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**OAKLAND UNIFIED
SCHOOL DISTRICT**
Community Schools, Thriving Students

Board Cover Memorandum

To Board of Education

From Sondra Aguilera, Acting Superintendent
Joshua Daniels, Chief Governance Officer

Meeting Date October 26, 2022

Subject Amendments to Board Policy ~~and Administrative Regulation 6158~~ - Independent Study

Ask of the Board Adoption by the Board of Education of proposed amendments to Board Policy 6158 - Independent Study, ~~and Administrative Regulation 6158~~ - Independent Study, to Align with AB 181

Background Assembly Bill No. 181 (“AB 181”) revised and clarified certain requirements regarding the provision of independent study. School districts must have independent study policies that provide for certain required elements in order to be eligible for independent study apportionment.

Discussion The proposed amendments will make changes to revise and clarify Independent Study requirements, consistent with the changes implemented by AB 181. Provisions impacted by these amendments include:

- Unlike 2021-22, the District is not required to offer independent study.
- The District is required to obtain a signed written agreement for an independent study or course-based independent study program 15 days or more before the beginning of independent study, and for an independent study or course-based program of less than 15 days, within 10 days of the beginning of the first day of the student’s enrollment.
- If a student receives special education and related services and the individualized education program (IEP) team decides the student can receive a free appropriate public education (FAPE) in independent study, “the certificated employee with responsibility for the student’s special education programming” must be a signatory to the written agreement.
- Revised attendance triggers for implementation of tiered reengagement
- The following are not required for students who participate in

independent study due to necessary medical treatments or in-patient treatment for health care or substance abuse, if they are otherwise enrolled in regular classroom instruction and the LEA obtains proof of the need for medical care:

- Tiered reengagement strategies under Ed Code section 51747 (d);
- Daily synchronous instruction for grades TK-3 Ed Code section 51747 (e); and
- Plan to transition back to in-person instruction within five instructional days Ed Code section 51747 (f)
- A temporarily disabled student may not receive individual instruction pursuant to Education Code 48206.3 through independent study. (EC § 51745.5 (d))
- Apportionment credit can now be claimed by the combined time value of pupil work product and pupil participation in synchronous instruction. Procedures for claiming apportionment have been revised to account for this change. (EC § 51745 (b)(1) and (2))

Fiscal Impact

Eligibility of Independent Study apportionment is conditioned upon a school district having policies that comply with certain requirements. Amending the Board Policy and Administrative Regulation will allow the District to be eligible for Independent Study apportionment funding.

Attachment(s)

- Proposed Amendments to Board Policy 6158 - Independent Study (CLEAN)
- Proposed Amendments to Board Policy 6158 - Independent Study (REDLINED)
- ~~Proposed Amendments to Administrative Regulation 6158 - Independent Study (CLEAN)~~
- ~~Proposed Amendments to Administrative Regulation 6158 - Independent Study (REDLINED)~~

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

BP 6158
Instruction

Independent Study

The Governing Board authorizes independent study as an optional alternative instructional strategy for students whose needs may be best met through study outside of the regular classroom setting. 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 independent study on a full time basis or on a part-time basis in conjunction with part- or full-time classroom study.

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 sections 51747, 51749.5, 51749.6)

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 section 44865 or an emergency credential pursuant to Education Code section 44300. Students' independent study shall be coordinated, evaluated, and documented, as prescribed by law and reflected in the accompanying administrative regulation. (Education Code section 51747.5)

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

General Independent Study Requirements

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 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. (Educational Code section 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 no more than one week after assigned for all grade levels and types of programs. 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. However, in no event shall the due date of an assignment be extended beyond the termination date specified in the student's written agreement.

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 and/or misses three assignments. Satisfactory educational progress shall be determined based on all of the following indicators: (Education Code section 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 section 52060.
2. The completion of assignments, assessments, or other indicators that evidence that the student is working on assignments.
3. Learning of required concepts, as determined by the supervising teacher.
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 section 51747)

The Superintendent or designee shall ensure that all students participating in independent study for 15 school days or more receive the following throughout the school year: (Education Code section 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 participating in an independent study program for 15 schooldays or more, who are: (Education Code 51747)

1. Not generating attendance for more than ten percent of required minimum instructional time over four 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 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

Tiered reengagement procedures used in District independent study programs shall include local programs intended to address chronic absenteeism, as applicable, including, but not necessarily limited to, all of the following:(Education Code section 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 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 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 instructional days. (Education Code section 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 agreement exists for each participating student as prescribed by law. (Education Code sections 51747, 51749.5)

Upon the request of the parent/guardian of a student, before signing a written agreement, as described below in the section "Master Agreement," the District shall 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, an 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 section 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 sections 46300, 51747)

For student participation for 15 school days or more, a signed written agreement shall be obtained before the student begins independent study. For student participation of less than 15 school days, a signed written agreement shall be obtained within ten school days of the first day of the student's enrollment. (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 are not limited to, all of the following: (Education Code section 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.
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 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 and 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 section 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 15 school days or more, or within ten school days of the first day of enrollment for independent study for less than 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, and for students with disabilities, the certificated employee designated as having responsibility for the special education programming of the student.

