, regional program, or a more intensive setting specifically designed to support the communication, language, and social-emotional development of students who are DHH would be a better option. Another example of a low-incidence population that may be eligible to be waived from these indicators and requirements are students who are blind or visually impaired that may require special placement to best serve their needs”. Heidi concluded that it is felt it is best for students with low incidence needs is to be placed in a least restrictive environment of a school setting that meets their language needs as well as being with same age peers with learning and supports being available based on their needs.

8.3 State SELPA Administrators Information – Due Process

Jenae Holtz provided Due Process updates from State SELPA Administrators. She said State SELPA Administrators cited several different cases on CDE complaints as well as Office of Administrative Hearings (OAH) complaints. Jenae reported the CDE complaints are based on Covid-19 and either initials not being taken care of during Covid-19 and/or that what was written in a child’s IEP not being met. She said a case filed against Bakersfield City Elementary School District was a complaint on an entire class of students and resulted in the LEA providing many hours of compensatory services to 25 students. Jenae shared the SELPA Administrator was quite frustrated with the lack of guidance provided by the CDE initially then placing many corrective actions on the LEA.

Jenae then spoke on a case filed against Travis Unified School District with the parent claiming their child did not receive the appropriate amount of speech services. Travis USD was able to show they had met the percentage of time based on the reduction in school time based on the law that was changed in SB 98 and prevailed in that case.

Jenae shared another document from an attorney group that was shared at State SELPA Administrators that talked about what is happening with Covid-19 cases. There has been an uptick in OAH cases that are at least partially around Covid-19. Jenae said this verifies the importance of clearly documenting what teachers and administrators have done to engage the child, what is being taught, what the expectations are, and how it is being assessed afterwards. We will continue to emphasize how important good documentation is as well as the follow through to that documentation.

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8.4 Management Information Systems (MIS) Web DA and Web IEP Standard Reports Manual

Jenae Holtz called on Colette Garland to present the final version of the Management Information Systems (MIS) Web DA and Web IEP Standard Reports Manual. Colette said the manual is final based on feedback provided at the MIS workshop. She asked to be contacted if a committee member needs access to MIS or if there are other reports needed.

8.5 Desert/Mountain Children's Center Client Services Reports

Linda Llamas presented the Desert/Mountain Children's Center Client (DMCC) Services monthly reports. She asked to be contacted if any discrepancies are found or if there are any questions. Linda stated DMCC continues to accept referrals and provide services remotely and in some instances, in-home. Linda said to contact her with any questions about DMCC services.

8.6 Desert/Mountain Children's Center Online Referral

Linda Llamas presented the Desert/Mountain Children's Center Online Referral. She shared in addition to fax referral, there is now an online referral that goes directly to the intake team and can be completed by anyone if the caregiver/legal guardian is aware a referral is being made. Linda said the link has been emailed to the designated LEA contact person as well as updated flyers about the online referral process. The Spanish versions of the documents will also be emailed and uploaded to our website when they are complete. Linda encouraged the LEA contact person to share the information with principals and teachers as well as add the referral link to school websites. Linda reiterated DMCC will still accept fax referrals as well as online referrals.

Linda said for students transferring in with counseling services on their IEP, the IEP received by the LEA should be faxed to DMCC so there is not a lapse in counseling services during the transfer process. Linda asked to be contacted with any questions or concerns.

8.7 988 National Crisis Hotline

Linda Llamas provided information pertaining to the future addition of the 988 National Crisis Hotline for mental health emergencies. She provided background in that the National Suicide Hotline Designation Act of 2020 was passed and is designed to set up the number 988 as the Universal Mental Health Crisis Hotline Telephone System and will be effective July 16, 2022. Linda said operators will have a special focus and training for populations with the highest risk of suicidal ideation and death by suicide which includes: Lesbian, Gay, Bisexual, Transgender, Questioning (LGBTQ) youth, American Indian Alaskan native individuals, and residents of rural counties. Didi Hirsch is the provider that will lead California's lifeline crisis centers in developing a plan for coordination, capacity, funding, and communication surrounding the launch of 988. Linda also reported the County Behavioral Health Directors Association of California is forming work groups to provide recommendations and technical assistance for pending legislation and

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implementation. She said there are two bills being considered specifically for guiding further implementation of the roll out process. One bill is more detailed than the other and once one is passed, Linda will share the information with the committee as she receives it.

8.8 Professional Learning Summary

Heidi Chavez presented an update on the SELPA's professional development. She said for the month of March 2021, there were 14 participants at regional trainings. Heidi shared the year-to-date participants for on-site trainings is 32 with 130 regional attendees totaling 162 participants for the year.

Heidi reminded the meeting participants of the Directors' Training of *Enhancing Equity Through Data, Systems, and Practices* on April 16, 2021 at approximately 11:00am, depending on the time of adjournment for D/M SELPA Steering and Finance Committee.

8.9 Resolution Support Services Summary

Kathleen Peters presented the D/M Charter SELPA's Resolution Support Services Summary. She said since the included report was generated, there will be two filings against parents. Kathleen shared a screenshot from Web IEP showing the signature status of IEPs and addendums. She said if there is an unsigned IEP, there should not be an addendum because no agreement was made. Instead, there should be a Part 2 to close the IEP. Kathleen stated when a parent signs an addendum they are only signing for what has changed in the addendum. Kathleen confirmed the date of the first IEP remains the annual date, not the Part 2 date.

8.10 Office of Administrative Hearings Decisions

Kathleen Peters called on Lisa Nash to review Office of Administrative Hearings (OAH) decisions.

Lisa presented Student and Panama Vista Union School District: OAH Case Numbers 2020090289, 2020070003, and 2020100652. There were multiple filings & cross-filings that were consolidated by OAH in to three cases: #1 filed by the student, #2 and #3 filed by the district.

1. Student's Issue: Did district deny student a FAPE, by failing to assess him in all areas of suspected disability from 9/9/2018 through the date student filed his complaint?
2. District's Issue: Was District's February 2020 functional behavior assessment appropriate such that the district need not fund an Independent Educational Evaluation (IEE)?
3. District's Issue: Was district's IEP offer dated 12/19/2019, and amended 2/28/2020, necessary to provide Student a FAPE in the least restrict environment such that it could be implemented without parental consent?

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In the Student's case, the student alleged the district failed to assess him for eligibility for special education/related services prior to 5/28/2019, which was the date the district first assessed him and found him ineligible for special education. Further, the student alleged when he was ultimately assessed a second time almost seven months later in December 2019, the district failed to assess him for autism, and the subsequent autism and Functional Behavior Assessment (FBA) evaluations conducted by the district and reviewed on 2/28/2020 were inappropriate. The Student began kindergarten in the 2018/2019 school year. During the 2nd quarter of the school year (approximately 10/12/2018 – 1/11/2019), the student came to the attention of the Assistant Principal due to displaying physical aggression, which progressed to shoving other student's faces onto concrete, shoving peers into fences, slapping and headbutting the teacher. Prior to his 5/28/2019 assessment, student had 13 behavioral incidents which the district categorized as major, and an additional 12 minor behavioral incidents, which included hitting peers and staff, kicking peers, throwing objects at staff and peers, and name-calling: a total of 25 behavioral incidents in a short amount of time. The school staff dealt with the incidents either by sending trained behaviorists into the classroom or by sending the student to the administrative office. During the second quarter of the 2018/2019 school year, the district convened a Student Study Team (SST) meeting to discuss student's behaviors, behavior strategies, systems and rewards that could be implemented by the teacher and the behavior interventionists; however, this meeting was not documented and the district's witnesses could not recall specifically when it was held or the timing of the meeting. The district convened a second SST meeting between January – March 2019. Again, the meeting was not documented. By this time, student was exhibiting more physical aggression resulting in peers being injured. The Administrative Law Judge (ALJ) referred to the district's general education interventions as "haphazard and experimental". At the second SST meeting, the district implemented new interventions that included a "check-in/check-out" system which is a PBIS Tier II intervention. The parent requested assessment on 3/27/19, and the district provided an assessment plan on 4/2/2019. There was no evidence that the parent was provided notice of her parent rights/procedural safeguards to request formal assessment for special education at either the first or second SST meeting.

The lead school psychologist assessed the student's cognitive abilities, which revealed he was of average intelligence. The special education teacher's assessments revealed the student had average achievement in reading, math, written and oral language, and academic and school readiness skills. The two school psychologists witnessed the student being aggressive with, as well as numerous instances of off-task and disruptive behavior. However, the school psychologists stated the student was capable of sitting still and concentrating. There was no justification in the assessment report for the psychologists' analysis and conclusions and no data to support their conclusion that the student's inattention, impulsivity, and behavior occurred when the student was "bored," as one psychologist testified. One school psychologist stated the student had some inappropriate social behaviors but nothing that got in the way of his education, and the assessment report likened his behavior as equivalent to that of other students his age. The lead psychologist testified that student's aggressive displays were not inappropriate under normal circumstances since they occurred when the student was told "no," corrected, or when he became frustrated. To this

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testimony the ALJ wrote, “This explanation simply defies believability that the student’s behaviors, such as striking or slamming classmates’ heads, could have been considered appropriate under any circumstances”. The lead school psychologist suspected and investigated special education categories of specific learning disability, other health impairment (OHI), and emotional disturbance but did not suspect autism. OAH found the May 2019 assessment failed to appropriately investigate the student’s aggressive and off-task behaviors and did not conduct nor recommend a behavioral assessment, and that it inappropriately concluded the student was ineligible for special education and related services because, while the school psychologist discerned the student met the first prong for eligibility under the OHI category (limited alertness, or ADHD), student did not meet the second prong because of his academic strengths: he met standards and expectations and was making satisfactory academic progress. Despite the ample evidence that student’s social functioning and behavior impeded his education and that of others, the district concluded the student did not qualify for eligibility under that or any special education disability category. At hearing, OAH found that “discounting of Student’s aggression and off-task behaviors, and reliance solely on his academic performance and perceived capabilities was not appropriate.” Further, the ALJ cited case law that “Social functioning is a part of educational performance”. After finding the student ineligible for special education, the lead school psychologist created a Tier 2 Lesson Plan Implementation Guide to address the student’s behaviors, which hypothesized the function of the behaviors, antecedents or triggers, desired replacement behaviors, and a list of antecedents and consequences but no formal assessment or data analysis went into the creation of this document.

The student’s behavior continued to escalate causing the assistant principal to remove the student from the 2019 summer program. One of the two school psychologists who participated in the first special education eligibility assessment at the end of the prior school year warned the student’s 1st grade teacher before the start of the 2019-20 school year about the student’s disruptive and physically aggressive behaviors.

During the first few weeks of the 2019-20 school year, the student’s escalating behavior resulted in his suspension. The district classified nine other incidents between 10/17/2019 and 12/13/2019 as major; however, the student did not receive formal suspension for those. Near the end of October 2019, during the non-special education assessment for a 504 Plan, the student’s first grade teacher advised the psychologist that the student had hit her more than once. The student’s behavior was so concerning to the school principal, that she began keeping a log of incidents on 11/12/19, in anticipation of possible litigation from those peers and staff injured by the student. Additionally, the principal used general funds to add behavioral support to the student.

On 11/14/2019, the district again proposed to assess the student for special education, and the parent signed the assessment plan on 11/18/2019. The written report from the second special education assessment was completed/reviewed by the IEP team meeting on 12/19/2019. As with the prior assessment in May 2019, the December 2019 assessment did appropriately assess cognitive functioning, academics, and health; however, it did not assess student’s behaviors even

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though one psychologist noted that the student was redirected 47 times and shouted out of turn 16 times during a single observation; the behaviors were severe and frequent enough to clearly warrant a comprehensive behavior assessment. Further observations revealed the student was engaged in acts of physical aggression an average of 5 times per day and the psychologist took frequency data, but she did not formally analyze it. The report concluded the student was eligible for special education and related services, but the parent disagreed that the report was comprehensive and maintained that the district had failed to assess the student in the area of autism. The district did conduct a behavioral assessment, an autism assessment, a speech assessment, an OT assessment, and an Educationally Related Mental Health Services (ERMHS) assessment in February 2020.

The student prevailed on issue #1 with OAH finding the district had a basis of knowledge before the May 2019 assessment, to suspect the student may have a disability, which triggered its Child Find obligation under IDEA from September 2018. The failure to assess prior to May 2019 impeded the student's right to FAPE, causing a deprivation of educational benefit. Further, when the district assessed the student in May 2019, the assessment was not appropriate because district failed to conduct an appropriate behavioral assessment and failed to find him eligible for special education and related services. Additionally, when the district later assessed the student in December 2019, the district continued to deny the student a FAPE because it still failed to conduct an appropriate behavioral assessment and that failure persisted until the behavioral assessment was ultimately conducted in February 2020.

This denial of FAPE resulted in an award of compensatory services to the student of:

1. 160 hours of specialized academic instruction (SAI),
2. 51.5 hours of behavior intervention services, individual counseling, and/or parent-family counseling,
3. All compensatory hours to be completed by a Nonpublic Agency of parent's choosing, by direct payment contract with the district.

For issue #2, the parent did not consent to the February 2020 IEP and notified the district ten days after the meeting that she was requesting an FBA IEE. The district responded with a Prior Written Notice (PWN) denying the IEE request. The district filed due process in late June 2020. There was a three-month, two-week lag between parent's request for the IEE and the district's first initial due process filing to defend its February 2020 FBA and other assessments, which the student argued was an "unnecessary delay" in violation of IDEA as stated at 34 C.F.R. § 300.502(b)(2). Evidence supported there were on-going discussions related to the IEE issue between the district and parent/parent's advocate between the time of parent's IEE request on 3/10/2020 and 6/26/2020 due process filing.

