

INDEPENDENT STUDY FOR 2021-22 AND SUBSEQUENT SCHOOL YEARS

The Board of Trustees has adopted a policy to implement the requirements of AB 130 and AB 167. With the enactment of Assembly Bill No. 130 (Ch. 44, Stats. 2021, hereafter “AB 130”), school districts and county offices of education are required to offer independent study for the 2021-2022 school year, with limited exceptions. The subsequent enactment of Assembly Bill 167 (Ch. 252, Stats. 2021, hereafter “AB 167”), added and modified the provisions of independent study for school districts and county office of education.

This Regulation is intended to implement the additional requirements of AB 130 and AB167. To the extent that there is any conflict between this Regulation and AR No. 6158, the provisions of this Regulation shall govern.

In addition to the educational opportunities offered through independent study provided for in BP/AR 6158, educational opportunities offered through independent study may include, but are not limited to, individualized study for a pupil whose health would be put at risk by in-person instruction, as determined by the parent or guardian of the pupil, or a pupil who is unable to attend in-person instruction due to a quarantine due to exposure to, or infection with, COVID-19, pursuant to local or state public health guidance.

Content Standards

The provision of content aligned to grade level standards that is provided to pupils in the independent study program shall be at a level of quality and intellectual challenge substantially equivalent to in-person instruction. For high schools, this shall include access to all courses offered by the local educational agency for graduation and approved by the University of California or the California State University as creditable under the A–G admissions criteria.

Student Educational Progress

The Superintendent or designee shall conduct an evaluation to determine whether it is in the pupil’s best interest to remain in independent study or be returned to in-person instruction if the pupil is not making satisfactory educational progress, or if the pupil has missed more than the number of missed assignments permitted by BP/AR 6158. Satisfactory educational progress shall be determined based on all of the following indicators:

(A) The pupil’s achievement and engagement in the independent study program, as indicated by the pupil’s performance on applicable pupil-level measures of pupil achievement and pupil engagement, including but not limited to the student’s attendance and absenteeism.

(B) The completion of assignments, assessments, or other indicators that evidence that the pupil is working on assignments.

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(C) Learning required concepts, as determined by the supervising teacher.

(D) Progressing toward successful completion of the course of study or individual course, as determined by the supervising teacher.

Notification of the pupil's educational progress will be reported and communicated to the pupil, or the pupil's parent, guardian, or caregiver if the pupil is less than 18 years of age.

Reengagement Strategies

The District will take measures to re-engage pupils who are not generating attendance for more than three schooldays or 60 percent of the instructional days in a school week, or 10 percent of required minimum instructional time over four continuous weeks of a local educational agency's approved instructional calendar, pupils found not participatory pursuant to Education Code Section 51747.5 for more than the greater of three schooldays or 60 percent of the scheduled days of synchronous instruction in a school month as applicable by grade level, or pupils who are in violation of their written agreement pursuant to Education Code section 51747(g), BP/AR 6158 and this policy.

Tiered reengagement strategies shall include all of the following:

- (A) Verification of the pupil's current contact information.
- (B) Notification to parents or guardians of lack of participation within one school day of the recording of a non-attendance day or lack of participation. Notification will be by written, telephonic, or other forms of direct communication.
- (C) A plan for outreach to determine pupil needs, including connection with health and social services as necessary.
- (D) Contact the pupil, or if the pupil is under 18 years of age, the parent/guardian/caregiver, to schedule a pupil-parent-educator conference to review the pupil's written agreement and reconsider the independent study program's impact on the pupil's achievement and well-being, consistent with the provisions of BP/AR 6158 and this policy regarding missed assignments and satisfactory educational progress. "Pupil-parent-educator conference" means a meeting involving, at a minimum, all parties who signed the pupil's written independent study agreement.

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This section shall not apply to pupils that participate in an independent study program for fewer than 15 cumulative schooldays in a school year.

Synchronous Instruction and Live Interaction

Instruction shall be provided to all pupils in the independent study program in accordance with the pupil's written agreement, and shall include the following:

- (A) Pupils in grades 4 to 8, inclusive, will be provided opportunities for both daily live interaction and at least weekly synchronous instruction for all pupils throughout the school year.
- (B) Pupils in grades 9 to 12, inclusive, will be provided opportunities for at least weekly synchronous instruction for all pupils throughout the school year.

“Live interaction” means interaction between the pupil and District classified or certificated staff, and may include peers, provided for the purpose of maintaining school connectedness, including, but not limited to, wellness checks, progress monitoring, provision of services, and instruction. This interaction may take place in person, or in the form of internet or telephonic communication.

“Synchronous instruction” means classroom-style instruction or designated small group or one-on-one instruction delivered in person, or in the form of internet or telephonic communications, and involving live two-way communication between the teacher and pupil. Synchronous instruction for traditional independent study shall be provided by the teacher of record for that pupil pursuant to Education Code Section 51747.5.

This section shall not apply to pupils that participate in an independent study program for fewer than 15 schooldays in a school year.

Returning to In-Person Instruction

Pupils whose families wish to return to in-person instruction from independent study may notify a designated contact person set forth in the pupil's written agreement, or the supervising teacher or Independent Study Administrator who signed the written agreement. Upon notice from the pupil's family that a return to in-person instruction is desired, the Independent Study Administrator shall provide for the pupil's return to the school of the pupil's previous in-person attendance, or such other school as is appropriate for the pupil's grade level and place of residence, no later than five instructional days after the request is received.