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 section 51747)

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

Course-Based Independent Study

The District's course-based independent study program for students in grades K-12 shall be subject to the following requirements: (Education Code section 51749.5)

1. A signed learning agreement shall be completed and on file for each participating student pursuant to Education Code section 51749.6.
2. Courses shall be taught under the general supervision of certificated employees who hold the appropriate subject matter credential and are employed by the District or by another district, charter school, or county office of education with which the District has a memorandum of understanding to provide the instruction.
3. Courses shall be annually certified by Board resolution to be of the same rigor and educational quality and to provide intellectual challenge that is substantially equivalent to in-person, classroom-based instruction, and shall be aligned to all relevant local and state content standards. For high schools, this shall include access to all courses offered by the District for graduation and approved by the University of California or the California State University as creditable under the A-G admissions criteria. The certification shall, at a minimum, include the duration, number of equivalent daily instructional minutes for each school day that student is enrolled, number of equivalent total instructional minutes, and number of course credits for each course, consistent with that of equivalent classroom-based courses. The certification shall also include plans to provide opportunities throughout the school year, for all students in grades transitional kindergarten, kindergarten, and grades 1-3 to receive daily synchronous instruction, for all students in grades 4-8, to receive both daily live interaction and at least weekly synchronous instruction, and for all students in grades 9-12 to receive at least weekly synchronous instruction.
4. Students enrolled in independent study courses shall meet the applicable age requirements established pursuant to Education Code sections 46300.1, 46300.4, 47612, and 47612.1, and the applicable residency and enrollment requirements established pursuant to Education Code sections 46300.2, 47612, 48204, and 51747.3.
5. For each student participating in an independent study course, satisfactory educational progress shall be determined based on the student's achievement and engagement in the independent study program, as indicated by their performance on applicable

student-level measures of student achievement and student engagement set forth in Education Code section 52060, completion of assignments, assessments, or other indicators that evidence that the student is working on assignments, learning of required concepts, as determined by the supervising teacher, and progress toward successful completion of the course of study or individual course, as determined by the supervising teacher.

If satisfactory educational progress in one or more independent study courses is not being made, the teacher providing instruction shall notify the student and, if the student is under 18 years of age, the student's parent/guardian. The teacher shall conduct an evaluation to determine whether it is in the student's best interest to remain in the course or whether the student should be referred to an alternative program, which may include, but is not limited to, a regular school program. A written record of the evaluation findings shall be treated as a mandatory interim student record maintained for three years from the date of the evaluation. If the student transfers to another California public school, the record shall be forwarded to that school.

Procedures for tiered reengagement strategies shall be used for all students who are not making satisfactory educational progress in one or more courses or who are in violation of the written learning agreement, as described in the section "Learning Agreement for Course-Based Independent Study" below. These procedures shall include, but are not necessarily limited to, the verification of current contact information for each enrolled student, notification to parents/guardians of lack of participation within one school day of the absence or lack of participation, a plan for outreach from the school to determine student needs, including connection with health and social services as necessary, and 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.

6. Examinations shall be administered by a proctor.
7. Statewide testing results shall be reported and assigned to the school at which the student is enrolled and shall be included in the aggregate results of the District. Test results also shall be disaggregated for purposes of comparisons with the test results of students enrolled in classroom-based courses.
8. A student shall not be required to enroll in courses included in the course-based independent study program.
9. The student-teacher ratio in the courses in this program shall meet the requirements of Education Code section 51745.6.

10. For each student, the combined equivalent daily instructional minutes for courses in this program and all other courses shall meet applicable minimum instructional day requirements, and the student shall be offered the minimum annual total equivalent instructional minutes pursuant to Education Code sections 46200-46208.
11. 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.
12. A student participating in this program shall not be assessed a fee that is prohibited by Education Code section 49011.
13. A student shall not be prohibited from participating in independent study solely on the basis that the student does not have the materials, equipment, or access to Internet connectivity necessary to participate in the course.
14. A student with disabilities, as defined in Education Code section 56026, may participate in course-based independent study if the student's individualized education program specifically provides for that participation.
15. A temporarily disabled student shall not receive individual instruction pursuant to Education Code section 48206.3 through course-based independent study.
16. The District shall maintain a plan to transition any student whose family wishes to return to in-person instruction from course-based independent study expeditiously, and, in no case, later than five instructional days.

Learning Agreement for Course-Based Independent Study

Before enrolling a student in a course within a course-based independent study program, the Superintendent or designee shall provide the student and, if the student is under age 18 years, the student's parent/guardian with a written learning agreement that includes all of the following: (Education Code section 51749.6)

1. A summary of the District's policies and procedures related to course-based independent study pursuant to Education Code section 51749.5.
2. The duration of the enrolled course(s) and the number of course credits for each enrolled course, consistent with the Board certifications made pursuant to item #3 in the Course- Based Independent Study section above.
3. The duration of the learning agreement, which shall not exceed a school year or span multiple school years.