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The district prevailed with OAH finding that the on-going discussions were in good faith and, therefore, did not constitute an unreasonable delay in the district's due process filing, and that the February 2020 behavior assessment was appropriate and met all assessment requirements and components, including a records review, which included educational history and history of the student's problem behavior and previous interventions, interviews with the student's teacher, grandmother, and mother, in-person observations of the student on multiple days over a three-week period, environmental analysis, and data collection. The lead school psychologist who conducted the district's FBA correctly identified the student's problem behavior and developed a functionally equivalent replacement behavior (FERB). Her report included frequency, intensity, duration and antecedents, behavior and consequences, or the "ABC" data of the target behaviors. The report developed three behavior goals, and her report included recommendations.

For issue #3, the parent did not consent to the February 2020 IEP, and contended the IEP did not offer a FAPE, particularly in the area of behavior and did not offer eligibility under the category of autism. OAH found the December 2019 psychoeducational assessment appropriately assessed student's health, academic, and cognitive functioning. The parent submitted a health questionnaire, and the assessment noted student's medical diagnoses of Attention Deficit Hyperactivity Disorder (ADHD) and Oppositional Defiance Disorder (ODD). The student was found to have average intelligence, and the assessment was found to appropriately assess student's social-emotional functioning. This assessment corrected an earlier "error in judgment" made in the May 2019 assessment, and correctly found the student eligible for special education and related services. The sole defect of the December 2019 psychoeducational assessment was the district's failure to appropriately assess the student's behavior, which was corrected by the February 2020 FBA. At the 2/28/2020 IEP meeting, the district proposed a primary disability of emotional disturbance and a secondary disability of OHI, having found through its autism assessment that the student did not meet criteria for eligibility under the disability of autism: student made eye contact, showed appropriate facial expression, had reciprocal conversations with peers, had social interest and clear use of verbal and nonverbal language, which was used appropriately to gain attention. He did have emotional dysregulation, documented difficulty resolving conflicts and engaged in unprovoked verbal harassment and met the legal criteria for emotional disturbance. The district believed that his impulsive and attention-seeking behaviors were attributed to his ADHD. The district believed the LRE for the student was a Special Day Class (SDC) behavior intervention class. The student's behaviors were far too disruptive and severe for placement in a general education class. The district offered 1755 weekly minutes of SAI, 60 minutes per month of behavior intervention services, 180 minutes monthly of individual counseling and 60 minutes monthly of parent/family counseling, curb-to-curb transportation, and extended school year (ESY) services for the summer of 2020, with mainstreaming for lunch, recess, and school-wide activities. The behavior intervention program was developed to provide academic, behavioral and therapeutic supports, with staff specially trained to deal with students with emotional and behavioral difficulties.

The district prevailed with OAH finding at the 2/28/2020 IEP meeting, the district proposed a primary disability of emotional disturbance and a secondary disability of OHI, well supported by

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appropriate assessments, with an offer of a FAPE designed to allow the student to make progress in light of his disability, with appropriately challenging goals. The offer included placement in an SDC behavior program setting as the LRE, and related services to address all student's needs, including ERMHS services and behavior intervention services, as well as accommodations to support the student in the program setting. OAH ordered that the district implement the February 28, 2020 IEP without parental consent if parent wanted student to receive special education and related services.

Kathleen reported there is a current case in which a student was exited from special education because the academic grades were good yet the student's social-emotional issues, suicidal ideation, and other mental health concerns were not considered to be part of her disability. She continued that though the student met her academic goals and is no longer qualified for a specific learning disability (SLD) model, the student should not have been exited. Kathleen said behavioral, emotional, and social needs are part of what is provided for in special education.

Lisa then presented information regarding Student and Rocklin Unified School District: OAH Case Numbers 2020110250 and 2020120137. OAH consolidated two cases: the first case filed by the student; the second case filed by the district. Ultimately, the student withdrew all issues, and the case went forward on the district's sole issue: Did Rocklin USD's 9/2/2020 IEP, as amended on 10/2/2020, offer the student a FAPE, such that Rocklin USD may implement it without parental consent? The student was 10 years-old at the time of the hearing and eligible for special education under the disability categories of speech and language impaired and specific learning disability. The student is medically fragile and immunocompromised, requiring immunosuppressant medication. The student was attending remotely before the pandemic shutdown. The district asserted the 9/2/2020 and 10/2/2020 IEPs complied with all procedural and substantive IDEA requirements and offered the student a FAPE. The student maintained these IEPs failed to (1) make a clear written offer; (2) offer an appropriate placement, health care plan, and nursing services; and (3) develop appropriate measurable goals in all areas of need. At the 10/2/2020 continued IEP team meeting, the district offered placement and services but the parent did not consent, claiming the offer was unclear in that both parent and district personnel did not fully understand it because the IEP document offered two different placements in separate IEP sections. In the section titled, "Offer of FAPE - Educational Setting," district offered student "Regular Classroom/Public Day School." In the section titled, "IEP Team Meeting Notes," the IEP also offered the Rocklin Virtual Campus to the student. The district discussed both in-person placement and the Rocklin Virtual Campus at the IEP team meeting, after parent expressed concerns over in-person learning due to the student's health. The district verbally offered the Rocklin Virtual Campus and the parent verbally agreed to it, and the district offered to contact the parent later to discuss the program as reflected in the IEP meeting notes. The IEP document resulting from the IEP team meetings reflects the student's placement offer was in-person instruction at the school site, but the IEP notes do not reflect discussion about this placement, which was formally listed in the Offer of FAPE section. The parent participated in the IEP meeting by phone, while the other IEP team members participated via a web-based application. During the 10/2/2020 IEP meeting,

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the documents were displayed on the computer screen such that only the district team members could see and read the documents, while the parent could only listen. The parent relied solely on the oral discussion during the meeting and did not have the benefit of seeing what was written into the IEP. The district's offer of FAPE also included an offer of group Occupational Therapy services to be delivered "in a consultative, collaborative, or direct manner" with the therapist determining how much of each service would be provided to the student once that therapist began working with the student. The district argued its offer of OT services was clear and that the parent understood it, but the parent argued that the offer was ambiguous because it did not specify how the OT services would be provided to student.

The student prevailed and OAH found the district failed in its burden of proof that the October 2020 IEP made a clear offer of FAPE. OAH found the document was unclear because it offered two contradictory placements, one in-person and one by virtual learning. There was no single, specific program offered in the form of a clear, coherent offer for placement. The testimony at hearing documented that some district staff noted the disparity between the Offer of FAPE section and the "IEP Team Meeting Notes" section. Since the parent was told one thing during her telephonic IEP attendance, but the other IEP team members from the district saw a different document displayed, the parent had no opportunity to bring this inconsistency to the team's attention and ask for clarification or correction. This failure on the district's part constituted a procedural violation. OAH found the district's offer of OT service was unclear because the three stated delivery options gave the occupational therapist the ultimate decision-making authority outside of the IEP team process with no ability for the parent to weigh in before deciding to accept or reject the offer. This language precluded the parent from enforcing the student's services because there was no way to know what the student was specifically being offered. This failure on the district's part constituted a procedural violation. The ALJ further found that the procedural violations regarding the lack of a clear offer of FAPE and clear offer of OT services were sufficient to have interfered with the parent's ability to participate in the formulation of the IEP. The district may not implement the September 2, 2020 and October 2, 2020 IEPs without parental consent.

8.11 Learning Loss Mitigation

Kathleen Peters provided additional information on learning loss mitigation. She stated the memo in the meeting materials starts as a review of previously provided information pertaining to learning loss mitigation. Kathleen said there has been clear direction from the state and federal governments that the decisions for learning loss will be made in an IEP meeting and will be individualized to the child. She continued that it is imperative that IEP language does not look like predetermination. Kathleen said the document does include the framework for writing IEP notes and can be referred to in assisting with the natural progression of an IEP discussion. Kathleen cautioned it is not wording that can be cut and pasted in an IEP as it is procedural and not individualized as required. The notes are to reflect conversation around data and include parent input and the agreement based on data. Kathleen stated the last time she provided specific wording, it was when the state said specific language was to be used based on law and was related to

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planning for future disasters. She concluded that because IEPs are unique to every child and are reflective of student progress, the wording must be individualized.

8.12 Alternative Dispute Resolution (ADR) Planning Committee Update

Kathleen Peters shared an update from the ADR Planning Committee stating that at the last meeting, there was discussion around community outreach and parent involvement. She said the document in the meeting materials is a draft of notes from the meeting to be reviewed at the LEA site level for input. Kathleen is expecting a formal document to be ready for presentation and approval at the August 2021 Steering and Finance Committee meeting.

Kathleen continued that the ADR Planning Committee will have an ADR collaborative. The collaborative will train staff at the site level to work with families to reach resolution at the lowest level. She said the staff to consider for the training could be an administrator that has a natural presence with parents and problem-solving skills, a special education teacher that works well with parents, or anyone interested in learning more about mediation and conflict resolution skills. The collaborative members will participate in trainings provided by D/M SELPA as well as advanced training to directors and leaders at the schools. Kathleen said more information will be provided at the August 2021 Steering and Finance Committee meeting. She asked to be contacted by anyone interested in being part of the collaboration.

8.13 You Be the Judge

Kathleen Peters called on Lisa Nash to present a You Be the Judge scenario for committee member participation. The question was “Do student’s poor grades, anxiety after school shooting prompt need for evaluation?”. Lisa reported the correct answer is A, the district had no reason to suspect the student needed special education. She said the state education department concluded the district did not violate Individuals with Disabilities Education Act (IDEA) when it declined to offer an eighth grader with a central auditory processing disorder an evaluation. The student did have anxiety but after regular meetings with school counseling personnel, his anxiety did subside. The state education department found the student’s grades and attendance remained consistent throughout middle school and there was no reason to suspect the student had a disability.

8.14 Prevention and Intervention Updates

Kami Murphy called on Natalie Sedano to present Prevention and Intervention Updates. Natalie shared an upcoming training *Life and Work Balance: Build Your Summer Toolbox to Thrive*. It is an opportunity to learn strategies for selfcare as well as supporting our own families as well as student. She said it is scheduled for May 19, 2021, 1:30 p.m-3:30 p.m. and is free to attend.

Kami shared the Prevention and Intervention team is looking to provide supports in the areas of social-emotional learning (SEL), Positive Behavior Interventions and Supports (PBIS), multi-tiered systems of supports (MTSS) upon re-entry to the school sites. She said the team is providing

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many customized supports including on the topic of equity. Kami said if an LEA is interested in a training that might not be advertised in the Professional Learning Guide, to contact her.

8.15 Compliance Update

Jenae Holtz presented an update on compliance items from the California Department of Education (CDE). She said CDE is starting to return Special Education Plans (SEP) as approved.

Colette Garland said the SEP approvals are being received in batches but she expects a comprehensive list in the next week. Colette said CDE is still pulling data for Data Identified NonCompliance (DINCs) monthly and to continue resolving the pending IEPs. She clarified pending IEPs have a signed assessment plan but have not had the initial meeting and they are referred to as Plan 30 or Plan 300 in CALPADS. Colette said to also be mindful of annual and triennial IEPs. Colette shared that there are no D/M Charter SELPA LEAs in significant disproportionality. She reported the Annual Service Plan has been handled as part of the Annual Budget Plan and will be submitted to CDE. Colette said she is expecting to receive the new form for the Personnel Data Reports soon and she will distribute them as soon as she receives them.

8.16 Management Information System (MIS) Users Meeting – CALPADS Errors

Colette Garland presented the flyer for the Management Information System (MIS) Users Meeting regarding CALPADS Errors. She reported Doug Faucette of Faucette Microsystems will be joining the training. It is scheduled for April 23, 2021 at 9:00am-11:00am. Colette said once staff are registered, they will receive the Zoom link for the training. She stressed that it is critical to continue CALPADS daily submission.

9.0 FINANCE COMMITTEE REPORTS

9.1 Proposed 2021-22 Desert/Mountain Charter SELPA Budget

Marina Gallegos presented the proposed 2021-22 Desert/Mountain Charter SELPA Budget. She reviewed the 2021-22 Budget Assumptions. Marina then presented the 2019-20 Actuals, 2020-21 Estimated Actuals, and 2021-22 Proposed Budget. She said there was significant savings in nearly every expense category this year but particularly in legal costs, mileage, and staff development. All expenditures include salaries, benefits, materials and supplies, services, and indirect costs. Marina said if any director wants more detail on a major object, to contact her and she will provide it. Marina reported there are no new staff planned for 2021-22 and that it is planned to carry cost saving measures in to 2021-22.

9.2 Proposed 2021-22 Desert/Mountain Charter SELPA Fee-for-Service Rates

Marina Gallegos presented the Proposed 2021-22 Desert/ Mountain Charter SELPA Fee-for-

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Service Rates. She said it only applies to LEAs that enter into an agreement for D/M SELPA related services such as occupational therapy, physical therapy, education support and/or intensive therapeutic services. Marina said the 2021-22 rate is the prior year rate plus a 3.84% cost of living adjustment (COLA) that was provided in the governor's January budget.

10.0 INFORMATION ITEMS

- 10.1 June Pupil Count Memo
- 10.2 Monthly Occupational & Physical Therapy Services Reports
- 10.3 Upcoming Professional Learning Opportunities

11.0 STEERING COMMITTEE MEMBERS COMMENTS / REPORTS

None.

12.0 CEO COMMENTS

Jenae Holtz appreciates everyone and the hard work they are doing.

13.0 MATTERS BROUGHT BY THE PUBLIC

None.

14.0 ADJOURNMENT

Having no further business to discuss, a motion was made by Sarah Ballard-Wiley, seconded by Mikaleen Klepper, to adjourn the meeting. A vote was taken and the following carried 13:0: Ayes: Ballard-Wiley (DTPA), Ballard-Wiley (LEPA), Butler, Congo Haskins, Jung, Klepper, Matthews, Moreno, Price, Romaine, Waisman, and Wong. Nays: None, Abstentions: None.

The next regular meeting of the Desert/Mountain Charter SELPA Steering Committee will be held on Thursday, May 20, 2021, at 1:00 p.m., at the Desert Mountain Educational Service Center, Aster/Cactus Room, 17800 Highway 18, Apple Valley, CA 92307.

