

MODESTO CITY SCHOOLS

Board Policy

BP 6158

INSTRUCTION

Independent Study Program

The Governing Board authorizes independent study as an optional alternative instructional strategy by which students may reach curriculum objectives and fulfill graduation requirements. Independent study shall offer a means of individualizing the educational plan for students whose needs may be best met through study outside of the regular classroom setting.

The District recognizes two types of independent study: Long-term and short-term. Long-term independent study is a strategy in which the student meets with an independent study teacher one hour per week with a contract length of at least five consecutive school days, but which does not exceed one year. Short-term independent study is a site-based program in which the student will be given a contract for three (3) to twenty (20) consecutive school days.

The Superintendent/designee shall determine that the prospective independent study student understands and is prepared to meet the District's requirements for independent study. Independent study entails a commitment by both the parent/guardian and the student. As the student gets older, they assume a greater portion of the responsibility involved. Independent study may be offered only to students who can achieve in this program as well or better than they would in the regular classroom.

The Superintendent/designee shall ensure that a written independent study agreement, as prescribed by law, exists for each participating student.

Independent study shall offer a means of individualizing the educational plan to serve students who desire a more challenging educational experience, whose health or other personal circumstances make classroom attendance difficult, who are unable to access course(s) due to scheduling problems, and/or who need to make up credits or fill gaps in their learning. As necessary to meet student needs, independent study may be offered for short- or long-term placements, on a full-time basis or on a part-time basis, and/or in conjunction with part- or full-time classroom study.

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The Board shall hold a public hearing when considering the scope of its existing or prospective use of independent study as an instructional strategy, its purposes in authorizing independent study, and factors bearing specifically on the maximum realistic lengths of assignments and acceptable number of missed assignments for specific populations of students or adult education students. (Education Code 51747; 5 CCR 11701)

The Superintendent or designee may provide a variety of independent study opportunities, including, but not limited to, through a program or class within a comprehensive school, an alternative school or program of choice, a charter school, and an online course.

Student participation in independent study shall be voluntary, and no student shall be required to participate. (Education Code 51747, 51749.5, 51749.6)

To foster each student's success in independent study, the Board establishes the following maximum lengths of time, which may elapse between the time an independent study assignment is made and the date by which the pupil must complete the assigned work, in order for the District to claim revenue:

1. Individualized alternative education designed to teach the knowledge and skills of the core curriculum or elective classes through long-term independent study: Students in grades K-12 – one (1) week to one (1) month
2. Continuing and special study during travel through short-term independent study: Students in grades K-12 – three (3) to twenty (20) consecutive school days

Independent study for each student shall be under the general supervision of a District employee who possesses a valid certification document pursuant to Education Code 44865 or an emergency credential pursuant to Education Code 44300. Students' independent study shall be coordinated, evaluated, and documented, as prescribed by law and reflected in the accompanying administrative regulation. (Education Code 51747.5)

The minimum period of time for any independent study option shall be three (3) consecutive school days. (Education Code 46300)

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General Independent Study Requirements

For the 2022-23 school year and thereafter, the Superintendent or designee may continue to offer and approve independent study for an individual student upon determining that the student is prepared to meet the District's requirements for participation in independent study and is likely to succeed in independent study as well as or better than the student would in the regular classroom setting.

The minimum instructional minutes shall be the same for all students at each school including students participating in independent study, except as otherwise permitted by law. (Education Code 46100)

Because excessive leniency in the duration of independent study assignments may result in a student falling behind peers and increase the risk of dropping out of school, independent study assignments shall be completed in accordance to contract. However, when necessary, based on the specific circumstances of the student's approved program, the Superintendent or designee may allow for a longer period of time between the date an assignment is made and when it is due.