4. 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 student evaluation is required to determine whether the student should remain in the course or be referred to an alternative program, which may include, but is not limited to, a regular school program.
5. 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.
6. 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.
7. A statement that enrollment is an optional educational alternative in which no student may be required to participate. In the case of a student who is suspended or expelled, or 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 may be provided to the student through course-based independent study only if the student is offered the alternative of classroom instruction.
8. The manner, time, frequency, and place for submitting a student's assignments, for reporting the student's academic progress, and for communicating with a student's parent/guardian regarding a student's academic progress.
9. The objectives and methods of study for the student's work, and the methods used to evaluate that work.
10. A statement of the adopted policies regarding the maximum length of time allowed between the assignment and the completion of a student's assigned work, the level of satisfactory educational progress, and the number of missed assignments allowed before an evaluation of whether the student should be allowed to continue in course based independent study.
11. A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the learning agreement, to be earned by the student upon completion.
12. Before the commencement of an independent study course projected to last for 15 school days or more, or within ten school days of the first day or enrollment for an independent study course projected to last less than 15 school days, the learning

agreement shall be signed and dated by the student, and by the student's parent/guardian or caregiver if the student is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of the independent study course, and as applicable for students with disabilities, the certificated employee designated as having responsibility for the special education programming of the student. For purposes of this paragraph "caregiver" means a person who has met the requirements of Family Code 6550-6552.

Learning agreements may be signed using an electronic signature that complies with state and federal standards, as determined by CDE. (Education Code section 51749.6)

A signed learning agreement from a parent/guardian of a student who is less than 18 years of age shall constitute the parent/guardian's permission for the student to receive instruction through course-based independent study. (Education Code section 51749.6)

Upon the request of a student's parent/guardian, and before signing a learning agreement as described above, the district shall 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, an 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 51749.6)

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 sections 51745.5, 51747, 51749.5)

Records

The Superintendent or designee shall ensure that records are maintained for audit purposes.

These records shall include, but not be limited to: (Education Code section 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.
5. Appropriate documentation of compliance with the teacher-student ratios required by Education Code sections 51745.6 and 51749.5.
6. Appropriate documentation of compliance with the requirements pursuant to Education Code section 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 section 44865 or an emergency credential pursuant to Education Code section 44300 (Education Code section 51747.5)

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

Signed written and supplemental agreements, assignment records, work samples, and attendance records may be maintained as an electronic file in accordance with Education Code section 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.

The effective date of this Policy is August 8, 2022.

7/14/04; 8/11/21A; 10/26/22

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

BP 6158
Instruction

Independent Study

The Governing Board authorizes independent study as an optional alternative instructional strategy for students whose needs may be best met through study outside of the regular classroom setting. 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 independent study on a full time basis or on a part-time basis 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)

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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.

~~(cf. 0420.4 - Charter School Authorization)~~
~~(cf. 6181 - Alternative Schools/Programs of Choice)~~

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

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 section 44865 or an emergency credential pursuant to Education Code section 44300. Students' independent study shall be coordinated, evaluated, and documented, as prescribed by law and reflected in the accompanying administrative regulation. (Education Code section 51747.5)

The minimum period of time for any independent study option shall be three consecutive

school days. (Education Code section 46300)

General Independent Study Requirements

~~For the 2021-22 school year, the District shall offer independent study, as specified in Education Code section 51745, to meet the educational needs of students unless the District has obtained a waiver.~~

~~For the 2022-23 school year and thereafter, t~~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 independent study participation and is likely to succeed in independent study as well as or better than the student would in the regular classroom setting.

~~(cf. 5147 – Dropout Prevention)(cf. 6011 – Academic Standards)(cf. 6143 – Courses of Study)(cf. 6146.1 – High School Graduation Requirements)(cf. 6146.11 – Alternative Credits Toward Graduation)(cf. 6172 – Gifted and Talented Student Program)(cf. 6200 – Adult Education)~~

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. (Educational Code section 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 no more than one week after assigned for all grade levels and types of programs. ~~However, w~~When necessary based on the specific circumstances of ~~the~~a 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. ~~up to~~ However, in no event shall the due date of an assignment be extended beyond the termination date specified in the student's written of the agreement.

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 and/or misses three assignments. Satisfactory educational progress shall be determined based on all of the following indicators: (Education Code section 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 section 52060.

2. The completion of assignments, assessments, or other indicators that evidence that the student is working on assignments.

3. Learning of required concepts, as determined by the supervising teacher.

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 section 51747)

The Superintendent or designee shall ensure that all students participating in independent study for 15 school days or more receive the following throughout the school year: (Education Code section 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 do not attend more than three school days or 60 percent of the instructional days in a school week, or who are in violation of their written agreement. This requirement only applies to students~~ participating in an independent study program for 15 school days or more, who are:- (Education Code 51747)

1. Not generating attendance for more than ten percent of required minimum instructional time over four 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 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

Tiered reengagement ~~The~~ procedures used in District independent study programs shall

include local programs intended to address chronic absenteeism, as applicable, including, but ~~are~~ not necessarily limited to, all of the following: (Education Code section 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 ~~absence recording of a nonattendance day~~ 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 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 instructional days. ~~This requirement only applies to students participating in an independent study program for 15 school days or more.~~ (Education Code section 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 sections 51747, 51749.5)

~~The District shall provide written notice to the parents/guardians of all enrolled students of the option to enroll their child in in-person instruction or independent study during the 2021-22 school year. This notice shall be posted on the District's website and shall include, at a minimum, information about the right to request a student-parent-educator conference before enrollment, student rights regarding procedures for enrolling, disenrolling, and re-enrolling in independent study, and the instructional time, including synchronous and asynchronous learning, that a student will have access to as part of independent study. (Education Code section 51747)~~

Upon the request of the parent/guardian of a student, before ~~making a decision about enrolling or disenrolling in independent study and entering into~~ signing a written agreement

~~to do so, as described below in the section "Master Agreement," the District shall offer~~ 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 section 51747)

Master Agreement

~~For the 2021-22 school year only, the District shall obtain a signed written agreement for independent study no later than 30 days after the first day of instruction.~~

A written agreement shall be developed and implemented for each student participating in independent study for three or more consecutive school days. (Education Code sections 46300, 51747; ~~5 CCR 11703~~)

For student participation for 15 school days or more, a signed written agreement shall be obtained before the student begins independent study. For student participation of less than 15 school days, a signed written agreement shall be obtained within ten school days of the first day of the student's enrollment. (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.