Individuals requiring special accommodations for disabilities are requested to contact Jamie Adkins at (760) 955-3555, at least seven days prior to the date of this meeting.



CDE Special Education Updates

May 7, 2021

Heather Calomese, Director
Special Education Division

CALIFORNIA DEPARTMENT OF EDUCATION
Tony Thurmond, State Superintendent of Public Instruction

Returning to In-Person Learning

- Assembly Bill 86 authorized a total of \$6.6 billion for TK–12 schools regarding school reopening.
- Of the \$6.6 billion, \$2 billion is available for In-Person Instruction (IPI) Grants. IPI Funds may be used for purposes associated with in-person instruction, including COVID-19 testing, cleaning and disinfection, personal protective equipment, ventilation, etc.
- The remaining \$4.6 billion is available for Expanded Learning Opportunities (ELO) Grants. ELO grant funding can be used for extended instructional learning time, learning supports, health, counseling mental health and social emotional learning, etc.
- AB 86 requires that LEAs receiving IPI and ELO grant funds ensure all services delivered to students with disabilities are delivered in accordance with the IEP.

What is required under the ELO Grants?

- An LEA receiving ELO grant funding is required to implement a learning recovery program to identified pupil groups that, at a minimum, provides:
 - Supplemental instruction,
 - Support for social and emotional well-being,
 - Meals and snacks
- Funds are to be used for designated purposes, including extending instructional time and accelerating progress to close learning gaps.

State and Federal Policy Area: Federal Stimulus Funds

- The American Rescue Plan Act:
 - Provides \$122.8 billion for ESSER III, approximately \$15 billion to California
 - LEAs will need to reserve 20 percent of funds to address Learning Loss.
 - Other funding components of the package include:
 - IDEA Funding – Approximately \$3 billion (300 Million to California)

Spring Assessments

CAA Considerations and Recommendations

- Decisions for remote instruction or use of local assessments should be made by the individualized education program (IEP) team and based on the needs of the individual student.
- Within this population, there are students who have needs for assistive technology, needs related to identified medical and health issues, and are served by direct-support staff – whose support may not be possible to replicate in remote instruction.
- These concerns must be addressed on a student-by-student basis, through the IEP process, to determine the necessary level of supports needed for instruction as well as for the administration of assessments.

CAA Considerations and Recommendations

- The California Department of Education (CDE) recommends that all alternate assessments be administered in person with safety protocols in place if (and only if) it is safe to do so.
- Local educational agencies (LEAs) administering the CAAs in person must follow state, county, and local health guidelines, the California Department of Industrial Relations' Division of Occupational Safety and Health's COVID-19 emergency temporary standards, and any local collectively-bargained safety protocols;
- If it is unsafe to test students in person, students should not be tested. Remote administration is not recommended, but the final decision rests with local IEP teams on a case-by-case basis.

CAA Considerations and Recommendations

- If the administration of the CAAs is not a viable option, LEAs are not expected to find a separate local alternative option.
- IEP Amendments

Expanded Learning Opportunity Summit

Topic: Addressing the Needs of Students with Disabilities Post-Pandemic

Presenters:

- Rocklin Unified School District
- Los Angeles Unified School District
- SELPA Improvement Leads

Innovative Solutions Workgroup

Purpose:

To hear from educators, service providers, parents, and all stakeholders about the educational experience for students with disabilities over the past year, as well as strategies and opportunities for moving forward.

- To identify best practices and resources to share statewide.

Topics:

- Social Emotional Wellness and Behavior Support
- Accelerating Learning, Assessment, and Progress Monitoring
- High Quality Individualized Education Programs

Memo updates: Face Coverings and IEEs

- **Face Coverings Memo:** [Students with Disabilities and Face Coverings - Laws, Regulations, & Policies \(CA Dept of Education\)](#)
- **IEE Memo:** [Independent Educational Evaluations - Laws, Regulations, & Policies \(CA Dept of Education\)](#)
- **Special Education Division** [specedinfo@share@cde.ca.gov](mailto:specedinfo@share.cde.ca.gov)

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Date Published: 05/04/2021 09:00 PM

AMENDED IN ASSEMBLY MAY 04, 2021

AMENDED IN ASSEMBLY APRIL 14, 2021

CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

ASSEMBLY BILL**NO. 1316**

Introduced by Assembly Members O'Donnell, Cristina Garcia, and McCarty
(~~Coauthor: Assembly Member Kalra~~)(*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, 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 school districts, county offices of education, and charter schools, as described in (6) below.

~~(1)~~

(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~~ ~~K-12~~ Local Educational Agencies, certain requirements on school districts, county offices of education, charter schools, and auditors relating to attendance accounting documentation for independent study, including requiring auditors 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.

~~(2)~~

(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~~ ~~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.

~~(3)~~

(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.

~~(4)~~

(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, 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.

~~(5)~~

(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~~ ~~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 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 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, as specified.

~~(6)~~

(7) 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 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.*

~~(7)~~

(8) 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.

~~(8)~~

(9) 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 for residents of a county immediately adjacent to the county in which the apportionment claim is reported.

~~(9)~~

(10) 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~~: *pupils, and extend the scope of those provisions to charter schools*. These provisions would become operative on July 1, 2022.

~~(10)~~

(11) 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.

~~(11)~~

(12) 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.

~~(12)~~

(13) 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.

~~(13)~~

(14) 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 Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

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

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

~~(a)~~

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

~~(b)~~

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

~~(c)~~

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

~~(d)~~

(4) A licensee with a valid permit to practice public accountancy shall, within a six-year period, complete a continuing education course on the provisions of this chapter and the rules of professional conduct.

~~(e)~~

(5) A licensee on inactive status shall complete the continuing education course required by ~~subdivision (d) prior to~~ *paragraph (4) before* reentering public practice.

~~(f)~~

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

~~(g)~~

(7) A system of control and compliance reporting.

(8) *The requirements prescribed for all auditors of school districts, county offices of education, or charter schools pursuant to Sections 41020.6 and 41020.7 of the Education Code.*

~~In~~

(b) *In* exercising its power under this section for the interests of consumer protection, the board shall establish

standards—~~which~~ *that* will assure reasonable currency of knowledge as a basis for a high standard of practice by licensees. The standards shall be established in a manner to assure that a variety of alternatives are available to licensees to comply with the continuing education requirements for renewal of licenses and taking cognizance of specialized areas of practice.

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

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

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

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

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

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

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

SEC. 2. **SEC. 4.** Section 14502.1 of the Education Code is amended to read:

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

(b) The audit guide and any supplement shall be adopted by the Education Audits Appeal Panel pursuant to the rulemaking procedures of the Administrative Procedure Act as set forth in Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. It is the intent of the Legislature that, for the 2003–04 fiscal year, the audit guide be adopted by July 1 of the fiscal year to be audited. A supplemental audit guide may be adopted to address legislative changes to the conditions of apportionment. It is the intent of the Legislature that supplements be adopted before March 1 of the audit year. Commencing with the 2004–05 fiscal year, and each fiscal year thereafter, the audit guide shall be adopted by July 1 of the fiscal year to be audited. ~~A supplemental audit guide may be adopted to address legislative changes to the conditions of apportionment.~~ The supplements shall be adopted before March 1 of the audit year. To meet these goals and to ensure the accuracy of the audit guide, the process for adopting emergency regulations set forth in Section 11346.1 of the Government Code may be followed to adopt the audit guide and supplemental audit guide. It is the intent of the Legislature that once the audit guide has been adopted for a fiscal year, as well as any supplement for that year, thereafter only suggested changes to the audit guide and any additional supplements need be adopted pursuant to the rulemaking procedures of the Administrative Procedure Act. The audit guide and any supplement shall be issued in booklet form and may be made available by any means deemed appropriate. The Controller and consultants in the development of the suggested audit guide and any supplement shall work cooperatively on a timeline that will

allow the Education Audits Appeal Panel to meet the July 1 and March 1 issuance dates. Consistent with current practices for development of the audit guide before the 2003–04 fiscal year, the Controller shall provide for the adoption of procedures and timetables for the development of the suggested audit guide, any supplement, and the format for additions, deletions, and revisions.

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

(1) The number and type of positions vacated.

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

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

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

(d) The Controller shall annually prepare a cost analysis, based on the information included in the audit reports for the prior fiscal year, to determine the net savings or costs resulting from formal actions taken by school districts and county offices of education pursuant to Sections 22714 and 44929, and shall report the results of the cost analysis to the Governor and the Legislature by April 1 of each year.

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

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

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

(1) Auditors shall receive all attendance accounting documentation, including master agreements and work samples, for independent study from school districts, county offices of education, and charter schools, and shall choose the samples themselves to audit. *Auditors shall verify pupil residences with pupil enrollment documentation, using a sample of pupil addresses, from the master agreements of independent study programs.*

(2) Auditors shall analyze enrollment at a charter school classified as a nonclassroom-based charter school for each fiscal year, and shall report to the department any instance where enrollment increases or decreases at the charter school by more than 5 percent during any month over the prior month.

SEC. 3. SEC. 5. Section 17604 of the Education Code is amended to read:

17604. (a) Wherever in this code the power to contract is invested in the governing board of the school district, the governing body of a charter school, or any member thereof, the power may, by a majority vote of the governing board or body, be delegated to its district superintendent or charter school administrator, or to any persons that the district superintendent or charter school administrator may designate, or if there is no district superintendent or charter school administrator, then to any other officer or employee of the district or charter school that the governing board or body may designate. The delegation of power may be limited as to time, ~~money~~ *money*, or subject matter or may be a blanket authorization in advance of its exercise, all as the governing board or body may direct. However, no contract made pursuant to the delegation and authorization shall be valid or constitute an enforceable obligation against the school district or charter school unless and until the same shall have been approved or ratified by the governing board or body, the approval or ratification to be evidenced by a motion of the governing board or body duly passed and adopted.

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

SEC. 4. SEC. 6. Section 17605 of the Education Code is amended to read:

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

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

SEC. 5. SEC. 7. Section 33309.5 is added to the Education Code, to read:

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

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

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

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

(3) Providing a means for keeping the ~~superintendent~~ *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.

SEC. 6. SEC. 8. Section 37670 of the Education Code is amended to read:

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

(b) Except as provided in Article 2 (commencing with Section 37680), a school district may operate a program of multitrack year-round scheduling at one or more schools within the district with state board approval pursuant to Section 37670.1. A program of multitrack year-round scheduling may operate at a schoolsite for as few as 163 days in each fiscal year if the governing board of the school district adopts a resolution at a regularly scheduled board meeting certifying that both of the following criteria are met at the schoolsite:

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

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

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

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

SEC. 7. SEC. 9. Section 37670.1 is added to the Education Code, to read:

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

SEC. 8. SEC. 10. Section 41020.4 is added to the Education Code, to read:

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

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

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

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

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

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

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

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

(b) Commencing with the 2022–23 fiscal year Guide for Annual Audits of ~~K-12~~ *K-12* Local Education Agencies and State Compliance Reporting, the Controller shall include, but is not necessarily limited to, instructions necessary to require, at a minimum, that all of the following compliance procedures are performed in an audit of a charter school:

(1) Sample selection: where representative samples of pupils, pupil work product, financial transactions, or other sampling is required to be performed and selected, the auditor shall identify and make that selection personally.

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

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

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

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

(A) Verify the number of days of attendance.

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

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

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

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

(5) Independent study.

(A) Verify that the frequency that certificated employees of the charter school and each pupil generating average daily attendance through nonclassroom-based instruction complies with Section 51747.6.

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

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

(1) All charter schools are audited, irrespective of the type of organizational entity. For materiality purposes, charter schools that are a component entity of a school district or county office of education and who report financial data in the general fund as opposed to other funds of the school district or county superintendent of schools, the auditor shall sample transactions of the charter school as if the financial data of the charter school represented a major fund of the school district or county superintendent of schools.

(2) Auditor transaction sampling includes sample size and materiality levels appropriate for charter schools.

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

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

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

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

SEC. 9. SEC. 11. Section 41020.5 of the Education Code is amended to read:

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

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

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

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

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

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

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

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

SEC. 10. SEC. 12. Section 41020.6 is added to the Education Code, to read:

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

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

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

(3) The quality of individual auditors' work product is correlated to training and experience.

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

(1) Within the existing ~~24~~ of 80 hours in a two-year period preceding license expiration, ~~required for auditors of governmental agencies,~~ a requirement that 12 of the ~~24~~ 80 hours shall be in the areas of accounting, auditing, or related subjects pertaining to California local educational agencies for auditors ~~that~~ who are engaged in financial and compliance audits of a local educational agency.

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

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

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

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

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

SEC. 11. SEC. 13. Section 41020.7 is added to the Education Code, to read:

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

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

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

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

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

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

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

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

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

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

SEC. 12.~~SEC. 14.~~ Section 46100 of the Education Code is amended to read:

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

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

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

SEC. 13.~~SEC. 16.~~ Section 46110 of the Education Code is amended to read:

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

SEC. 14.~~SEC. 17.~~ Section 46112 of the Education Code is amended to read:

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

SEC. 15.~~SEC. 18.~~ Section 46113 of the Education Code is amended to read:

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

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

46114. (a) The minimum schoolday in grades 1, 2, and 3 in elementary schools operated by a school district or charter school may be computed by determining the number of minutes of attendance in any 10 consecutive schooldays and dividing that number by 10. If the resulting quotient is 230 or more, the pupils shall be deemed to have complied with Section 46112, even if the number of minutes attended in any one schoolday is less than 230,

but not less than 170.

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

(c) The minimum schoolday in kindergarten in elementary schools operated by a school district or charter school may be computed by determining the number of minutes of attendance in any 10 consecutive schooldays and dividing that number by 10. If the resulting quotient is 180 or more, pupils shall be deemed to have complied with Section 46117, even if the number of minutes attended in any one schoolday is less than 180, but not less than 60.

