

# MODESTO CITY SCHOOLS

## Administrative Regulation

AR 6158

### INSTRUCTION

#### Independent Study Program

##### Definitions

*Live interaction* means interaction between the student and 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. (Education Code 51745.5)

*Student-parent-educator conference* means a meeting involving, at a minimum, all parties who signed the written independent study agreement pursuant to Education Code 51747 or the written learning agreement pursuant to Education Code 51749.6. (Education Code 51745.5)

*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 student. Synchronous instruction shall be provided by the teacher or teachers of record for that student pursuant to Education Code 51747.5 or the certificated employee. (Education Code 51745.5)

##### Educational Opportunities

Educational opportunities offered through independent study may include, but are not limited to: (Education Code 51745)

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, but not provided as an alternative curriculum
4. Continuing and special study during travel

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5. Volunteer community service activities and leadership opportunities that support and strengthen student achievement
6. Individualized study for a student whose health, as determined by the parent/guardian, would be put at risk by in-person instruction or for a student 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

In addition, when requested by a parent/guardian due to an emergency or illness, independent study may be used on a short-term basis to ensure that the student is able to maintain academic progress in the student's regular classes.

No course required for high school graduation shall be offered exclusively through independent study. (Education Code 51745)

No individual with exceptional needs, as defined in Education Code 56026, may participate in independent study unless his/her individualized education program specifically provides for such participation. (E.C. 51745)

No more than 10% of the students enrolled in continuation or opportunity education may be on independent study at any given time. (E.C. 51747)

No temporarily disabled student may receive individual instruction pursuant to E.C. 48206.3 by means of independent study. (E.C. 51745)

All coursework offered to adults through independent study shall meet the requirements for a high school diploma. (E.C. 46300.4)

### **Criteria for Participation**

Students who are interested in independent study should contact their school principal/designee and complete an alternative education application specifying independent study. Approval for participation shall be based on the following criteria:

1. Acceptable reason for requesting independent study including, but not limited to, long-term medical needs, student welfare, family hardship or emergency, and extended travel

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2. Evidence that the student will work independently to complete the program
3. Approval by the District's Alternative Education administration
4. Availability of certificated staff with adequate time to supervise the student effectively
5. A written statement indicating educational objectives, how the objectives will be accomplished, and how progress toward the objectives will be measured

### **Written Agreements and Assignments**

A written independent study agreement shall be executed for each participating student. The agreement shall include, but not be limited to, all of the following: (E.C. 51747)

1. The manner, frequency, time and place for submitting the student's assignments and for reporting their progress
2. The objectives and methods of study for the pupil's work and the methods utilized to evaluate that work
3. The specific resources, including materials and staff, which will be made available to the student to achieve the objectives in the written agreement
4. The method(s) by which the student's work will be evaluated
5. A statement of the Board policies adopted pursuant to E.C. 51747(a) and (b), describing the maximum length of time allowed between the assignment and the completion of a pupil's assigned work and the number of missed assignments, grades, and assessments allowed prior to an evaluation of whether the student should be allowed to continue in independent study
6. The duration of the independent study agreement, including the beginning and ending dates for the pupil's participation in independent study under the agreement

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7. A statement of the number of course credits or, for elementary grades, other measures of academic accomplishment appropriate to the agreement, to be earned by the student upon completion
8. A statement that independent study is an optional educational alternative in which no student 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 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
9. A schedule to achieving objectives and completing the agreement
10. A schedule of conferences between the student and supervising teacher

Each written agreement shall be signed prior to 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 designated as having responsibility for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the student (E.C. 51747). For purposes of this paragraph, "caregiver" means a person who has met the requirements of Part 1.5 (commencing with Section 6550) of the Family Code.