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The independent study agreement for each participating student also shall include, but are not limited to, all of the following: (Education Code section 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.
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 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 and 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 section 48915 or 48917, a statement that instruction may be provided through independent study only if the student is offered the alternative of classroom instruction.

(cf. 5144.1 – Suspension and Expulsion/Due Process)

10. Before the commencement of independent study projected to last 15 school days or more, or within ten school days of the first day of enrollment for independent study for less than 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 ~~age~~ 18 years of age, the certificated employee responsible for the general supervision of independent study, and ~~all persons who have direct for students with disabilities, the certificated employee designated as having~~ responsibility for ~~providing assistance~~ the special education programming of the student.

~~However, for the 2021-22 school year, the District shall obtain a signed written agreement for independent study from the student, or the student's parent/guardian if the student 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 days after the first day of instruction.~~

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 section 51747)

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

Course-Based Independent Study

The District's course-based independent study program for students in grades K-12 shall be subject to the following requirements: (Education Code section 51749.5)

1. A signed learning agreement shall be completed and on file for each participating student pursuant to Education Code section 51749.6.
2. Courses shall be taught under the general supervision of certificated employees who hold the appropriate subject matter credential and are employed by the District or by another district, charter school, or county office of education with which the District has a memorandum of understanding to provide the instruction.

~~(cf. 4112.2 – Certification)~~

3. Courses shall be annually certified by Board resolution to be of the same rigor and educational quality and to provide intellectual challenge that is substantially equivalent to in-person, classroom-based instruction, and shall be aligned to all relevant local and state content standards. For high schools, this shall include access to all courses offered by the District for graduation and approved by the University of California or the California State University as creditable under the A-G admissions criteria. The certification shall, at a minimum, include the duration, number of equivalent daily instructional minutes for each school day that student is enrolled, number of equivalent total instructional minutes, and number of course credits for each course, consistent with that of equivalent classroom-based courses. The certification shall also include plans to provide opportunities throughout the school year, for all ~~for~~ students in grades transitional kindergarten, kindergarten, and grades 1-3 to receive daily synchronous instruction, for all students in grades 4-8, to receive both daily live interaction and at least weekly synchronous instruction, and for all students in grades 9-12 to receive at least weekly synchronous instruction.
4. Students enrolled in independent study courses shall meet the applicable age requirements established pursuant to Education Code sections 46300.1, 46300.4, 47612, and 47612.1, and the applicable residency and enrollment requirements established pursuant to Education Code sections 46300.2, 47612, 48204, and 51747.3.
5. For each student participating in an independent study course, satisfactory educational progress shall be determined based on the student's achievement and engagement in the independent study program, as indicated by their performance on applicable student-level measures of student achievement and student engagement set forth in

Education Code section 52060, completion of assignments, assessments, or other indicators that evidence that the student is working on assignments, learning of required concepts, as determined by the supervising teacher, and progress toward successful completion of the course of study or individual course, as determined by the supervising teacher.

If satisfactory educational progress in ~~one or more~~ independent study ~~courses~~class is not being made, the teacher ~~teacher providing instruction~~ shall notify the student and, if the student is under ~~age~~-18 years ~~of age~~, the student's parent/guardian. The teacher shall conduct an evaluation to determine whether it is in the student's best interest to remain in the course or whether the student should be referred to an alternative program, which may include, but is not limited to, a regular school program. A written record of the evaluation findings shall be ~~treated as~~ a mandatory interim student record maintained for three years from the date of the evaluation. If the student transfers_ to another California public school, the record shall be forwarded to that school.

Procedures for tiered reengagement strategies shall be used for all students who are not making satisfactory educational progress in one or more courses or who are in violation of the written learning agreement, as described in the section "Learning Agreement for Course-Based Independent Study" below. These procedures shall include, but are not necessarily limited to, the verification of current contact information for each enrolled student, notification to parents/guardians of lack of participation within one school day of the absence or lack of participation, a plan for outreach from the school to determine student needs, including connection with health and social services as necessary, and 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.

~~(cf. 5125 – Student Records)~~

6. Examinations shall be administered by a proctor.
7. Statewide testing results shall be reported and assigned to the school at which the student is enrolled and shall be included in the aggregate results of the District. Test results also shall be disaggregated for purposes of comparisons with the test results of students enrolled in classroom-based courses.

~~(cf. 6162.51 – State Academic Achievement Tests)~~

8. A student shall not be required to enroll in courses included in the course-based independent study program.

9. The student-teacher ratio in the courses in this program shall meet the requirements of Education Code section 51745.6.