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

SEC. 17. SEC. 20. Section 46117 of the Education Code is amended to read:

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

SEC. 18. SEC. 21. Section 46141 of the Education Code is amended to read:

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

SEC. 19. SEC. 22. Section 46142 of the Education Code is amended to read:

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

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

SEC. 20. SEC. 23. Section 46306 is added to the Education Code, to read:

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

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

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

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

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

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

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

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

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

SEC. 21-SEC. 24. Section 46307 of the Education Code is amended to read:

46307. Attendance of individuals with exceptional needs in a school district or charter school, identified pursuant to Chapter 4 (commencing with Section 56300) of Part 30, enrolled in a special day class or given instruction individually or in a home, hospital, or licensed children's institution who attend school for either the same number of minutes that constitutes a minimum schoolday pursuant to Chapter 2 (commencing with Section 46100), or for the number of minutes of attendance specified in that pupil's individualized education program developed pursuant to Article 3 (commencing with Section 56340) of Chapter 4 of Part 30, whichever is less, shall constitute a day of attendance.

SEC. 22-SEC. 25. Section 47604.2 is added to the Education Code, to read:

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

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

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

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

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

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

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

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

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

(d) Each audit conducted in accordance with this section shall include all funds of the charter school, including the student body funds and accounts and any other funds under the control or jurisdiction of the charter school. Each audit shall also include an audit of pupil attendance procedures. Each audit shall include a determination of whether funds were expended pursuant to a local control and accountability plan or an approved annual update to a local control and accountability plan pursuant to Section 47606.5.

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

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

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

(g) (1) The audits shall be conducted by a certified public accountant or a public accountant, licensed by the California Board of Accountancy, and selected by the charter school or chartering authority, as applicable, from a

directory of certified public accountants and public accountants deemed by the Controller as qualified to conduct audits of local educational agencies, which shall be published by the Controller not later than December 31 of each year.

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

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

(h) (1) The auditor's report shall include all of the following:

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

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

(C) ~~Each audit of a charter school shall include an~~ evaluation by the auditor on whether there is substantial doubt about the ability of the charter school to continue as a going concern for a reasonable period of time. This evaluation shall be based on the Statement on Auditing Standards (SAS) No. 59, as issued by the American Institute of Certified Public Accountants regarding disclosure requirements relating to the ability of the entity to continue as a going concern.

(2) To the extent possible, a description of correction or plan of correction shall be incorporated in the audit report, describing the specific actions that are planned to be taken, or that have been taken, to correct the problem identified by the auditor. The descriptions of specific actions to be taken or that have been taken shall not solely consist of general comments such as "will implement," "accepted the recommendation," or "will discuss at a later date."

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

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

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

(3) The chartering authority shall review the description of correction or plan of correction and determine its adequacy. If the description of the correction or plan of correction is not adequate, the chartering authority shall require the charter school to resubmit that portion of its response that is inadequate.

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

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

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

- (A) All federal and state compliance audit exceptions identified in the audit.
- (B) Exceptions that the chartering authority certifies as of May 15 have not been corrected.
- (C) Repeat audit exceptions that are not assigned to the chartering authority to correct.

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

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

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

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

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

SEC. 23. ~~SEC. 26.~~ Section 47604.32 of the Education Code is amended to read:

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

- (1) Identify at least one staff member as a contact person for the charter school.
- (2) Visit each charter school at least annually.
- (3) Ensure that each charter school under its authority complies with all reports required of charter schools by law, including the local control and accountability plan and annual update to the local control and accountability plan required pursuant to Section 47606.5.
- (4) Monitor the fiscal condition of each charter school under its authority.
- (5) Provide timely notification to the department if any of the following circumstances occur or will occur with regard to a charter school for which it is the chartering authority:
 - (A) A renewal of the charter is granted or denied.
 - (B) The charter is revoked.
 - (C) The charter school will cease operation for any reason.
- (6) (A) Verify all of the following for a nonclassroom-based charter school:
 - (i) Annually verify that an appropriate methodology exists for teachers to determine the time value of pupil work product used to compute average daily attendance.
 - (ii) Annually verify the average-daily-attendance-to-certificated-teacher ratio used by the charter school pursuant to ~~section 51745.6~~. *Section 51745.6, across a teacher's entire assignment at schools operated by the entity managing the charter school.*

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

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

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

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

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

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

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

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

(7) A chartering authority shall notify the auditor of a charter school if a charter school does not provide the required documentation pursuant to paragraph (6). Failure of a charter school to provide the documentation required pursuant to paragraph (6) shall result in the auditor reporting an attendance apportionment finding in their annual audit report and a corresponding reduction in allowable attendance apportionment by the charter school.

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

SEC. 24. ~~SEC. 27.~~ Section 47604.35 is added to the Education Code, immediately following Section 47604.33, to read:

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

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

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

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

SEC. 25. ~~SEC. 28.~~ Section 47605 of the Education Code is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) Commencing January 1, 2003, a petition to establish a charter school shall not be approved to serve pupils in

a grade level that is not served by the school district of the governing board considering the petition, unless the petition proposes to serve pupils in all of the grade levels served by that school district.

(b) No later than 60 days after receiving a petition, in accordance with subdivision (a), the governing board of the school district shall hold a public hearing on the provisions of the charter, at which time the governing board of the school district shall consider the level of support for the petition by teachers employed by the school district, other employees of the school district, and parents. Following review of the petition and the public hearing, the governing board of the school district shall either grant or deny the charter within 90 days of receipt of the petition, provided, however, that the date may be extended by an additional 30 days if both parties agree to the extension. A petition is deemed received by the governing board of the school district for purposes of commencing the timelines described in this subdivision on the day the petitioner submits a petition to the district office, along with a signed certification that the petitioner deems the petition to be complete. The governing board of the school district shall publish all staff recommendations, including the recommended findings and, if applicable, the certification from the county superintendent of schools prepared pursuant to paragraph (8) of subdivision (c), regarding the petition at least 15 days before the public hearing at which the governing board of the school district will either grant or deny the charter. At the public hearing at which the governing board of the school district will either grant or deny the charter, petitioners shall have equivalent time and procedures to present evidence and testimony to respond to the staff recommendations and findings.

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

- (1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.
- (2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
- (3) The petition does not contain the number of signatures required by subdivision (a).
- (4) The petition does not contain an affirmation of each of the conditions described in subdivision (e).
- (5) The petition does not contain reasonably comprehensive descriptions of all of the following:

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

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

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

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

grade levels served by the charter school.

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

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

(E) The qualifications to be met by individuals to be employed by the charter school.

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

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

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

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

(G) The means by which the charter school will achieve a balance of racial and ethnic pupils, special education pupils, and English learner pupils, including redesignated fluent English proficient pupils, as defined by the evaluation rubrics in Section 52064.5, that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted. Upon renewal, for a charter school not deemed to be a local educational agency for purposes of special education pursuant to Section 47641, the chartering authority may consider the effect of school placements made by the chartering authority in providing a free and appropriate public education as required by the federal Individuals with Disabilities Education Act (Public Law 101-476), on the balance of pupils with disabilities at the charter school.

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

(I) The manner in which annual, independent financial audits shall be conducted pursuant to Section 47604.2, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.

(J) The procedures by which pupils can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason. These procedures, at a minimum, shall include an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements that is consistent with all of the following:

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

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

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

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

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

(K) The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement

System, the Public Employees' Retirement System, or federal social security.

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

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

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

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

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

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

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

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

(8) The school district is not positioned to absorb the fiscal impact of the proposed charter school. A school district satisfies this paragraph if it has a qualified interim certification pursuant to Section 42131 and the county superintendent of schools, in consultation with the County Office Fiscal Crisis and Management Assistance Team, certifies that approving the charter school would result in the school district having a negative interim certification pursuant to Section 42131, has a negative interim certification pursuant to Section 42131, or is under state receivership. Charter schools proposed in a school district satisfying one of these conditions shall be subject to a rebuttable presumption of denial.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) Before conducting an enrollment lottery.

(iii) Before disenrollment of a pupil.

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

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

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

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

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

(h) The governing board of a school district shall require that the petitioner or petitioners provide information regarding the proposed operation and potential effects of the charter school, including, but not limited to, the facilities to be used by the charter school, the manner in which administrative services of the charter school are to

be provided, and potential civil liability effects, if any, upon the charter school and upon the school district. The description of the facilities to be used by the charter school shall specify where the charter school intends to locate. The petitioner or petitioners also shall be required to provide financial statements that include a proposed first-year operational budget, including startup costs, and cashflow and financial projections for the first three years of operation. If the school is to be operated by, or as, a nonprofit public benefit corporation, the petitioner shall provide the names and relevant qualifications of all persons whom the petitioner nominates to serve on the governing body of the charter school.

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

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

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

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

(iii) As used in this subdivision, "material terms" of the petition means the signatures, affirmations, disclosures, documents, and descriptions described in subdivisions (a), (b), (c), and (h), but shall not include minor administrative updates to the petition or related documents due to changes in circumstances based on the passage of time related to fiscal affairs, facilities arrangements, or state law, or to reflect the county board of education as the chartering authority.

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

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

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

(B) If the appeal contains new or different material terms, as defined in clause (iii) of subparagraph (A) paragraph (1), the state board shall immediately remand the petition to the governing board of the school district to which the petition was submitted for reconsideration. The governing board of the school district shall grant or deny the petition within 30 days. If the governing board of the school district denies a petition after

reconsideration, the petitioner may elect to resubmit the petition to the state board.

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

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

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

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

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

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

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

(l) (1) Teachers in charter schools shall hold the Commission on Teacher Credentialing certificate, permit, or other document required for the teacher's certificated assignment and be an employee of the charter school. These documents shall be maintained on file at the charter school and are subject to periodic inspection by the chartering authority. A governing body of a direct-funded charter school may use local assignment options authorized in statute and regulations for the purpose of legally assigning certificated teachers, in accordance with all of the requirements of the applicable statutes or regulations in the same manner as a governing board of a school district. A charter school shall have authority to request an emergency permit or a waiver from the Commission on Teacher Credentialing for individuals in the same manner as a school district.

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

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

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

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

SEC. 26. SEC. 29. Section 47605.6 of the Education Code is amended to read:

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

(A) The petition is signed by a number of parents or guardians of pupils residing within the county that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the school for its first year of operation and each of the school districts where the charter school petitioner proposes to operate a facility has received at least 30 days' notice of the petitioner's intent to operate a charter school pursuant to this section.

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

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

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

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

(b) No later than 60 days after receiving a petition, in accordance with subdivision (a), the county board of education shall hold a public hearing on the provisions of the charter, at which time the county board of education shall consider the level of support for the petition by teachers, parents or guardians, and the school districts where the charter school petitioner proposes to place school facilities. Following review of the petition and the public hearing, the county board of education shall either grant or deny the charter within 90 days of receipt of the petition. However, this date may be extended by an additional 30 days if both parties agree to the extension. A petition is deemed received by the county board of education for purposes of commencing the timelines described in this subdivision when the petitioner submits a petition, in accordance with subparagraph (A) or (B) of paragraph (1) of subdivision (a), to the county office of education. The county board of education shall publish all staff recommendations, including the recommended findings, regarding the petition at least 15 days before the public hearing at which the county board of education will either grant or deny the charter. At the public hearing at which the county board of education will either grant or deny the charter, petitioners shall have equivalent time and procedures to present evidence and testimony to respond to the staff recommendations and findings. A county board of education may impose any additional requirements beyond those required by this section that it considers necessary for the sound operation of a countywide charter school. A county board of education may grant a charter for the operation of a charter school under this part only if it is satisfied that granting the charter is consistent with sound educational practice and that the charter school has reasonable justification for why it could not be established by petition to a school district pursuant to Section 47605. The county board of education shall deny a petition for the establishment of a charter school if it finds one or more of the following:

- (1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.
- (2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
- (3) The petition does not contain the number of signatures required by subdivision (a).
- (4) The petition does not contain an affirmation of each of the conditions described in subdivision (e).
- (5) The petition does not contain reasonably comprehensive descriptions of all of the following:
 - (A) (i) The educational program of the charter school, designed, among other things, to identify those pupils whom the charter school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.
 - (ii) The annual goals for the charter school for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served by the charter school, and specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals.
 - (iii) If the proposed charter school will enroll high school pupils, the manner in which the charter school will inform parents regarding the transferability of courses to other public high schools. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered to be transferable to other public high schools.
 - (iv) If the proposed charter school will enroll high school pupils, information as to the manner in which the charter school will inform parents as to whether each individual course offered by the charter school meets college entrance requirements. Courses approved by the University of California or the California State University as satisfying their prerequisites for admission may be considered as meeting college entrance requirements for purposes of this clause.
- (B) The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes," for purposes of this part, means the extent to which all pupils of the charter school demonstrate that they have attained the skills, knowledge, and aptitudes specified as goals in the charter school's educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all pupil subgroups served by the charter school, as that term is defined in subdivision (a) of Section 52052. The pupil outcomes shall align with the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served by the charter school.
- (C) The method by which pupil progress in meeting those pupil outcomes is to be measured. To the extent practicable, the method for measuring pupil outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.
- (D) The location of each charter school facility that the petitioner proposes to operate.
- (E) The governance structure of the charter school, including, but not limited to, the process to be followed by the charter school to ensure parental involvement.
- (F) The qualifications to be met by individuals to be employed by the charter school.
- (G) The procedures that the charter school will follow to ensure the health and safety of pupils and staff. These procedures shall require all of the following:
 - (i) That each employee of the charter school furnish the charter school with a criminal record summary as described in Section 44237.
 - (ii) The development of a school safety plan, which shall include the safety topics listed in subparagraphs (A) to (J), inclusive, of paragraph (2) of subdivision (a) of Section 32282.
 - (iii) That the school safety plan be reviewed and updated by March 1 of every year by the charter school.
- (H) The means by which the charter school will achieve a balance of racial and ethnic pupils, special education pupils, and English learner pupils, including redesignated fluent English proficient pupils as defined by the evaluation rubrics in Section 52064.5, that is reflective of the general population residing within the territorial

jurisdiction of the county board of education to which the charter petition is submitted. Upon renewal, for a charter school not deemed to be a local educational agency for purposes of special education pursuant to Section 47641, the chartering authority may consider the effect of school placements made by the chartering authority in providing a free and appropriate public education as required by the federal Individuals with Disabilities Education Act (Public Law 101-476), on the balance of pupils with disabilities at the charter school.