### **Equivalency**

The District's independent study option shall be substantially equivalent in quality and quantity to classroom instruction to enable participating students to complete the District's adopted course of study within the customary timeframe. Students in independent study shall have access to the same services and resources that are available to other students in the school and shall have equal rights and privileges. (5 CCR 11700, 11701.5)

All students participating in independent study shall have access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work. (Education Code 51747) The District shall not provide independent study students and their parents/guardians with funds or items of value that are not provided for other students and their parents/guardians. Providing

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access to Internet connectivity and District-owned devices adequate to participate in an independent study program and complete assigned work consistent with Education Code 51747, or to participate in an independent study course, as authorized by Education Code 51749.5, shall not be considered funds or other things of value. (Education Code 46300.6, 51747.3)

#### **Eligibility for Independent Study**

To participate in independent study, a student shall be enrolled in a District school. (Education Code 51748)

Students are eligible for independent study as authorized in law, and as specified in Board Policy. Pearson Education Center shall maintain records for the students in long-term independent study; each school shall maintain records for the students in short-term independent study at their school of attendance. Records shall include the following: (Title 5, 11703)

1. A copy of the District policy, administrative regulation, and procedures related to independent study
2. A file of all agreements, with representative samples of each student's completed, evaluated assignments
3. A list of participating students, showing credits attempted by and awarded to students per agreement
4. An attendance register separate from other attendance records
5. A record of grades and other evaluations issued to each student for independent assignments

For the 2022-23 school year and thereafter, the Superintendent or designee may approve the participation of a student who demonstrates the motivation, commitment, organizational skills, and academic skills necessary to work independently provided that experienced certificated staff are available to effectively supervise students in independent study. The Superintendent or designee may also

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approve the participation of a student whose health would be put at risk by in-person instruction. A student whose academic performance is not at grade level may participate in independent study only if the program is able to provide appropriate support, such as supplemental instruction, tutoring, counseling, ongoing diagnostic assessments, and/or differentiated materials, to enable the student to be successful. For an elementary student, the Superintendent or designee may consider the parent/guardian's level of commitment to assist the student.

A student participating in independent study must be a resident of the county or an adjacent county. Full-time independent study shall not be available to students whose District residency status is based on their parent/guardian's employment within District boundaries pursuant to Education Code 48204. (Education Code 46300.2, 51747.3)

A student with disabilities, as defined in Education Code 56026, may participate in independent study if the student's individualized education program (IEP) specifically provides for such participation. If a parent/guardian of a student with disabilities requests independent study because the student's health would be put at risk by in person instruction, the student's IEP team shall make an individualized determination as to whether the student can receive a free appropriate public education (FAPE) in an independent study placement. A student's inability to work independently, need for adult support, or need for special education or related services shall not preclude the IEP team from determining that the student can receive FAPE in an independent study placement. (Education Code 51745)

In addition, any student with disabilities who receives services from a nonpublic, nonsectarian school through a virtual program may be permitted to participate in independent study if the student's IEP team determines that FAPE can be provided to the student by means of the virtual program and other conditions of law are satisfied.

A temporarily disabled student shall not receive individual instruction pursuant to Education Code 48206.3 by means of independent study. (Education Code 51745)

Except for students participating in independent study due to an emergency as described in Education Code 41422 and 46392 and pregnant and parenting students who are the primary caregiver for their child(ren), no more than 10 percent of the students enrolled in a continuation high school or opportunity school or program shall be enrolled in independent study. (Education Code 51745)

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Students age 21 or older, and students age 19 or older who have not been continuously enrolled in school since their 18th birthday, may participate in independent study only through the adult education program for the purpose of enrolling in courses required for a high school diploma by Education Code 51225.3 or the Governing Board. (Education Code 46300.1, 46300.4)

#### **Monitoring Student Progress**

The independent study administrator and/or supervising teacher shall promptly and directly address any failure by the student to meet the terms of the student's written agreement. The following supportive strategies may be used:

1. A letter to the student and/or parent/guardian, as appropriate
2. A special meeting between the student and the teacher and/or counselor
3. A meeting between the student and the independent study administrator, including the parent/guardian, if appropriate
4. An increase in the amount of time the student works under direct supervision
5. Placing the student on probationary status