10. For each student, the combined equivalent daily instructional minutes for courses in this program and all other courses shall meet applicable minimum instructional day requirements, and the student shall be offered the minimum annual total equivalent instructional minutes pursuant to Education Code sections 46200-46208.

~~(cf. 6111 – School Calendar)(cf. 6112 – School Day)~~

11. 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.

12. A student participating in this program shall not be assessed a fee that is prohibited by Education Code section 49011.

~~(cf. 3260 – Fees and Charges)~~

13. A student shall not be prohibited from participating in independent study solely on the basis that the student does not have the materials, equipment, or access to Internet connectivity necessary to participate in the course.

14. A student with disabilities, as defined in Education Code section 56026, ~~shall may not~~ participate in course-based independent study ~~if, unless~~ the student's individualized education program specifically provides for that participation.

15. A temporarily disabled student shall not receive individual instruction pursuant to Education Code section 48206.3 through course-based independent study.

16. The District shall maintain a plan to transition any student whose family wishes to return to in-person instruction from course-based independent study expeditiously, and, in no case, later than five instructional days.

Learning Agreement for Course-Based Independent Study

Before enrolling a student in a course within ~~a course-based independent study~~ ~~this~~ program, the Superintendent or designee shall provide the student and, if the student is under age 18 years, the student's parent/guardian with a written learning agreement that includes all of the following: (Education Code section 51749.6)

1. A summary of the District's policies and procedures related to course-based independent study pursuant to Education Code section 51749.5.

2. The duration of the enrolled course(s) and the number of course credits for each enrolled course, consistent with the Board certifications made pursuant to item #~~32~~ in the Course- Based Independent Study section above.
3. The duration of the learning agreement, which shall not exceed a school year or span multiple school years.
4. 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 student evaluation is required to determine whether the student should remain in the course or be referred to an alternative program, which may include, but is not limited to, a regular school program.
5. 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.
6. 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.
7. A statement that enrollment is an optional educational alternative in which no student may be required to participate. In the case of a student who is suspended or expelled, or 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 may be provided to the student through course-based independent study only if the student is offered the alternative of classroom instruction.
8. The manner, time, frequency, and place for submitting a student's assignments, for reporting the student's academic progress, and for communicating with a student's parent/guardian regarding a student's academic progress.
9. The objectives and methods of study for the student's work, and the methods used to evaluate that work.
10. A statement of the adopted policies regarding the maximum length of time allowed between the assignment and the completion of a student's assigned work, the level of satisfactory educational progress, and the number of missed assignments allowed before an evaluation of whether the student should be allowed to continue in course based independent study.

11. A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the learning agreement, to be earned by the student upon completion.

12. Before the commencement of an independent study course projected to last for 15 school days or more, or within ten school days of the first day of enrollment for an independent study course projected to last less than 15 school days, the learning agreement shall be signed and dated by the student, and by the student's parent/guardian or caregiver, if the student is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of the independent study course, and ~~all persons who have direct responsibility for providing assistance~~ as applicable for students with disabilities, the certificated employee designated as having responsibility for the special education programming of ~~to~~ the student. For purposes of this paragraph "caregiver" means a person who has met the requirements of Family Code 6550-6552.

~~However, for the 2021-22 school year only, the District shall obtain a signed written agreement for independent study from the student, or the student's parent/guardian if the student is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of the independent study course, and all persons who have direct responsibility for providing assistance to the pupil no later than 30 days after the first day of instruction.~~

~~Written Learning~~ agreements may be signed using an electronic signature that complies with state and federal standards, as determined by ~~the~~ CDE. (Education Code section 51749.6)

~~The student's or parent/guardian's signature~~ A signed learning agreement from a parent/guardian of a student who is less than 18 years of age shall constitute the parent/guardian's permission for the student to receive instruction through course-based independent study. (Education Code section 51749.6)

Upon the request of a student's parent/guardian, and before signing a learning agreement as described above, the district shall 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, an 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 51749.6)

~~The Superintendent or designee shall retain a physical or electronic copy of the signed learning agreement for at least three years and as appropriate for auditing purposes. (Education Code section 51749.6)~~

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 sections 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 section 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.
5. Appropriate documentation of compliance with the teacher-student ratios required by Education Code sections 51745.6 and 51749.5.
6. Appropriate documentation of compliance with the requirements pursuant to Education Code section 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 section 44865 or an emergency credential pursuant to Education Code section 44300 (Education Code section 51747.5)

The District shall document each student's participation in live interaction and synchronous instruction pursuant to Education Code section 51747 on each school day, as applicable, in

whole or in part, for which live interaction or synchronous instruction is provided as part of the independent study program is provided. A student who does not participate in scheduled live interaction or synchronous instructional independent study on a school day shall be documented as nonparticipatory for that school day. (Education Code section 51747.5)

The Superintendent or designee ~~also~~ 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 section 51747.5)

(cf. 3580 – District Records)

~~The signed, dated agreement, any signed written and supplemental agreements, assignment records, work samples, and attendance records may be maintained as an electronic file in accordance with on file electronically.~~ (Education Code section 51747 and 15749.6, 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.

(cf. 0500 – Accountability)

(cf. 5121 – Grades/Evaluation of Student Achievement)(cf. 6162.5 – Student Assessment)

The effective date of this Policy is August 89, 2022~~1~~.