(I) The manner in which annual, independent financial audits shall be conducted pursuant to Section 47604.2, in accordance with regulations established by the state board, and the manner in which audit exceptions and deficiencies shall be resolved.

(J) The procedures by which pupils can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason. These procedures, at a minimum, shall include an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements that is consistent with all of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) A county board of education that approves a petition for the operation of a countywide charter may, as a condition of charter approval, enter into an agreement with a third party, at the expense of the charter school, to

oversee, monitor, and report to the county board of education on the operations of the charter school. The county board of education may prescribe the aspects of the charter school's operations to be monitored by the third party and may prescribe appropriate requirements regarding the reporting of information concerning the operations of the charter school to the county board of education.

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

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

(e) (1) In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any pupil on the basis of ethnicity, national origin, gender, gender identity, gender expression, or disability. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of the pupil's parent or guardian, within this state.

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) Before conducting an enrollment lottery.

(iii) Before disenrollment of a pupil.

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

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

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

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

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

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

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

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

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

(l) (1) Teachers in charter schools shall be required to hold the Commission on Teacher Credentialing certificate, permit, or other document required for the teacher's certificated assignment and be an employee of the charter school. These documents shall be maintained on file at the charter school and shall be subject to periodic inspection by the chartering authority. A governing body of a direct-funded charter school may use local assignment options authorized in statute and regulations for the purpose of legally assigning certificated teachers, in accordance with all of the requirements of the applicable statutes or regulations in the same manner as a governing board of a school district. A charter school shall have authority to request an emergency permit or a waiver from the Commission on Teacher Credentialing for individuals in the same manner as a school district.

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

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

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

SEC. 27. SEC. 30. Section 47605.8 is added to the Education Code, to read:

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

SEC. 28. SEC. 31. Section 47605.10 is added to the Education Code, immediately following Section 47605.9, to read:

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

(1) A school district ~~or a county office of education~~ with an average daily attendance of fewer than 2,500 pupils shall not authorize a nonclassroom-based charter school or approve a material revision to expand an existing nonclassroom-based charter school to more than 100 percent of the average daily attendance of the school district ~~or county office of education~~ authorizing the charter.

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

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

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

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

SEC. 29. SEC. 32. Section 47609 is added to the Education Code, to read:

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

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

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

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

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

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

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

(c) Responsibilities of the County Office Fiscal Crisis and Management Assistance Team shall include all of the following:

(1) Acting as the fiscal agent for the program.

(2) (A) Collaborating with leading chartering authorities, county offices of education, and subject matter experts in the development and dissemination of high-quality charter school authorizing and oversight tools and best practices to ensure statewide consistency.

(B) Consulting with the state board in the development of high-quality charter school authorizing tools and best practices.

(3) Creating and maintaining an online database of materials and resources that can be adapted for use by chartering authorities.

(4) Facilitating an annual statewide conference for chartering authorities.

(5) Establishing and facilitating an advisory board, as provided in subdivision (e), to provide input on the development and full implementation of services provided by the program.

(6) Providing information, as requested, to the Legislative Analyst's Office for purposes of subdivision (f) to measure the program's continual improvement and program fidelity, and to document the program's impact.

(7) Providing technical assistance and support to school districts and county offices of education when they have questions on *the* charter school petition review and appeal process, the charter renewal process, the charter school intervention and charter revocation processes, memorandum of understanding development, and the charter oversight process by and through all of the following:

(A) Establish and staff a help desk to respond to inquiries from chartering authorities and facilitate the connection between need and resources.

(B) Establish a community listserv for chartering authorities to ask each other questions, gather information, and generate feedback.

(C) Identify and maintain a list of school district and county office of education personnel designated as responsible for charter school authorizing or charter oversight activity. Chartering authorities shall be invited and encouraged to attend regional meetings and trainings to build their knowledge and expertise.

(D) Provide professional learning on best practices for the charter school petition review and appeal process, the charter renewal process, adherence to timelines, and memorandum of understanding development.

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

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

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

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

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

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

(e) (1) An advisory board shall be appointed by the board of directors of the County Office Fiscal Crisis and Management Assistance Team, to be composed of 12 members, including five experienced professionals from

chartering authorities, two teacher representatives, two representatives from other organizations with expertise in charter school authorizing, one charter school representative, one representative of the department, and the Chief Executive Officer of the County Office Fiscal Crisis and Management Assistance Team, or their designee.

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

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

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

(C) The terms of advisory board members.

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

(E) Meetings, including the frequency of meetings.

(F) The rules of order.

(G) The process for amending bylaws.

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

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

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

(i) Responsibility: the duty to serve the state's pupils and the public.

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

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

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

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

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

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

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

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

(f) On or before December 1, 2026, the Legislative Analyst's Office shall complete and submit to the Governor and the appropriate education policy and budget committees of the Legislature an evaluation of the program. The Legislative Analyst's Office shall evaluate the program's effectiveness in administering training programs, outreach, and the participation of chartering authorities that have not participated in trainings and conferences during previous years, and make recommendations regarding the continuation of funding.

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

SEC. 30. ~~SEC. 33.~~ Section 47612 of the Education Code is amended to read:

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

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

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

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

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

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

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

(2) Operate no more than five tracks.

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

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

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

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

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

SEC. 31. SEC. 34. Section 47612.5 of the Education Code is amended to read:

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

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

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

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

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

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

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

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

(4) Adhere to the minimum day requirements pursuant to Sections 46100, 46112, 46113, 46114, 46117, 46141,

46142, and 46307, as applicable.

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

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

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

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

(2) For the purposes of this part, "nonclassroom instruction" or "nonclassroom-based instruction" means instruction that does not meet the requirements specified in paragraph (1). The state board may adopt regulations pursuant to paragraph (1) of subdivision (d) specifying other conditions or limitations on what constitutes nonclassroom-based instruction, as it deems appropriate and consistent with this part.

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

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

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

~~SEC. 32.~~ SEC. 35. Section 47613 of the Education Code is amended to read:

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

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

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

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

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

(2) A local educational agency that is ~~given the responsibility for supervisory oversight of a charter school~~,

*designated as the chartering authority pursuant to subdivision (b) or (c) of Section 47605.9, or pursuant to subparagraph (E) of paragraph (2) of subdivision (k) of Section 47605, may charge for the actual costs of supervisory oversight, and administrative costs necessary to ~~secure charter school funding~~. *perform the oversight duties listed in Section 47604.32.**

A charter school that is charged for costs under this subdivision shall not be charged pursuant to paragraph (1).

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

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

(f) For purposes of this section, "chartering authority" means a school district, county board of education, or the state board, that granted the charter to the charter ~~school~~. *school or the governing board of a school district or county board of education that was designated as the chartering authority pursuant to subdivision (b) or (c) of Section 47605.9 or pursuant to paragraph (1) of subdivision (k) of Section 47605.*

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

(h) For purposes of this section, "costs of supervisory oversight" exclude costs incurred pursuant to Section 47607.3.

SEC. 33. ~~SEC. 36.~~ Section 47613.3 is added to the Education Code, to read:

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

(1) For purposes of providing direct services to pupils in order to meet instructional time requirements pursuant to Sections 46100, 46110, 46112, 46113, 46114, 46117, 46141, 46142, 46307, and 47612.5, as applicable, or for purposes of claiming apportionment, a charter school shall not expend public funds for a contract with a vendor, unless that vendor complies with all of the following requirements:

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

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

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

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

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

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

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

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

(c) This section does not supersede or invalidate a contract that is in effect at the time this section becomes operative. If a contract is in effect at the time this section becomes operative, the contract shall remain in effect until the parties to the agreement negotiate a successor agreement. A memorandum of understanding shall not

extend a contract that is in effect at the time this section becomes operative.

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

SEC. 34. ~~SEC. 37.~~ Section 47634.2 of the Education Code is amended to read:

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

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

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

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

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

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

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

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

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

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

SEC. 35. ~~SEC. 38.~~ Section 51745 of the Education Code is amended to read:

51745. (a) ~~Commencing with the 1990-91 school year, the~~ *The* governing board of a school ~~district or district,~~ a county office of ~~education~~ *education, or a charter school* may offer independent study to meet the educational needs of pupils in accordance with the requirements of this article. Educational opportunities offered through independent study may include, but shall not be limited to, the following:

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

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

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

(4) Continuing and special study during travel.

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

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

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

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

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

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

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

SEC. 36. SEC. 39. Section 51745.6 of the Education Code is amended to read:

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

(1) It shall not exceed the equivalent ratio of average daily attendance to full-time equivalent certificated employees providing instruction in other educational programs operated by the school district, county office of education, or charter school unless a new higher or lower average daily attendance ratio for all other educational programs offered is negotiated in a collective bargaining agreement or a memorandum of understanding is entered into that indicates an existing collective bargaining agreement contains an alternative average daily attendance ratio.

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

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

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

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

(2) The average daily attendance or teachers in necessary small schools that are eligible to receive funding pursuant to Article 4 (commencing with Section 42280) of Chapter 7 of Part 24 of Division 3.

SEC. 37. SEC. 40. Section 51747 of the Education Code is amended to read:

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

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

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

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

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

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

(1) Verification of current contact information for each enrolled ~~pupil:~~ *pupil, including the address of the pupil's residence.*

(2) Daily notification to parents or guardians of absences.

(3) A plan for outreach from the school to determine pupil needs, including connection with health and social services as necessary.

(f) (1) The criteria for revoking an independent study written agreement pursuant to subdivision (g), and when a pupil shall return to another program in the school district, county office of education, or charter school for which the pupil is enrolled. The criteria shall include all of the following:

(A) The level of satisfactory educational performance and missed assignments, as specified in subdivision (b).

(B) Not generating attendance, as specified in subdivision (c).

(C) If or when a pupil may return to independent study if their written agreement is revoked.

(2) For those independent study written agreements longer than 20 calendar days, a pupil not generating attendance for more than 12 school days or 60 percent of the instructional days in four school weeks, at a minimum, shall be in violation of the written agreement and shall return to another program in the school district, county office of education, or charter school for which the pupil is enrolled.

(g) Before enrolling a pupil in independent study, a school district, county office of education, or charter school shall provide the pupil and, if the pupil is less than 18 years of age, the pupil's parent or legal guardian, with a written agreement that shall be maintained on file that includes, but is not necessarily limited to, all of the following:

(1) A summary of the policies and procedures adopted by the governing board or body of the school district, county office of education, or charter school pursuant to subdivisions (a) to (f), inclusive, and this subdivision, as applicable.

(2) The manner, time, frequency, and place for submitting a pupil's assignments and for reporting ~~his or her~~ *the pupil's* progress.

(3) The learning objectives and expectations for each course of study or individual course in the independent study program, including, but not limited to, a description of how satisfactory educational progress is measured,

when a pupil evaluation is required to determine whether the pupil should remain in the independent study program, or when a pupil shall return to another program in the school district, county office of education, or charter school for which the pupil is enrolled.

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

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

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

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

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

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

(10) (A) Each written agreement shall be signed, before the commencement of independent study, by the pupil, the pupil's parent, legal guardian, or caregiver, if the pupil is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the pupil. For purposes of this paragraph "caregiver" means a person who has met the requirements of Part 1.5 (commencing with Section 6550) of Division 11 of the Family Code.

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

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

(D) Either an original document or an electronic file of the original document is allowable documentation for auditing purposes.

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

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

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

SEC. 38. SEC. 41. Section 51747.3 of the Education Code is amended to read:

51747.3. (a) Notwithstanding any other law, a local educational agency, including, but not limited to, a charter school, may not claim state funding for the independent study of a pupil, whether characterized as home study or otherwise, if the local educational agency has provided any funds or other thing of value to the pupil or the pupil's parent or guardian that the local educational agency does not provide to pupils who attend regular classes or to their parents or guardians. A charter school may not claim state funding for the independent study of a pupil,

whether characterized as home study or otherwise, if the charter school has provided any funds or other thing of value to the pupil or the pupil's parent or guardian that a school district could not legally provide to a similarly situated pupil of the school district, or to the pupil's parent or guardian.

(b) Notwithstanding paragraph (1) of subdivision (e) of Section 47605 or any other law, community school and independent study average daily attendance shall be claimed by school districts, county superintendents of schools, and charter schools only for pupils who are residents of the county in which the apportionment claim is reported.

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

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

SEC. 39. SEC. 42. Section 51747.5 of the Education Code is amended to read:

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

(b) For purposes of this article, "general supervision" is defined to mean a supervising teacher's responsibility for all of the following:

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

(2) Assignment and evaluation of all work products.

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

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

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

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

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

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

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

SEC. 40. SEC. 43. Section 51747.6 is added to the Education Code, immediately following Section 51747.5, to read:

51747.6. (a) (1) The course of study, including specific courses, offered through independent study shall 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 equivalent classroom-based course of study, and shall be aligned to relevant local and state content standards.

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

(b) (1) For purposes of this article, supervising teacher-pupil contact means a supervising teacher communicating with each pupil for instruction or to assess whether the pupil is making satisfactory educational progress. The supervising teacher-pupil contact shall be in person, or by any other live visual and audio connection. No more than three school days shall pass without at least one instance of supervising teacher-pupil contact.

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

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

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

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

(d) Statewide testing results for pupils enrolled in any educational program, including specific courses, authorized pursuant to this article shall be reported and assigned to the school or charter school at which the pupil is enrolled, and to any school district, charter school, or county office of education within which that school's or charter school's testing results are aggregated.