When the student has failed to make satisfactory educational progress or missed the number of assignments specified in the written agreement, the Superintendent or designee shall conduct an evaluation to determine whether or not independent study is appropriate for the student. This evaluation may result in termination of the independent study agreement and the student's return to the regular classroom program or other alternative program. Parents may appeal the decision to the District's Alternative Education Placement administrator. (Educational Code 51747, 51749.5, 5 CCR 11701)

A written record of the findings of any such evaluation shall be treated as a mandatory interim student record which shall be maintained for three years from the date of the evaluation, and if the student transfers to another public school in California, the record shall be forwarded to that school. (Education Code 51747, 51749.5)

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#### **Responsibilities of Independent Study Administrator**

The responsibilities of the independent study administrator include, but are not limited to:

1. Recommending certificated staff to be assigned as independent study teachers at the required teacher-student ratios pursuant to Education Code 51745.6 and supervising staff assigned to independent study functions who are not regularly supervised by another administrator
2. Approving or denying the participation of students requesting independent study
3. Facilitating the completion of written independent study agreements
4. Ensuring a smooth transition for students into and out of the independent study mode of instruction
5. Approving all credits earned through independent study
6. Completing or coordinating the preparation of all records and reports required by law, Board policy, or administrative regulation

#### **Assignment and Responsibilities of Independent Study Teachers**

Each student's independent study shall be coordinated, evaluated, and carried out under the general supervision of a District employee who possesses a valid certification document pursuant to Education Code 44865 or emergency credential pursuant to Education Code 44300, registered as required by law, and who consents to the assignment. (Education Code 44865, 51747.5; 5 CCR 11700)

The ratio of student average daily attendance for independent study students age 18 years or younger to full-time equivalent certificated employees responsible for independent study shall not exceed the equivalent ratio for all other education programs in the District, unless a new higher or lower ratio for all other educational programs offered is negotiated in a collective bargaining agreement or the District enters into a memorandum of understanding or letter of agreement that indicates an existing collective bargaining agreement contains an alternative ratio. (Education Code 51745.6)



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The responsibilities of the supervising teacher shall include, but are not limited to:

1. Completing designated portions of the written independent study agreement and signing the agreement
2. Supervising and approving coursework and assignments
3. Maintaining records of student assignments showing the date the assignment is given and the date the assignment is due
4. Maintaining a daily or hourly attendance register in accordance with Item #4 in the section on "Records for Audit Purposes" in the accompanying Board policy
5. Providing direct instruction and counsel as necessary for individual student success
6. Regularly meeting with the student to discuss the student's progress
7. Determining the time value of assigned work or work products completed and submitted by the student
8. Assessing student work and assigning grades or other approved measures of achievement
9. Documenting each student's participation in live interaction and/or synchronous instruction pursuant to Education Code 51747 on each school day for which independent study is provided

The Superintendent or designee shall ensure that independent study teachers have access to professional development and support comparable to classroom-based teachers.

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#### *Legal References:*

#### *EDUCATION CODE*

*17289 Exemption for facilities*  
*41020 Requirement for annual audit*  
*41422 Apportionment credit for student inability to attend in-person or school closure due to COVID-19*  
*41976.2 Independent study programs; adult education funding*  
*42238 Revenue limits*  
*42238.05 Local control funding formula; average daily attendance*  
*44865 Qualifications for home teachers*  
*46100 Length of school day*  
*46200-46208 Incentives for longer instructional day and year*  
*46300-46307.1 Methods of computing average daily attendance*  
*46390-46393 Emergency average daily attendance*  
*46600 Interdistrict attendance computation*  
*47612-47612.1 Charter School Operation*  
*47612.5 Charter schools operations; general requirements*  
*48204 Residency requirements for school attendance*  
*48206.3 Home or hospital instruction; students with temporary disabilities*  
*48220 Classes of children exempted*  
*48340 Improvement of pupil attendance*  
*48915 Expulsion; particular circumstances*  
*48916.1 Educational program requirements for expelled students*  
*48917 Suspension of expulsion order*  
*49011 Student fees*  
*51225.3 High school graduation*  
*51745-51749.6 Independent study*  
*52060 Local Control and Accountability Plan*  
*52522 Adult education alternative instructional delivery*  
*52523 Adult education as supplement to high school curriculum; criteria*  
*56026 Individual with exceptional needs*  
*58500-58512 Alternative schools and programs of choice*