Legal Reference:

EDUCATION CODE

~~17289 Exemption for~~

~~facilities 41020 Audit~~

~~guidelines~~

~~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 and teachers in special classes and~~

~~schools 46200-46208 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 Independent study in charter schools 48204 Residency 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 Requirements for high school graduation 51745-51749.6 Independent study programs 52060 Local control and accountability plan 52522 Adult education alternative instructional delivery 52523 Adult education as supplement to high school curriculum; criteria 56026 Individuals with exceptional needs 58500-58512 Alternative schools and programs of choice FAMILY CODE 6550-6552 Authorization affidavits CODE OF REGULATIONS, TITLE 5 11700-11703 Independent study UNITED STATES CODE, TITLE 20 6301 Highly qualified teachers 6311 State plans COURT DECISIONS Modesto City Schools v. Education Audits Appeal Panel, (2004) 123 Cal.App.4th 1365 Management Resources: CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS Elements of Exemplary Independent Study California Digital Learning Integration and Standards Guidance, April 2021 EDUCATION AUDIT APPEALS PANEL PUBLICATIONS Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting WEBSITES California Consortium for Independent Study: <http://www.ccis.org> California Department of Education, Independent Study: <http://www.cde.ca.gov/sp/eo/is> Education Audit Appeals Panel: <http://www.eaap.ca.gov>

7/14/04; 8/11/21A; 10/26/22

~~OAKLAND UNIFIED SCHOOL DISTRICT~~
~~Administrative Regulation~~

~~AR 6158~~
~~Independent Study~~

~~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 section 51745.5)~~

~~Student-parent-educator conference means a meeting involving, at a minimum, all parties who signed the student's written independent study agreement pursuant to Education Code section 51747 or the written learning agreement pursuant to Education Code section 51749.6. (Education Code section 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 of record for that student pursuant to Education Code section 51747.5 or the certificated employee providing instruction for course-based independent study. (Education Code section 51745.5)~~

~~Educational Opportunities~~

~~Educational opportunities offered through independent study may include, but are not limited to: (Education Code section 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. Continuing and special study during travel.~~
- ~~4. Volunteer community service activities and leadership opportunities that support and strengthen student achievement.~~
- ~~5. Individualized study for a student whose health, as determined by the student's 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 section 51745)~~

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)~~

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

Eligibility for Independent Study

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

~~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 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 section 48204. (Education Code sections 46300.2, 51747.3)~~

~~A student with disabilities, as defined in Education Code section 56026, shall not participate in independent study unless 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 section 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 section 48206.3 through independent study. (Education Code section 51745)~~

~~Except for students participating in independent study due to an emergency as described in Education Code sections 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 section 51745)~~

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.~~
- ~~2. A 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.~~

~~When the student has failed to make satisfactory educational progress or missed the number of assignments specified in the written agreement as requiring an evaluation, the Superintendent or designee shall conduct an evaluation to determine whether independent study is in the student's best interests. 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. (Education 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)~~

~~**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 section 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 section 44865 or emergency credential pursuant to Education Code section 44300, registered as required by law, and who consents to the assignment. (Education Code sections 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 that indicates an existing collective bargaining agreement contains an alternative ratio. (Education Code section 51745.6)~~

~~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" 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 section 51747 on each school day, as applicable, in whole or in part, for which live interaction or synchronous instruction is provided as part of the independent study program.~~

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

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

5 CCR 11700-11705
Ed. Code 17289
Ed. Code 41020
Ed. Code 41422
Ed. Code 42238
Ed. Code 42238.05

Description

Independent study
Exemption for facilities
Requirement for annual audit
Emergency conditions and apportionments
Revenue limits
Local control funding formula; average daily attendance

Ed. Code 44865	Qualifications for independent study teachers
Ed. Code 46100	Length of school day
Ed. Code 46200-46208	Incentives for longer instructional day and year
Ed. Code 46300-46307.1	Methods of computing average daily attendance
Ed. Code 46390-46393	Emergency average daily attendance
Ed. Code 46600	Interdistrict attendance computation
Ed. Code 47612-47612.1	Charter School Operation
Ed. Code 47612.5	Charter schools operations; general requirements
Ed. Code 48204	Residency requirements for school attendance
Ed. Code 48206.3	Home or hospital instruction; students with temporary disabilities
Ed. Code 48220	Classes of children exempted
Ed. Code 48340	Improvement of pupil attendance
Ed. Code 48915	Expulsion; particular circumstances
Ed. Code 48916.1	Educational program requirements for expelled students
Ed. Code 48917	Suspension of expulsion order
Ed. Code 49011	Student fees
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51744-51749.6	Independent study
Ed. Code 52060	Local Control and Accountability Plan
Ed. Code 52523	Adult education as supplement to high school curriculum; criteria
Ed. Code 56026	Individual with exceptional needs
Ed. Code 58500-58512	Alternative schools and programs of choice
Fam. Code 6550-6552	Caregivers
Federal	Description
20- USC 6301	Highly qualified teachers
20- USC 6311	State plan
Management Resources	Description
California Department of Education Publication	Legal Requirements for Independent Study
California Department of Education Publication	Conducting Individualized Determinations of Need
California Department of Education Publication	2021-22 AA & IT Independent Study FAQs
California Department of Education Publication	California Digital Learning Integration and Standards Guidance, May 2021
California Department of Education Publication	Elements of Exemplary Independent Study
Court Decision	Modesto City Schools v. Education Audits Appeal Panel (2004) 123 Cal.App.4th 1365
Education Audit Appeals Panel Publication	Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting
Website	CSBA District and County Office of Education Legal Services
Website	California Consortium for Independent Study
Website	California Department of Education, Independent Study
Website	Education Audit Appeals Panel
Cross-References	Description
0410	Nondiscrimination In District Programs And Activities
0420.4	Charter School Authorization
0420.4	Charter School Authorization
0470	COVID-19 Mitigation Plan
0500	Accountability
3260	Fees And Charges
3260	Fees And Charges
3516.5	Emergency Schedules
3580	District Records
3580	District Records