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

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

SEC. 41. ~~SEC. 44.~~ Section 51748 of the Education Code is amended to read:

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

SEC. 42. ~~SEC. 45.~~ Section 51749.5 of the Education Code is amended to read:

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

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

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

(3) Courses are taught under the general supervision of certificated employees who hold the appropriate subject

matter credential pursuant to Section 44300 or 44865, or subdivision (l) of Section 47605, and are employed by the school district, charter school, or county office of education at which the pupil is enrolled, or by a school district, charter school, or county office of education that has a memorandum of understanding to provide the instruction in coordination with the school district, charter school, or county office of education at which the pupil is enrolled.

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

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

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

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

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

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

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

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

(8) A proctor shall administer examinations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) If more than 10 percent of the total average daily attendance of a school district, charter school, or county office of education is claimed pursuant to this section, then the amount of average daily attendance for all pupils enrolled by that school district, charter school, or county office of education in courses authorized pursuant to this section that is in excess of 10 percent of the total average daily attendance for the school district, charter school, or county office of education shall be reduced by either (A) the statewide average rate of absence for elementary school districts for kindergarten and grades 1 to 8, inclusive, or (B) the statewide average rate of absence for high school districts for grades 9 to 12, inclusive, as applicable, as calculated by the department for the prior fiscal year, with the resultant figures and ranges rounded to the nearest 10th.

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

(d) ~~Nothing in this section shall~~ *This section shall not* be deemed to prohibit the right to collectively bargain any subject within the scope of representation pursuant to Section 3543.2 of the Government Code.

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

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

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

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

SEC. 43. SEC. 46. Section 51749.6 of the Education Code is amended to read:

51749.6. (a) Before enrolling a pupil in a course authorized by Section 51749.5, each school district, charter school, or county office of education shall provide the pupil and, if the pupil is less than 18 years of age, the

pupil's parent or legal guardian, with a written learning agreement that includes all of the following:

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

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

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

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

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

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

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

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

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

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

SEC. 44.~~SEC. 47.~~ Section 20110 of the Public Contract Code is amended to read:

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

SEC. 45.~~SEC. 48.~~ Sections ~~12 to 19, inclusive, 21, 35, 36, 37, and 39~~ **14 to 22, inclusive, 24, 38, 39, 40, and 42** of this act shall become operative on July 1, 2022.

SEC. 46.~~SEC. 49.~~ No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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

CCSA's Guide to Academic Data in Charter Renewals

Overview

- + How is academic data part of the charter renewal process?
- + How has the use of academic data in the charter renewal process changed in recent years?
- + What kind of data should charter schools prepare for renewal?
- + How does COVID-19 impact the use of academic data in the charter renewal process?
- + Beyond preparing data, how should a charter school prepare for renewal?

Guide to Performance Tracks

- + What are the renewal "performance tracks" and what does each mean?
- + What performance track is my/this charter school in?
- + Why is my/this charter school in the High/Middle/Low Track?
- + What should my/this charter school do if it is missing from the California Department of Education's performance track list?
- + What does it mean to be in the High Track?
- + What does it mean to be in the Middle Track?
- + What does it mean to be in the Low Track?

Verified Data

- + What are verified data?
- + What assessments and post-secondary measures can be used as verified data?
- + Are there any reasons why verified data would not be accepted by an authorizer?
- + How are verified data used in the renewal process?
- + Are authorizers allowed to prioritize certain verified tests over others?
- + What should a charter school do if it is not currently administering an assessment on the verified data list?

Gathering & Reporting Data

- + Where are public data about charter schools located?
- + How are CAASPP results translated into Distance from Standard?
- + How should charter schools demonstrate student progress using CAASPP?
- + How should charter schools with high student mobility demonstrate progress?
- + How are verified data used to demonstrate student progress?
- + How can verified data be used to demonstrate secondary student success?

6.4 Confidential Addresses on IEPs
Verbal report, no materials

***CHARTER STEERING AND FINANCE COMMITTEE SCHEDULE OF
MEETINGS 2021-22***

- August 26, 2021
- September 23, 2021
- October 21, 2021
- November 18, 2021
- December 16, 2021
- January 20, 2022
- February 24, 2022
- March 24, 2022
- April 21, 2022
- May 26, 2022
- June 23, 2022

Meetings will be held at 1:00 p.m., at the Desert Mountain Educational Service Center, Apple Valley, CA.



Save the Date

Steering Committee Meeting Special Education Directors' Trainings

Special education directors will participate in trainings focusing on the needs or interests in the area of special education research, programs, or legal compliance.

October 22, 2021- Reducing/Defending Litigation Arising out of COVID-19 - an AALRR presentation

February 25, 2022- Legally Defensible IEP Meeting - an AALRR presentation

April 22, 2022- OAH Legal Updates - a BBK presentation

Contact Us:

Marysol Hurtado
(760) 955-3552
Marysol.Hurtado@cahelp.org

Community Advisory Committee Meetings

The CAC holds periodic meetings during the school year to review and discuss all aspects of special education. Guest speakers are provided for parent education. Public concerns are welcomed. The CAC is a place where problems and concerns can be shared, discussed, and resolved. The meetings are open to the public and attendance is welcomed.

SAVE THE DATE

September 23, 2021, November 18, 2021,
February 24, 2022, & April 21, 2022

*Registration Will Open
July 1, 2021*



The goal of the CAC is to involve interested parents, students, teachers, education specialists/consultants, and community members in advising the SELPA and LEA school boards of the educational needs of individuals with exceptional needs and to help secure appropriate services for each individual.

Contact:

Marysol Hurtado
(760) 955-3552

Marysol.Hurtado@cahelp.org



Desert / Mountain Children's Center
17800 Highway 18
Apple Valley, CA 92307-1219

P 760-552-6700
F 760-946-0819
W www.dmchildrenscenter.org

MEMORANDUM

DATE: May 19, 2021

TO: Special Education Directors

FROM: Linda Llamas, Director

SUBJECT: Desert/Mountain Children's Center Client Reports

Attached are the opened and closed cases for the following services:

- Screening, Assessment, Referral and Treatment (SART)
- Early Identification Intervention Services (EIS)
- School-Age Treatment Services (SATS)
- Student Assistance Program (SAP)
- Speech and occupational therapy

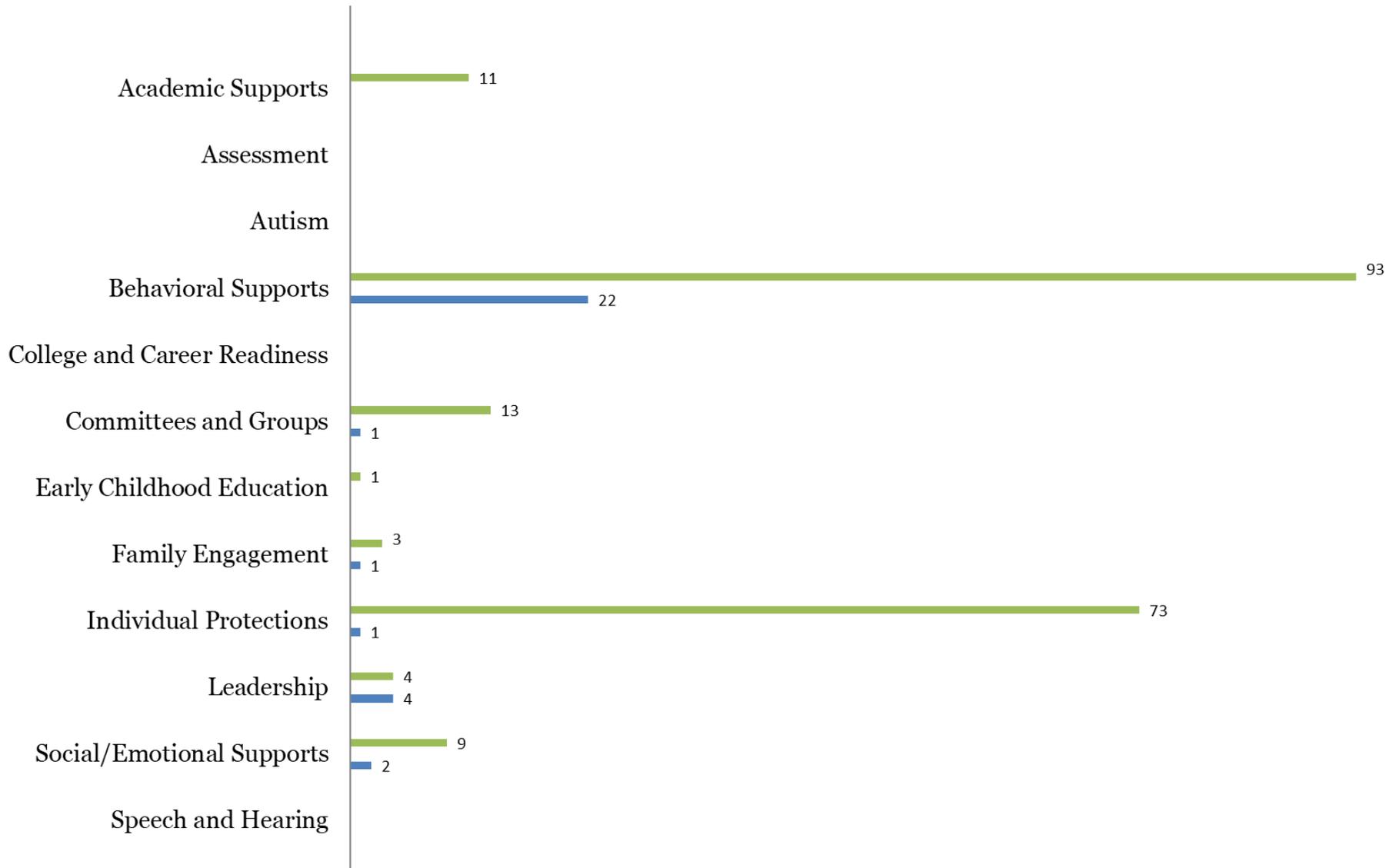
If you should have any questions, please contact me at (760) 955-3606 or by email at linda.llamas@cahelp.org

6.7 Impact of the Pandemic on Family Life
Verbal report, no materials

D/M CHARTER SELPA PROFESSIONAL LEARNING PARTICIPATION SUMMARY

APRIL 2021 - 31 PARTICIPANTS
207 YEAR-TO-DATE PARTICIPANTS

■ Total Participants YTD by Content Area ■ On-Site Trainings ■ Regional Trainings



**Desert/Mountain Charter SELPA
Due Process Activity Summary
July 1, 2020 – May 20, 2021**

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Pre-Hearing Conference	Due Process Hearing	Status
1. LEA Case No. 2020							
2. Case No. 2020							
3. Case No. 2020							
4. Case No. 2020							

Desert /Mountain Charter SELPA
Legal Expense Summary
As of May 20, 2021

2000-2001	0.00
2001-2002	0.00
2002-2003	0.00
2003-2004	0.00
2004-2005	0.00
2005-2006	0.00
2006-2007	0.00
2007-2008	0.00
2008-2009	0.00
2009-2010	0.00
2010-2011	0.00
2011-2012	0.00
2012-2013	0.00
2013-2014	0.00
2014-2015	0.00
2015-2016	7,378.00
2016-2017	33,886.61
2017-2018	70,994.67
2018-2019	113,834.81
2019-2020	58,033.90
2020-2021	9,496.60

6.10 Office of Administrative Hearings Decision
Verbal report, no materials

6.11 Learning Loss Mitigation Discussion
Verbal report, no materials

Save the Date

2021-22 Alternative Dispute Resolution Professional Development Series

Alternative Dispute Resolution (ADR) is an informal process for resolving conflicts early. It is a process that uses communication, collaboration, negotiation and mediation to produce an agreement that meets the needs of the student. ADR encourages all parties to keep the student's needs first and foremost throughout the process. The goal of ADR is to establish mutually agreeable solutions resulting in written agreements. Please join us on the following training dates.

SELPA Legal Pathway

Recommended for All IEP Teams

Collaborative IEP: Aligning the Sun, the Moon, and the Stars

- October 6, 2021

Art of Facilitating IEP Meetings

- November 9, 2021

Meaningful Parent Participation

- January 11, 2022

LEA ADR Teams, Collaborative

- September 14, 2021 | 2:00 - 4:00 p.m.
- December 7, 2021 | 2:00 - 4:00 p.m.
- April 19, 2022 | 2:00 - 4:00 p.m.

Advanced ADR Trainings

Recommended for LEA ADR Facilitation Teams

KEY2ED Facilitated IEPs Part II

- November 16, 2021

KEY2ED Conflict Prevention Resolution Part 1

- Winter 2022

Breaking Through Contentious IEPs, Listening for Need

- Spring 2022

Directors Trainings

Reducing/Defending Litigation Arising out of COVID-19 - an AALRR presentation

- October 22, 2021

Legally Defensible IEP Meeting - an AALRR presentation

- February 25, 2022

OAH Legal Updates - a BBK presentation

- April 22, 2022

Contact Us:

Registration for Virtual/Zoom Trainings will open July 1, 2021

Cruz Gustafson
(760) 955-3551
Cruz.Gustafson@cahelp.org

YOU BE THE JUDGE: May district wait 49 days to file due process in response to IEE request?

Following the triennial evaluation of a Connecticut student with a specific learning disability, the parents asked the student's district to fund an independent neuropsychological evaluation.

In response to the request, the assistant principal, who facilitated all of the student's IEP meetings, but who was not qualified in the assessments which had been given to the student, consulted with administrators who were more knowledgeable in those areas. Roughly two and a half weeks later, the AP called the parents and offered to discuss the evaluations in person. The AP then followed up in writing.

About 10 days after the call, the district informed the parents that it would initiate due process to defend its evaluations. About 20 days later – and 49 calendar days after the parents' independent educational evaluation request – the district filed a due process complaint.

The parents argued that the 49 days represented an unreasonable delay. They pointed to informal state guidance specifying that a district should respond within 10 school days.

When a parent requests an IEE, a district must either file for due process or provide the IEE at public expense and “without unnecessary delay.” 34 CFR 300.502 (b)(2).