An evaluation shall be conducted to determine whether it is in a student's best interest to remain in independent study whenever the student fails to make satisfactory educational progress. Evaluation findings shall be kept in the student's file in the independent study office. (Education Code 51747)

Satisfactory educational progress shall be determined based on all of the following indicators: (Education Code 51747)

1. The student's achievement and engagement in the independent study program, as indicated by the student's performance on applicable student-level measures of student achievement and engagement specified in Education Code 52060
2. The completion of assignments, assessments, or other indicators that evidence that the student is working on assignments
3. Learning required concepts, as determined by the supervising teacher

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4. Progress towards successful completion of the course of study or individual course, as determined by the supervising teacher

The Superintendent or designee shall ensure that students participating in independent study are provided with content aligned to grade level standards 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 District for graduation and approved by the University of California (UC) or the California State University (CSU) as creditable under the A-G admissions criteria. (Education Code 51747)

The Superintendent or designee shall ensure that all students participating in independent study for fifteen (15) school days or more receive the following throughout the school year: (Education Code 51747)

1. For students in grades transitional kindergarten, kindergarten, and grades 1 to 3, opportunities for daily synchronous instruction
2. For students in grades 4-8, opportunities for both daily live interaction and at least weekly synchronous instruction
3. For students in grades 9-12, opportunities for at least weekly synchronous instruction

The Superintendent or designee shall ensure that procedures for tiered reengagement strategies are used for all students who are in violation of their written agreement. This requirement only applies to students participating in an independent study program for fifteen (15) school days or more. The procedures shall include, but are not necessarily limited to, all of the following: (Education Code 51747)

1. Not generating attendance for more than ten (10) percent of required minimum instructional time over four (4) continuous weeks of the District's approved instructional calendar
2. Not participating in synchronous instructional offerings pursuant to Education Code 51747.5 for more than fifty (50) percent of the scheduled times of synchronous instruction in a school month as applicable by grade span
3. In violation of their written agreement

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Tiered reengagement strategies procedures used in District independent study programs shall include local programs intended to address chronic absenteeism, as applicable, including but not limited to the following: (Education Code 51747)

1. Verification of current contact information for each enrolled student
2. Notification to parents/guardians of lack of participation within one school day of the recording of a nonattendance day absence or lack of participation
3. A plan for outreach from the school to determine student needs, including connection with health and social services as necessary
4. A clear standard for requiring a student-parent-educator conference to review a student's written agreement and reconsider the independent study program's impact on the student's achievement and well-being

The Superintendent or designee shall, for students who participate in an independent study program for fifteen (15) school days or more, develop a plan to transition students whose families wish to return to in-person instruction from independent study expeditiously, and, in no case, later than five (5) instructional days. This requirement only applies to students participating in an independent study program for fifteen (15) school days or more. (Education Code 51747)

When any student enrolled in classroom-based instruction is participating in independent study due to necessary medical treatment or inpatient treatment for mental health or substance abuse under the care of appropriately licensed professionals, the student shall be exempt from the live interaction and/or synchronous instruction, tiered reengagement strategies, and transition back to in-person instruction requirements specified above. In such cases, evidence from appropriately licensed professionals of the student's need to participate in independent study shall be submitted to the Superintendent or designee. (Education Code 51747)

The Superintendent or designee shall ensure that a written master agreement exists for each participating student as prescribed by law. (Education Code 51747, 51749.5)

Upon the request of the parent/guardian of a student, and before entering into a written agreement as described below in the section "Master Agreement," the District shall

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conduct a telephone, videoconference, or in-person student-parent-educator conference or other meeting during which the student, parent/guardian, and, if requested by the parent/guardian or their advocate, may ask questions about the educational options, including which curriculum offerings and nonacademic supports will be available to the student in independent study. (Education Code 51747)

Master Agreement

A written agreement shall be developed and implemented for each student participating in independent study for three or more consecutive school days. (Education Code 46300, 51747)

For student participation for fifteen (15) school days or more, a signed written agreement shall be obtained before the student begins participating in an independent study. For student participation of less than fifteen (15) school days, a signed written agreement shall be obtained within ten (10) school days of the first day of the student's enrollment in independent study. (Education Code 46300, 51747)

The agreement shall include general student data, including the student's name, address, grade level, birth date, school of enrollment, and program placement.