4112.2	<u>Certification</u>
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4131	<u>Staff Development</u>
5111.1	<u>District Residency</u>
5111.1	<u>District Residency</u>
5112.3	<u>Student Leave Of Absence</u>
5112.3	<u>Student Leave Of Absence</u>
5113	<u>Absences And Excuses</u>
5113	<u>Absences And Excuses</u>
5113.1	<u>Chronic Absence And Truancy</u>
5113.1	<u>Chronic Absence And Truancy</u>
5121	<u>Grades/Evaluation Of Student Achievement</u>
5121	<u>Grades/Evaluation Of Student Achievement</u>
5125	<u>Student Records</u>
5125	<u>Student Records</u>
5126	<u>Awards For Achievement</u>
5126	<u>Awards For Achievement</u>
5141.22	<u>Infectious Diseases</u>
5141.22	<u>Infectious Diseases</u>
5141.31	<u>Immunizations</u>
5141.31	<u>Immunizations</u>
5144.1	<u>Suspension And Expulsion/Due Process</u>
5144.1	<u>Suspension And Expulsion/Due Process</u>
5146	<u>Married/Pregnant/Parenting Students</u>
5147	<u>Dropout Prevention</u>
6000	<u>Concepts And Roles</u>
6011	<u>Academic Standards</u>
6111	<u>School Calendar</u>
6112	<u>School Day</u>
6112	<u>School Day</u>
6142.4	<u>Service Learning/Community Service Classes</u>
6143	<u>Courses Of Study</u>
6143	<u>Courses Of Study</u>
6146.1	<u>High School Graduation Requirements</u>
6146.11	<u>Alternative Credits Toward Graduation</u>
6146.11	<u>Alternative Credits Toward Graduation</u>
6152	<u>Class Assignment</u>
6159	<u>Individualized Education Program</u>
6159	<u>Individualized Education Program</u>
6162.5	<u>Student Assessment</u>
6162.51	<u>State Academic Achievement Tests</u>
6162.51	<u>State Academic Achievement Tests</u>
6164.5	<u>Student Success Teams</u>
6164.5	<u>Student Success Teams</u>
6172	<u>Gifted And Talented Student Program</u>
6172	<u>Gifted And Talented Student Program</u>
6181	<u>Alternative Schools/Programs Of Choice</u>
6181	<u>Alternative Schools/Programs Of Choice</u>
6183	<u>Home And Hospital Instruction</u>
6184	<u>Continuation Education</u>
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Adult Education
Adult Education

~~7/14/04; 8/6/21A; 12/16/21A; 10/26/2022~~

OAKLAND UNIFIED SCHOOL DISTRICT
Administrative Regulation

AR 6158
Independent Study

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 section 51745.5)

~~Student-parent-educator conference~~ means a meeting involving, at a minimum, all parties who signed the student's written independent study agreement pursuant to Education Code section 51747 or the written learning agreement pursuant to Education Code section 51749.6. (Education Code section 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 of record for that student pursuant to Education Code section 51747.5 or the certificated employee providing instruction for course-based independent study. (Education Code section 51745.5)

Educational Opportunities

~~For the 2021-22 school year, the District shall offer independent study to meet the educational needs of students as specified in Education Code section 51745 unless the District has obtained a waiver.~~

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

- ~~1. Special assignments extending the content of regular courses of instruction.~~

~~(cf. 6143 – Courses of Study)~~

- ~~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.~~

~~43. Continuing and special study during travel.~~

~~(cf. 5112.3 – Student Leave of Absence)~~

~~54. Volunteer community service activities and leadership opportunities that support and strengthen student achievement.~~

~~65. Individualized study for a student whose health, as determined by the student's parent/guardian, would be put at risk by in-person instruction or for a study 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.~~

~~(cf. 0420.4 – Charter School Authorization)~~

~~(cf. 6142.4 – Service Learning/Community Service Classes)~~

~~(cf. 6181 – Alternative Schools/Programs of Choice)~~

~~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.~~

~~(cf. 5113 – Absences and Excuses)~~

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

~~(cf. 6146.1 – High School Graduation Requirements)~~

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)~~

~~(cf. 0410 – Nondiscrimination in District Programs and Activities)~~

~~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 section 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 access to Internet connectivity and ~~local educational agency~~District-owned devices~~

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

Eligibility for Independent Study

~~Students are eligible for To participate in independent study as authorized in law, a student shall be enrolled in a District school. (Education Code section 51748) and as specified in board policy and administrative regulation.~~