Is district's delay in filing due process complaint 'unnecessary'?

- A. **Yes.** The IDEA defines “unnecessary delay” as anything over 30 days.
- B. **No.** The district needed the time to consider its evaluations and decide whether to defend them.
- C. **Yes.** It was unreasonable for the AP to wait two and a half weeks to respond to the parents' initial request.

Correct Answer: B

- A. **Yes.** The district had no reason to suspect the student needed special education.

Incorrect. The IDEA doesn't define "unnecessary delay." Generally, whether there has been such a delay depends on the facts and circumstances of the particular case. State regulations may address how quickly a district must respond, and as this case shows, some states may address the issue in policy guidance.

- B. **No.** The district needed the time to consider its evaluations and decide whether to defend them.

Correct! An independent hearing officer observed that the district used the time between the parents' request and the time it filed due process to consult with administrators, discuss its evaluations with the parents, and consider whether it should file due process to defend its evaluations. Greenwich Bd. Of Educ., 75 IDELR 293 (SEA CT 2019).

The IHO acknowledged that the state's informal policy guidance stated districts should respond within 10 days to an IEE request. However, the IHO noted, the IDEA doesn't set a specific deadline. "The [district] was within its rights to carefully consider its option of whether to pursue due process or grant the IEE request," the IHO wrote. Nor did the IHO find evidence of bad faith on the district's part. In addition to consulting with administrators, the IHO observed, the AP called the parents, offered to have an in-person meeting about why the district believed its evaluations were appropriate, and then followed up in writing.

The IHO denied the parents' motion for summary judgment on the district's due process complaint.

- C. **Yes.** It was unreasonable for the AP to wait two and a half weeks to respond to the parents' initial request.

Incorrect. Because the AP was not qualified in the triennial assessments, she needed time to discuss the evaluations with administrators before seeking to meet with the parents.

Equity Workshops: Enhancing Equity through Cultural Responsiveness

These 3 courses are designed to support schools and districts with enhancing equitable student outcomes by implementing culturally responsive systems and practices with Social-Emotional Learning (SEL) strategies into their Multi-Tiered System of Supports (MTSS). Participants will learn strategies and tools to support their unique culture and climate that align with the five core components of cultural responsiveness defined by the Center on PBIS. Intentional implementation of these strategies supports cultural change and positive learning environments for all students.

Presented By

The Prevention and Intervention Team

Time Duration

Each course is approximately 2.5 hours.

Cost

Each course is \$25.00 per person. Course fee waived for sites who are currently in contract with Prevention and Intervention services through the Desert/Mountain SELPA.

Registration

These courses are only offered as on-site trainings. Please submit a [CAHELP On-Site Training Request Form](#) to schedule any or all workshop courses.

Special Accommodations

Please submit any special accommodation requests at least fifteen working days prior to the training by notating your request when registering.



Course 1: Enhancing Disciplinary Equity Through Data, Systems, and Practices

This course will provide participants with a 5-point multicomponent approach to reduce discipline disproportionality in schools based on their unique culture and climate with strategies to enhance positive learning environments.

Course 2: Implementing Culturally Responsive Systems and Practices

This course is designed to guide site teams and school staff through activities that distinguish the differences between culture and climate on their campuses, and strategies for implementing culturally responsive systems and practices school wide.

Course 3: Cultural Responsiveness: A Compilation of Classroom Strategies for Teachers

This course provides participants the opportunity to work together to create and identify strategies that showcase their individual teaching style, include student voice, and hold high expectations for their classroom learning environment.



CAHELP

California Association of Health and Education Linked Professions JPA
"The Relentless Pursuit of Whatever Works in the Life of a Child."

Prevention & Intervention EC-12 PBIS Calibration: Getting on Track

Tier 1 Calibration Days: Getting Started or Revisiting

Module 1
09/08/2021

Teaming
(Establish membership and develop Behavioral Statement of Purpose)

Module 2
11/16/2021

Implementation Part 1
(Identify/teach school-wide and classroom positive behavioral expectations, PBIS assessment Annual Plan)

Module 3
02/02/2022

Implementation Part 2
(Acknowledgment System, Evidence Based Classroom Practices)

Module 4
03/08/2022

Evaluation
(Data, Sustainability, TFI)

Tier 2 Calibration Days: Maintaining and Strengthening

Module 1
10/13/2021

Teaming and Operating Procedures
PBIS Assessment Annual Plan

Module 2
11/18/2021

Student Identification and Screening Tools
(Request for Assistance, Universal Screening)

Module 3
01/25/2022

Interventions
(CICO and Adaptations, Social Skills Groups – Second Step)

Module 4
03/15/2022

Pathway Charting/BSP

Module 5
05/03/2022

Evaluation
(Data, Sustainability, TFI)

Tier 3: For Existing Tier 2/3 Intervention Teams

Contact Your External Coach

PTR Pathway

Coming Soon 2022-2023

Renew Pathway

**PBIS Customized Supports: Scope and Sequence 2021-2022**

Site Name:

TFI Score (year)			TFI Score (year)			TFI Score (year)		
Tier 1	Tier 2	Tier 3	Tier 1	Tier 2	Tier 3	Tier 1	Tier 2	Tier 3
%	%	%	%	%	%	%	%	%

Tier 1 Implementation

Team Day 1	Team Day 2	Team Day 3	Team Day 4
Steps 1-2 PBIS Foundations: <ul style="list-style-type: none"> <input type="checkbox"/> Establish Team Membership <input type="checkbox"/> Build Consensus <input type="checkbox"/> PBIS Assessments 	Steps 3-5 Identify and Teach Positive Behavioral Expectations: <ul style="list-style-type: none"> <input type="checkbox"/> School-Wide <input type="checkbox"/> Classroom 	Steps 6-7 Function of Behavior: <ul style="list-style-type: none"> <input type="checkbox"/> Encourage <input type="checkbox"/> Acknowledge <input type="checkbox"/> Respond 	Step 8 Data-based Decisions: <ul style="list-style-type: none"> <input type="checkbox"/> Monitoring implementation <input type="checkbox"/> SWIS Overview <input type="checkbox"/> Planning for School-wide implementation

Tier 2 Readiness

Team Day 1	Team Day 2	Team Day 3	Team Day 4
Linking Tier 1 & Tier 2 <ul style="list-style-type: none"> <input type="checkbox"/> Tier 2 Readiness <input type="checkbox"/> Teaming <input type="checkbox"/> SWIS 	Tier 2 Systems <ul style="list-style-type: none"> <input type="checkbox"/> Critical Features <input type="checkbox"/> Tier 2 Interventions <input type="checkbox"/> Mental Health Supports in the Classroom 	Check-In Check-Out the Intervention <ul style="list-style-type: none"> <input type="checkbox"/> Implementation <input type="checkbox"/> Data-Based Decision Making <input type="checkbox"/> CICO -SWIS Overview 	Youth Mental Health First Aid

Tier 2 Implementation

Team Day 1	Team Day 2	Team Day 3
Tier 2 Interventions	Check-In Check-Out Adaptations: Implementing with Fidelity	Tier 2 Interventions: Social Skills Groups

*Virtual modules are available upon need or request.



Tier 3 Readiness and Implementation

Tier 3 Readiness and Implementation content delivery to be determined by data and 3 facilitated coaching days.

PTR Day 1	PTR Day 2	PTR Day 3	PTR Day 4
Introduction to Tier 3	The Student-Centered Team: PTR Process	PTR Application: Supporting the Individual Student	Evaluation, Sustainability and Generalization

*Virtual modules are available upon need or request.

Coaching

Tier 1 PBIS Calibration				
Day 1	Day 2	Day 3	Day 4	Day 5
Teaming	Implementation Part 1	Implementation Part 2	Pathway Charting/BSP	Evaluation

Tier 2 PBIS Calibration			
Teaming	Interventions	Resources and Support Plans	Evaluation



- Individualized Prevention (1-5%)**
 - Specialized
 - Individualized
- Systems for Students with High-Risk Needs

- Targeted Prevention (10-15%)**
 - Specialized Group
- Systems for Students who need more supports

- Universal Prevention (80%)**
 - Universal
- School/Classroom-Wide Systems for All Students, Staff, & Settings



JULY 2021							AUGUST 2021							SEPTEMBER 2021						
SU	M	TUE	W	TH	FR	SA	SU	M	TUE	W	TH	FR	SA	SU	M	TUE	W	TH	FR	SA
				1	2	3	1	2	3	4	5	6	7				1	2	3	4
4	5	6	7	8	9	10	8	9	10	11	12	13	14	5	6	7	8	9	10	11
11	12	13	14	15	16	17	15	16	17	18	19	20	21	12	13	14	15	16	17	18
18	19	20	21	22	23	24	22	23	24	25	26	27	28	19	20	21	22	23	24	25
25	26	27	28	29	30	31	29	30	31					26	27	28	29	30		
OCTOBER 2021							NOVEMBER 2021							DECEMBER 2021						
SU	M	TUE	W	TH	FR	SA	SU	M	TUE	W	TH	FR	SA	SU	M	TUE	W	TH	FR	SA
					1	2	31	1	2	3	4	5	6				1	2	3	4
3	4	5	6	7	8	9	7	8	9	10	11	12	13	5	6	7	8	9	10	11
10	11	12	13	14	15	16	14	15	16	17	18	19	20	12	13	14	15	16	17	18
17	18	19	20	21	22	23	21	22	23	24	25	26	27	19	20	21	22	23	24	25
24	25	26	27	28	29	30	28	29	30					26	27	28	29	30	31	
JANUARY 2022							FEBRUARY 2022							MARCH 2022						
SU	M	TUE	W	TH	FR	SA	SU	M	TUE	W	TH	FR	SA	SU	M	TUE	W	TH	FR	SA
2	3	4	5	6	7	8			1	2	3	4	5			1	2	3	4	5
9	10	11	12	13	14	15	6	7	8	9	10	11	12	6	7	8	9	10	11	12
16	17	18	19	20	21	22	13	14	15	16	17	18	19	13	14	15	16	17	18	19
23	24	25	26	27	28	29	20	21	22	23	24	25	26	20	21	22	23	24	25	26
30	31						27	28						27	28	29	30	31		
APRIL 2022							MAY 2022							JUNE 2022						
SU	M	TUE	W	TH	FR	SA	SU	M	TUE	W	TH	FR	SA	SU	M	TUE	W	TH	FR	SA
					1	2	1	2	3	4	5	6	7				1	2	3	4
3	4	5	6	7	8	9	8	9	10	11	12	13	14	5	6	7	8	9	10	11
10	11	12	13	14	15	16	15	16	17	18	19	20	21	12	13	14	15	16	17	18
17	18	19	20	21	22	23	22	23	24	25	26	27	28	19	20	21	22	23	24	25
24	25	26	27	28	29	30	29	30	31					26	27	28	29	30		

	Assessment Name	Completed By?	When?
	Tiered Fidelity Inventory (TFI)	PBIS Team	2x annually during fall and spring
	School Climate Survey	Students, Families, and Staff (anonymous survey)	2x annually within the first 45 days of school and last 45 days of school
	Self Assessment Survey (SAS)	All Staff (anonymous survey)	Winter

TFI Requirement

For sustainability the TFI walk through tool will be completed by an **ACER certified external reviewer**. (ex. district coach, external coach, or reviewer from a neighboring school) and it is recommended that the TFI is completed by the site PBIS team with the active presence and guidance of this ACER certified coach.

Assessments

Tiered Fidelity Inventory **completed by the PBIS team*

Who: School Systems Planning teams – a team of three to eight people including the administrator and district coach – with input from Tier I, II, and/or III teams. It is strongly recommended the team complete the TFI with an external PBIS coach serving as a facilitator.

When: First-year implementers may conduct the TFI as an initial assessment – moving to administering the survey every third or fourth meeting. Schools reaching 80% fidelity three consecutive times may choose to take the TFI as an annual assessment.

[The TFI \(PDF\)](#) gives teams a single, efficient, valid, reliable survey to guide implementation and sustained use of SWPBIS. Using the TFI, teams measure the extent to which school personnel apply the core features of SWPBIS at all three tiers – either individually or collectively. Schools may take the TFI as:

- An initial assessment to determine if they are using, or need, SWPBIS
- A guide for implementation of Tier I, Tier II, and/or Tier III practices
- An index of sustained SWPBIS implementation
- A metric for identifying schools for recognition within their state implementation efforts

Self-Assessment Survey (SAS) **completed by all staff*

Who: Teams interested in knowing more about staff perception of PBIS implementation across all systems may favor the SAS. All school staff are encouraged to take the survey in PBIS Assessment, with at least 80% recommended for reliable results. When the survey window has closed and all participants have had a chance to take the survey, PBIS Assessment summarizes the individual responses providing a summary available to view the next day.

When: Annually

[The SAS \(RTF\)](#) is an annual assessment used by schools to identify the staff perception of the implementation status and improvement priority for school-wide, classroom, non-classroom and individual student systems. Results of the SAS are effective in identifying the staff priorities for Action Planning.

School Climate Survey **completed by students, families, and staff*

Who: School teams wanting to gain a student, family, and staff perspective on the overall climate in the building will use the School Climate Survey.

- **Elementary:** Survey students between grades 3-5. (If the elementary school includes grade 6, these students should also complete the elementary survey.)
- **Middle/High:** Survey students between grades 6-12.

When: As an outcome tool, the School Climate Survey is taken annually. If taken twice a year, the first administration should happen in the first 45 days of school and the last should happen in the last 45 days of school.

[The School Climate Survey Suite](#) is a set of four multidimensional surveys to measure student, teacher, administrator, faculty, and family perceptions of school climate.

- School Climate Survey: Elementary
- School Climate Survey: Middle/High
- School Climate Survey: School Personnel
- School Climate Survey: Family

The surveys are brief, reliable, and valid for assessing perceived school climate among students in Grades 3-12. Teams can use each survey separately or in combination to assess perceptions. Each survey includes a set of demographic questions about the participant and a number of questions related to school climate with Likert-scale response option.