The independent study agreement for each participating student also shall include, but is not limited to, all of the following: (Education Code 51747; 5 CCR 11700, 11702)

1. The frequency, time, place, and manner for submitting the student's assignments, reporting the student's academic progress, and communicating with a student's parent/guardian regarding the student's academic progress
2. The objectives and methods of study for the student's work and the methods used to evaluate that work
3. The specific resources that will be made available to the student, including materials and personnel, and access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work

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4. A statement of the Board's policy detailing the maximum length of time allowed between an assignment and its completion, the level of satisfactory educational progress, and the number of missed assignments which will trigger an evaluation of whether the student should be allowed to continue in independent study
5. The duration of the independent study agreement, including the beginning and ending dates for the student's participation in independent study under the agreement, with a maximum of one (1) school year
6. 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 student upon completion
7. A statement detailing the academic and other supports that will be provided to address the needs of students who are not performing at grade level, or need support in other areas, such as English learners, students with disabilities with an individualized education program or a Section 504 plan in order to be consistent with their program or plan, students in foster care or experiencing homelessness, and students requiring mental health supports
8. A statement that independent study is an optional educational alternative in which no student may be required to participate
9. In the case of a suspended or expelled student who is referred or assigned to any school, class, or program pursuant to Education Code 48915 or 48917, a statement that instruction may be provided through independent study only if the student is offered the alternative of classroom instruction
10. Before the commencement of independent study projected to last for fifteen (15) school days or more, or within ten (10) school days of the first day of enrollment for independent study for less than fifteen (15) school days, the agreement shall be signed and dated by the student, the student's parent/guardian or caregiver if the student is under 18 years of age, the certificated employee responsible for the general supervision of independent study, for students with disabilities, the certificated employee designated as having responsibility for the special education programming, and all persons who have direct responsibility for providing assistance to the student.

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Written agreements may be signed using an electronic signature that complies with state and federal standards, as determined by the California Department of Education (CDE). (Education Code 51747)

The parent/guardian's signature on the agreement shall constitute permission for the student to receive instruction through independent study.

Student-Parent-Educator Conferences

A student-parent-educator conference shall be held as appropriate including, but not limited to, as a reengagement strategy and/or if requested by a parent/guardian prior to enrollment or disenrollment from independent study. (Education Code 51745.5, 51747, 51749.5)

Records for Audit Purposes

The Superintendent or designee shall ensure that records are maintained for audit purposes. These records shall include, but not be limited to: (Education Code 51748; 5 CCR 11703)

1. A copy of the Board policy, administrative regulation, and other procedures related to independent study
2. A listing of the students, by grade level, program, and school, who have participated in independent study, along with the units of the curriculum attempted and completed by students in grades K-8 and the course credits attempted by and awarded to students in grades 9-12 and adult education
3. A file of all agreements, with representative samples of each student's work products bearing the supervising teacher's signed or initialed and dated notations indicating that the teacher has personally evaluated the work or personally reviewed the evaluations made by another certificated teacher
4. As appropriate to the program in which the students are participating, a daily or hourly attendance register that is separate from classroom attendance records, maintained on a current basis as time values of student work products judged by a certificated teacher, and reviewed by the supervising teacher if they are two different persons

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5. Appropriate documentation of compliance with the teacher-student ratios required by Education Code 51745.6 and 51749.5 (Education Code 51745.6 and 51749.5)
6. Appropriate documentation of compliance with the requirements pursuant to Education Code 51747.5 to ensure the coordination, evaluation, and supervision of the independent study of each student by a District employee who possesses a valid certification document pursuant to Education Code 44865 or an emergency credential pursuant to Education Code 44300 (Education Code 51747.5)

The District shall document each student's participation in live interaction and synchronous instruction pursuant to Education Code 51747 on each school day, as applicable, in whole or in part, for which independent study is provided. A student who does not participate in scheduled live interaction or synchronous instruction shall be documented as nonparticipatory for that school day. (Education Code 51747.5)

The Superintendent or designee shall also maintain a written or computer-based record such as a grade book or summary document of student engagement, for each class, of all grades, assignments, and assessments for each student for independent study assignments. (Education Code 51747.5)

The signed, dated agreement, any supplemental agreements, assignment records, work samples, and attendance records may be maintained as an electronic file in accordance with Education Code 51747 and 51749.6, as applicable.

Program Evaluation

The Superintendent or designee shall annually report to the Board the number of District students participating in independent study, the average daily attendance generated for apportionment purposes, student performance as measured by standard indicators and in comparison to students in classroom-based instruction, and the number and proportion of independent study students who graduate or successfully complete independent study. Based on the program evaluation, the Board and Superintendent shall determine areas for program improvement as needed.

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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. 4th 455

Modesto City Schools v. Education Audits Appeal Panel, (2004) 123 Cal. App.4th

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 – 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

ADOPTED: June 11, 1991
REVISED: November 13, 2000
May 31, 2005
August 7, 2021
May 15, 2023