#### *FAMILY CODE*

*6550-6552 Caregivers*

#### *CODE OF REGULATIONS, TITLE 5*

*11700-11705 Independent study*

*19819 State audit compliance*

#### *UNITED STATES CODE, TITLE 20*

*6301 Highly qualified teachers*

*6311 State plan*

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#### Management Resources:

##### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATION

*10-01 Guidelines for Piloting Textbooks and Instructional Materials, rev. January 2015*

*Legal Requirements for Independent Study, 2021*

*Conducting Individualized Determination of Need, 2021*

*Clarifications for Student Learning in Quarantine, 2021*

*2021-22 AA & IT Independent Study FAQs, 2021*

*California Digital Learning Integration and Standards Guidance, April 2021*

*Elements of Exemplary Independent Study*

##### COURT DECISION

*A.M. v. Albertson, LLC, (2009) Cal. App. 4<sup>th</sup> 455*

*Modesto City Schools v. Education Audits Appeal Panel, (2004) 123 Cal. App. 4<sup>th</sup> 1365*

##### EDUCATION AUDIT APPEALS PANEL DECISION

*Lucerne Valley Unified School District, Case No. 03-02 (2005)*

*Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting*

##### WEB SITES

*AASA The School Superintendents Association: <https://www.aasa.org/home/>*

*California Consortium for Independent Study: <https://ccis.org/>*

*California Department of Education, Independent Study: <https://www.cde.ca.gov/sp/eo/is/>*

*Education Audit Appeals Panel: <https://eaap.ca.gov/>*

#### Cross References (cf.):

*0410 – Nondiscrimination in District Programs and Activities*

*0420.4 – Charter School Authorization*

*0470 – COVID-19 Mitigation Plan*

*0500 – Accountability*

*3260 – Fees, Deposits and Other Charges to Pupils*

*3516.5 – Emergency Schedules (N/A)*

*3580 – District Records*

*4112.2 – Certification (N/A)*

*4131/4231/4331 – Staff Development*

*5111.1 – District Residency*

*5112.3 – Student Leave of Absence (N/A)*

*5113 – Absences and Excuses (N/A)*

*5121 – Grades/Evaluation of Student Achievement (N/A)*

*5125 – Student Records Confidentiality*

*5126 – Awards for Achievement*

*5141.22 – Infectious Diseases*

*5141.31 – Immunizations*

*5144.1 – Suspension and Expulsion/Due Process*

*5146 – Married/Pregnant/Parenting Students*

*5147 – Dropout Prevention (N/A)*

*6000 – Concepts and Roles*

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#### *Cross References (cf.) (cont.):*

*6011 – Academic Standards*

*6111 – School Calendar*

*6112 – School Day*

*6142.4 – Service Learning/Community Service Classes (N/A)*

*6143 – Courses of Study*

*6146.1 – High School Graduation Requirements*

*6146.11 – Alternative Credits Toward Graduation (N/A)*

*6152 – Class Assignment Changing Official Schedule of Classes, 9-12*

*6159 – Individualized Education Program*

*6162.5 – Student Assessment*

*6162.51 – State Academic Achievement Tests*

*6164.5 – Student Success Teams*

*6172 – Gifted and Talented Student Program (N/A)*

*6181 – Alternative Schools/Programs of Choice (N/A)*

*6183 – Home and Hospital Instruction*

*6184 – Continuation Education*

*6185 – Community Day School (N/A)*

*6200 – Adult Education*

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