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Master Agreement

A current written agreement for each independent study pupil shall be maintained on file. Each pupil's written agreement for independent study shall include, but not be limited to, all of the following:

- (A) The manner, time, frequency, and place for reporting the pupil's academic progress, and for communicating with a pupil's parent or guardian regarding the pupil's academic progress.
- (B) The objectives and methods of study for the pupil's work, and the methods used to evaluate that work.
- (C) The specific resources, including materials and personnel, that will be made available to the pupil. These resources shall include confirming or providing access to all pupils to the connectivity and devices adequate to participate in the educational program and complete assigned work.
- (D) A statement of the adopted policies regarding the maximum length of time allowed between the assignment and the completion of a pupil's assigned work, the level of satisfactory educational progress, and the number of missed assignments allowed before an evaluation of whether or not the pupil should be allowed to continue in independent study.
- (E) The duration of the independent study agreement, including the beginning and ending dates for the pupil's participation in independent study under the agreement. No independent study agreement shall be valid for any period longer than one school year.
- (F) A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the agreement, to be earned by the pupil upon completion.
- (G) The inclusion of a statement in each independent study 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 Education Code Section 48915 or 48917, the agreement also shall include the statement that instruction

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may be provided to the pupil through independent study only if the pupil is offered the alternative of classroom instruction.

- (H) A statement detailing the academic and other supports that will be provided to address the needs of pupils who are not performing at grade level, or need support in other areas, such as English learners, individuals with exceptional needs in order to be consistent with the pupil’s individualized education program or plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), pupils in foster care or experiencing homelessness, and pupils requiring mental health supports.

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.

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. An electronic file 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. Either an original document or an electronic file of the original document is allowable for auditing purposes.

Written agreements may be signed using an electronic signature that complies with state and federal standards that may be a marking that is either computer generated or produced by electronic means and is intended by the signatory to have the same effect as a handwritten signature. The use of an electronic signature shall have the same force and effect as the use of a manual signature if the requirements for digital signatures and their acceptable technology, as provided in Section 16.5 of the Government Code and in Chapter 10 (commencing with Section 22000) of Division 7 of Title 2 of the California Code of Regulations, are satisfied.

For the 2021–22 school year only, the District shall obtain a signed written agreement for an independent study program of any length of time from the pupil, or the pupil’s parent or legal guardian 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 no later than 30

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days after the first day of instruction in an independent study program or October 15, whichever date comes later.

Independent Study Enrollment and Notice

For the 2021–22 school year only, the District shall notify the parents and guardians of all enrolled pupils of their options to enroll their child in in-person instruction or independent study during the 2021–22 school year. This notice shall include written information on the District’s internet website, including, but not limited to, the right to request a pupil-parent-educator conference meeting before enrollment pursuant to this section, pupil rights regarding procedures for enrolling, disenrolling, and reenrolling in independent study, and the synchronous and asynchronous instructional time that a pupil will have access to as part of independent study.

If 15 percent or more of the pupils enrolled in the District speak a single primary language other than English, as determined from the census data submitted to the California Department of Education (CDE) in the preceding year, the written information shall, in addition to being written in English, be written in the primary language.

Upon the request of the parent or guardian of a pupil, and before signing a written agreement with the pupil’s parent or guardian, the District shall conduct a phone, videoconference, or in-person pupil-parent-educator conference or other school meeting during which the pupil, parent or guardian, and, if requested by the pupil or parent, an education advocate, may ask questions about the educational options, including which curriculum offerings and nonacademic supports will be available to the pupil in independent study, before making the decision about enrollment or disenrollment in the various options for learning.

Quarantines

For the 2021-22 school year only, the District is eligible to receive apportionments for independent study for pupils that are subject to quarantine for exposure to, or infection with, COVID-19 pursuant to local or state health guidance, and the pupil cannot participate in classroom-based instruction due to the quarantine, and for the school closures due to COVID-19 pursuant to subdivision (c) of Section 41422. LEAs shall receive apportionment for these pupils for all schooldays that they participate in and meet all other apportionment requirements of independent study while in quarantine or during a school closure.

These provisions regarding quarantines shall apply only to pupils participating in independent study due to quarantine who do not have the option of in-person instruction, and only for the period of quarantine mandated pursuant to state or local health guidance or order.

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Assessment and Documentation of Work Product and Participation

The independent study by each pupil shall be coordinated, evaluated, and, shall be under the general supervision of an employee of the District who possesses a valid certification document pursuant to Education Code Section 44865 or an emergency credential pursuant to Education Code Section 44300, registered as required by law.

Apportionment credit for independent study may be claimed only to the extent of the time value of pupil work products, as personally judged in each instance by a certificated teacher employed by the local educational agency. It is the intent of the Legislature that teachers be given access to digital assignment tracking systems to reduce workload associated with evaluating and accounting for pupil work.

The District shall document each pupil's participation in live interaction and synchronous instruction pursuant to Education Code Section 51747 on each schoolday, as applicable, in whole or in part, for which live interaction or synchronous instruction is provided as part of the independent study program. A pupil who does not participate in scheduled live interaction or synchronous instruction shall be documented as nonparticipatory for that schoolday for purposes of pupil participation reporting and tiered reengagement pursuant to Education Code Section 51747.

A local educational agency shall maintain written or computer-based evidence of pupil engagement that includes, but is not limited to, a grade book or summary document that, for each class, lists all assignments, assessments, and associated grades.

For purposes of these documentation requirements, a local educational agency shall not be required to sign and date pupil work products when assessing the time value of pupil work products for apportionment purposes.

Legal Reference:

EDUCATION CODE 51745 – 51749 Independent Study Programs
Assembly Bill No. 130 (Ch. 44, Stats. 2021)

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