PBIS Assessment Annual Plan

Fall/Winter 2021-22

Tiered Fidelity Inventory - Fall Assessment			
Date	Activity	Who?	Completed
*Appendices Scheduled to be Completed Prior to Team Assessment Date			
	Appendix A – TFI Walkthrough Scheduled Date		
	Appendix B – Tier 2 Targeted Interventions Reference Guide		
	Appendix C – Tier III Support Plan Worksheet		
	Assessment scheduled to be completed	PBIS Team	
	Action Planning scheduled	PBIS Team	
	Data and Action Plan Shared with All Staff		
Notes:			

School Climate Surveys – Fall Assessment			
Activity	Date	Resource/ Plan	Person Responsible
STUDENTS			
Passive permission form sent			
Students Survey (Elementary 3-6)			
Students Survey (Middle/High)			
STAFF			
Staff Survey Date			
FAMILIES			
Family Survey Window			
Family Survey Letter Sent			
Additional Family Reminders			
Follow-up			
Review Results and Action Plan			
Share Results (Staff/ Stakeholders)			
Notes:			

Self Assessment Survey – Winter Assessment			
Date	Activity	Resource	Follow-up
	Staff Survey Completion		
	Team Action Planning		
	Shared with Staff		
Notes:			

PBIS Assessment Annual Plan
Winter/Spring 2021-22

* Optional Mid-Year Tiered Fidelity Inventory - Winter Assessment			
Date	Activity	Who?	Completed
*Appendices Scheduled to be Completed Prior to Team Assessment Date			
	Appendix A – TFI Walkthrough Scheduled Date		
	Appendix B – Tier 2 Targeted Interventions Reference Guide		
	Appendix C – Tier III Support Plan Worksheet		
	Assessment scheduled to be completed	PBIS Team	
	Action Planning scheduled	PBIS Team	
	Data and Action Plan Shared with All Staff		
Notes:			

School Climate Surveys – Spring Assessment			
Activity	Date	Resource/ Plan	Person Responsible
STUDENTS			
Passive permission form sent			
Students Survey (Elementary 3-6)			
Students Survey (Middle/High)			
STAFF			
Staff Survey Date			
FAMILIES			
Family Survey Window			
Family Survey Letter Sent			
Additional Family Reminders			
Follow-up			
Review Results and Action Plan			
Share Results (Staff/ Stakeholders)			
Notes:			

Tiered Fidelity Inventory – Spring Assessment			
Date	Activity	Who?	Completed
*Appendices Scheduled to be Completed Prior to Team Assessment Date			
	Appendix A – TFI Walkthrough Scheduled Date		
	Appendix B – Tier 2 Targeted Interventions Reference Guide		
	Appendix C – Tier III Support Plan Worksheet		
	Assessment scheduled to be completed	PBIS Team	
	Action Planning scheduled	PBIS Team	
	Data and Action Plan Shared with All Staff		
Notes:			



California Association of Health & Education Linked
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www.dmselpa.org

MEMORANDUM

DATE: April 30, 2021

TO: Special Education Directors and Coordinators
MIS Contacts

FROM: Colette Garland, MIS Support Analyst
Desert/Mountain SELPA and Charter SELPA

SUBJECT: 2020 -2021 Personnel Data Report

Attached is a copy of the instructions and Excel worksheet for completing the Personnel Data Report. All information submitted must reflect personnel as of October 7, 2020 which was CALPADS census date and aligns with CALPADS Fall 1 reporting date. Please review this in its entirety and complete the attached Excel spreadsheet for your LEA. Return it to Colette Garland, MIS Support Analyst by **Friday, June 11th, by 5:00 p.m.** Please DO NOT submit this information directly to the California Department of Education. The SELPA is responsible for collecting and consolidating all LEA reports with the SELPA level report and will submit data through the SEPDA website. Certification page will be signed at the SELPA level for completion of submission. The Excel spreadsheet should be returned to Colette Garland, MIS Support Analyst, at colette.garland@cahelp.org.

Your assistance in this process is greatly appreciated. Please do not hesitate to contact me at (760) 955-3565 or email at colette.garland@cahelp.org if you have questions and/or if I can be of further assistance.

Attachments:

- 2020 – 21 Technical Assistance Guide (TAG)
- 2019 – 20 Previous LEA Completed Spreadsheet for reference
- 2020 – 21 Blank Spreadsheet (to be returned to Colette Garland)



Monitoring and CALPADS Updates

May 7, 2021

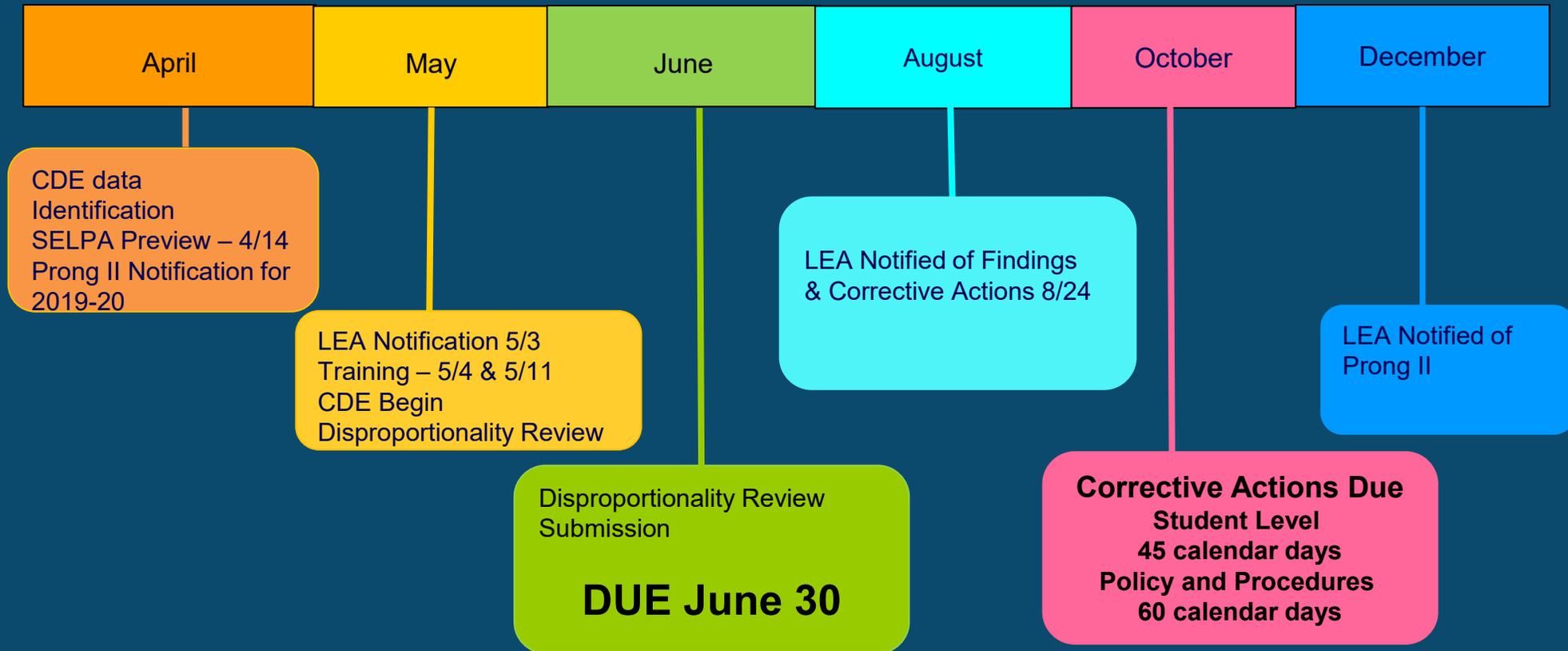
Shiyloh Duncan-Becerril, Associate Director
Special Education Division

CALIFORNIA DEPARTMENT OF EDUCATION

Tony Thurmond, State Superintendent of Public Instruction

Monitoring Updates

Disproportionality Review Timeline



What do LEAs need to do?

- Review data
- Review student list
- Provide electronic access
- Upload policies and procedures

Next Steps for Initial Assessment of Eligibility

- Review LEAs that made no progress to reducing the number of students waiting on assessments
- Reach out directly to those LEAs for additional monitoring
- Publish updated data to LEAs about current outstanding eligibility assessments

CDE Approach in Fall of 2021

- Monitoring will focus on building high-quality, responsive IEPs designed to address the needs of the child and improve outcomes.
- Continue to build resources to support LEAs with IEPs, Initial Assessments of Eligibility and Service provision for Fall 2021
- Support the implementation of Positive Behavior Supports in partnership with experts in the field.
- Accelerate collaboration with Technical Assistance partners to support LEAs in a variety of areas (teacher training, paraprofessional training, ELs with disabilities, etc.).

The Monitoring Philosophy

- Does what we do
 - Drive improved outcomes in FAPE in the LRE
 - Measured by Assessment scores, Suspension rates and Access to General Education
 - Address equity
 - Measured by disproportionality
- We will be asking over and over:
 - Does this activity achieve these goals?

CDE is internally working on five key areas for Monitoring for the Fall of 2021

- Selection Criteria for Monitoring
- Monitoring Activities
- Supports and Guidance on High Quality IEPs
- Supports and Guidance on Assessing Learning Loss
- Supports and Guidance on Positive Behavior Supports

APR Reports and Targets

- CDE will publish the Local APR reports in June
- The CDE will be entering into a new 6 year cycle for the APR starting next year.
- There are new indicators and there will be all new targets
- The CDE will review those targets and indicators during a summer SELPA meeting

CALPADS Updates

Reporting Meetings for Plans that Begin Next Academic Year

- CDE is currently in discussions about reporting transactions with plan and service information that will begin at the start of the new academic year
- Current system logic will count any meeting or amendment date between July 1 – June 30 for purposes of EOY 4 reporting

Triennials that Result in Plan Changes

- During a triennial evaluation, LEAs sometimes make changes to student's special education plans
- Special education case managers need to be aware that any plan changes that happen during a triennial evaluation should be recorded in the special education data system with either:
 - Annual record (20) with a meeting date = triennial meeting date if changes were made through a full IEP on the same day
 - Amendment to most recent annual record if full IEP was not held

DSEA Extract

- Charter schools will be added to the DSEA extract for informational purposes only
- Requests have also been made to add DSEA information for students on IFSPs and ISPs therefore, we are creating two versions of the DSEA Extract
 - Accountability - indicates where SWD are being “sent” and “received” for accountability purposes
 - Informational – list of ALL SPED records where an LEA is listed as the DSEA

Delay Codes now allowed on Pending Records

- As of May 4, Delay Codes can now be added to pending records for students pending initial evaluation
- LEAs may update the pending records in the SEDS and resubmit the transaction to CALPADS
- Delay code may also be placed on Initial Evaluation record once the meeting is held

Guidance for Use of SSID Extract

- The SSID Extract can be used to identify SWD as soon as they transfer into an LEA
- When requesting the SSID Extract from the CALPADS administrator LEAs should request the following:
 - After downloading the extract, CALPADS Administrator should filter the extract for students with a Student with Disabilities (SWD) Indicator = “Y”
 - This should reduce concerns of data privacy
- Extract logic is being changed to allow LEAs to pull the “Date Range” version of the extract using enrollment dates rather than SSID creation dates

Additional Questions



Management Information System (MIS) Users' Meeting - CALPADS Errors Part 2

Presented By

Colette Garland, MIS Support Analyst, with special guest speaker Doug Faucette, Faucette Micro Systems

Date

May 25, 2021

Time

9:00 to 11:00 a.m.

Cost

Free

Location

Virtual training, a link will be sent to each participant prior to the training date.

This training may be recorded.

Description

This continued course will focus on data collection and record error cleanup as it pertains to California Longitudinal Pupil Achievement Data System (CALPADS) data submission of program, service, and post-secondary records.

Audience

Management Information System (MIS) data entry users and special education directors.

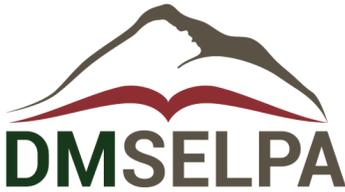
Registration

Please register online at: <https://sbcss.k12oms.org/52-202122>
Access Code: CALPADS

Special Accommodation

Please submit any special accommodation requests at least fifteen working days prior to the training by notating your request when registering.

7.1 Governor's Budget - May Revise
Verbal report, no materials



Desert/Mountain Special Education Local Plan Area
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W www.dmselpa.org

MEMORANDUM

Date May 21, 2021
To: Directors of Special Education
From: Peggy Dunn, Program Manager

Subject: **Occupational and Physical Therapy Reports**

Attached are the occupational and physical therapy Referral Status, and Current Students Direct Services reports by district.

If you have any questions concerning either report, please contact me at (760) 955-3568 at peggy.dunn@cahelp.org

California Association of Health and Education Linked Professions

Upcoming Trainings

Date/Time	Event	Location
5/26/2021 1:00 PM - 2:30 PM	School Psychologists' Committee Meeting	VIRTUAL
6/2/2021 9:00 AM - 10:30 A	WEBIEP AM QUESTION AND ANSWER SESSION	VIRTUAL
6/2/2021 2:00 PM - 3:30 PM	WEBIEP PM QUESTION AND ANSWER SESSION	VIRTUAL
6/11/2021 1:00 PM - 3:00 PM	FAMILY FUN DAYS	DMESC
6/16/2021 9:30 AM - 11:30 A	REAL TALK...PARENT-TO-PARENT GROUP CHATS	VIRTUAL
6/25/2021 1:00 PM - 3:00 PM	FAMILY FUN DAYS	DMESC

For more information, visit the CAHELP Staff Development calendar ([url: www.cahelp.org/calendar](http://www.cahelp.org/calendar))
17800 Highway 18, Apple Valley, California 92307
(760) 552-6700 Office * (760) 242-5363 Fax