~~For the 2022-23 school year and thereafter, t~~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 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 section 48204. (Education Code sections 46300.2, 51747.3)

(cf. 5111.1 – District Residency)

~~A student with disabilities, as defined in Education Code section 56026, shall not participate in independent study unless 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 section 51745)~~

(cf. 6159 – Individualized Education Program)

~~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 section 48206.3 ~~by means of through~~ independent study. (Education Code section 51745)

~~(cf. 6183 – Home and Hospital Instruction)~~

~~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 section 51225.3 or the Governing Board. (Education Code sections 46300.1, 46300.4)~~

~~(cf. 6200 – Adult Education)~~

~~Except for students participating in independent study due to an emergency as described in Education Code sections 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, not including pregnant students and parenting students who are primary caregivers for one or more of their children, shall be enrolled in independent study. (Education Code section 51745)~~

~~(cf. 5146 – Married/Pregnant/Parenting Students)~~

~~(cf. 6184 – Continuation Education)~~

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.~~
- ~~2. A 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.~~

When the student has failed to make satisfactory educational progress or missed the number of assignments specified in the written agreement as requiring an evaluation, the Superintendent or designee shall conduct an evaluation to determine whether ~~or not~~ independent study is ~~appropriate for in~~ the student's best interests. This evaluation may result in ~~termination of the independent study agreement and the student's return to the regular~~

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~~classroom program or other alternative program. (Education 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, (Education Code section 51747), and if the student transfers to another public school in California, the record shall be forwarded to that school. (Education Code 51747, 51749.5)~~

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 section 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 section 44865 or emergency credential pursuant to Education Code section 44300, registered as required by law, and who consents to the assignment. (Education Code sections 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 that indicates an existing collective bargaining agreement contains an alternative ratio. (Education~~

Code section 51745.6)

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 Purpose" 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 section 51747 on each school day, as applicable, in whole or in part, for which live interaction or synchronous instruction is provided as part of the independent study program is provided.~~

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

(cf. 4131 – Staff Development)

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

5-CCR-11700-11705

Ed. Code 17289

Ed. Code 41020

Ed. Code 41422

Ed. Code 42238

Ed. Code 42238.05

Ed. Code 44865

Ed. Code 46100

Description

Independent study

Exemption for facilities

Requirement for annual audit

Emergency conditions and apportionments

Revenue limits

Local control funding formula; average daily attendance

Qualifications for independent study teachers

Length of school day

<u>Ed.-Code 46200-46208</u>	<u>Incentives for longer instructional day and year</u>
<u>Ed.-Code 46300-46307.1</u>	<u>Methods of computing average daily attendance</u>
<u>Ed.-Code 46390-46393</u>	<u>Emergency average daily attendance</u>
<u>Ed.-Code 46600</u>	<u>Interdistrict attendance computation</u>
<u>Ed.-Code 47612-47612.1</u>	<u>Charter School Operation</u>
<u>Ed.-Code 47612.5</u>	<u>Charter schools operations; general requirements</u>
<u>Ed.-Code 48204</u>	<u>Residency requirements for school attendance</u>
<u>Ed.-Code 48206.3</u>	<u>Home or hospital instruction; students with temporary disabilities</u>
<u>Ed.-Code 48220</u>	<u>Classes of children exempted</u>
<u>Ed.-Code 48340</u>	<u>Improvement of pupil attendance</u>
<u>Ed.-Code 48915</u>	<u>Expulsion; particular circumstances</u>
<u>Ed.-Code 48916.1</u>	<u>Educational program requirements for expelled students</u>
<u>Ed.-Code 48917</u>	<u>Suspension of expulsion order</u>
<u>Ed.-Code 49011</u>	<u>Student fees</u>
<u>Ed.-Code 51225.3</u>	<u>High school graduation requirements</u>
<u>Ed.-Code 51744-51749.6</u>	<u>Independent study</u>
<u>Ed.-Code 52060</u>	<u>Local Control and Accountability Plan</u>
<u>Ed.-Code 52523</u>	<u>Adult education as supplement to high school curriculum; criteria</u>
<u>Ed.-Code 56026</u>	<u>Individual with exceptional needs</u>
<u>Ed.-Code 58500-58512</u>	<u>Alternative schools and programs of choice</u>
<u>Fam.-Code 6550-6552</u>	<u>Caregivers</u>
Federal	Description
<u>20 USC 6301</u>	<u>Highly qualified teachers</u>
<u>20 USC 6311</u>	<u>State plan</u>
Management Resources	Description
<u>California Department of Education Publication</u>	<u>Legal Requirements for Independent Study</u>
<u>California Department of Education Publication</u>	<u>Conducting Individualized Determinations of Need</u>
<u>California Department of Education Publication</u>	<u>2021-22 AA & IT Independent Study FAQs</u>
<u>California Department of Education Publication</u>	<u>California Digital Learning Integration and Standards Guidance, May 2021</u>
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<u>Court Decision</u>	<u>Modesto City Schools v. Education Audits Appeal Panel (2004) 123 Cal.App.4th 1365</u>
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<u>Website</u>	<u>Education Audit Appeals Panel</u>
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<u>0420.4</u>	<u>Charter School Authorization</u>
<u>0470</u>	<u>COVID-19 Mitigation Plan</u>
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<u>4112.2</u>	<u>Certification</u>

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