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Maximizing ADA & Maintaining Compliance With Independent Study



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MANUAL



California **A**ssociation of **S**chool **B**usiness **O**fficials

Maximizing ADA & Maintaining Compliance With Independent Study

2020

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Preface

This manual is designed to serve as a quick reference tool about key compliance requirements for independent study, with special attention to short-term applications. Educational agencies should be knowledgeable of laws pertaining to independent study to facilitate a quality educational program and state compliance. There should be no short-cut method to implementing and operating independent study. Each agency should adopt and implement procedures and best practices that meet the needs of their schools and the students that they serve.

Independent study should be designed to provide each pupil with an educational alternative to classroom-based instruction and flexibility with class scheduling. Educational agencies are encouraged to place each pupil's academic needs first when operating an independent study program.

The sample forms, charts, and other resources provided in this manual are not prescriptive. They have been designed to encompass and clarify the many legal requirements that are *"a condition of apportionment"* and to simplify the accounting and paperwork processes.

We appreciate your participation in today's workshop and hope the information provided is helpful.

Workshop Outline

Introduction
- Statutory Differences
- Voluntary Participation
- Independent Study Agreement Length

Compliance Guidelines
- Board Policy/ Regulations
- Independent study Agreement

Criteria for Participation

Internal Audit Functions

Resources & Sample Forms

Legal Citations
- Education Code Sections
- CCR—California Code of Regulations

Review of Resources/Sample Procedures



Workshop Objectives

- Inform participants about legal compliance requirements and issues affecting independent study
- Provide tools to assess legal compliance
- Present framework for operating a successful independent study program
- Provide learning environment for group interaction/sharing of information
- Outline Criteria for Participation in an Independent Study Program
- Provide Internal Audit guidelines
- Legal references

Abbreviations and Acronyms Used in This Manual

§	Section
ADA	Average Daily Attendance
AR	Administrative Regulation
ANNUAL	Annual Attendance Report—-July1 through June 30
BP	Board Policy
CBIS	Course Based Independent Study
CCR	California Code of Regulations
CDE	California Department of Education
CDS	County-District-School identification code
CIF	California Interscholastic Federation
COE	County Office of Education
CSBA	California School Boards Association
DOF	Department of Finance
EAAP	Education Audit Appeals Panel
EC	Education Code
FTE	Full-time equivalent
FY	Fiscal Year
IEP	Individualized Education Plan
I/S	Independent Study
LCFF	Local Control Funding Formula
LEA	Local Education Agency
NCLB	No Child Left Behind (Act)
NSS	Necessary Small School
P-1	Period One Attendance Report—full attendance month through December 31
P-2	Period Two Attendance Report—full attendance month through April 15
SBE	State Board of Education
SELPA	Special Education Local Plan Area

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Section One:
Introduction

Independent study is an optional educational alternative to classroom instruction, available to pupils from kindergarten through high school, and adult, which is meant to respond to the student's specific educational needs, interests, aptitudes, and abilities within the confines of school board policy. As a recognized alternative to regular classroom study, *the independent study program is expected to be equal or superior in quality to classroom instruction*.

Statutory Differences

- Short-term independent study does not exist as a separate entity in the law.
  - The rules are the same whether one day, one semester, or one school year, except for two laws specific to full-time independent study :
    - ADA-to-teacher ratios (*Education Code* Section 51745.6), and
    - Interdistrict parent employment; cannot be on full time independent study while on this type of transfer (*Education Code* Section 51747.3(c); 48204(b)),
- Districts operating temporary (short-term) independent study must comply with all independent study laws
  - A single noncompliance may result in funding loss,
  - Omission of required language in board policies and/or the independent study agreement may result in loss of part or all of state funds claimed for student attendance through independent study

Voluntary — Can't Require Participation

Independent study is a voluntary optional alternative instructional strategy to the regular classroom setting in which no student may be coerced or required to participate.

- "A pupil's…choice to commence, or to continue in independent study must not be coerced…" *Education Code* Section 51747(c)(7),
- School officials cannot pressure parents into placing their children on independent study.

Work assignments must be consistent with the District adopted curriculum.



Helpful Hint:
Laws pertaining to independent study are the same, whether short or long term.

Q: Is it okay if we just take all students who are sick and put them on independent study? We no longer get paid for them.

A: *Independent Study is voluntary and all rules and contractual requirements must be followed. An independent study agreement can never be retroactive and may only commence after all required parties have read, signed and dated the agreement. Under no circumstance can an agreement be made "after the fact" to allow a student's completed work to be counted as apportionment attendance. For apportionment purposes, independent study can be for no less than five consecutive school days and no more than one school year. In terms of academic credit and local board policies, independent study may be offered for less than five consecutive school days, but no apportionment can be claimed. The minimum five schooldays rule does not apply to charter schools.*

- LEAs cannot simply have the student document his/her vacation experience.
- The course of study offered to the student must be equal, both in quality and quantity, to his/her regular classroom instruction (*5 CCR* Section 11701.5).

Avoid Illegal Agreements and Policies

Education Code Section 48205(b) states, "a pupil absent from school under this section (excused absences) shall be allowed to complete all assignments and tests missed during the absences that can reasonably be provided and shall be given full credit therefore upon satisfactory completion within a reasonable period of time. The law prohibits policies which prevent or lower academic credit for excused absences.

- It is illegal to require the pupil and/or parent to enter into an agreement that denies academic credit or lowering of grades or exclusion from school activity for a specified number of absences; parents have filed lawsuits against school districts and won.
- *Education Code* Section 49067 authorizes governing boards to adopt regulations authorizing a teacher to assign a failing grade to any pupil who has excessive ***unexcused*** absences equal or greater than the number specified by the board. This law only applies to ***unexcused*** absences, not excused absences (*Education Code* Section 48205), and the determination to assign a failing grade is at the sole option of the teacher; it cannot be mandatory policy.
- Independent study is strictly voluntary, therefore it can never be the only option for students to receive academic credit for schoolwork missed during an absence.
- Independent study is not subject to compulsory attendance, because it is not a mandatory seat-based program; the student therefore is not "absent" but on independent study.

It is not permissible to claim apportionment attendance for make-up work that a pupil completes after returning to the classroom (and thus termination of independent study).

- The due date for assignments cannot extend beyond the day the pupil returns to classroom attendance, the assignment due date, the term of the agreement, and/or the maximum time specified in the local board policy pursuant to *Education Code* Section 51747(a), whichever is earlier.
- After-the-fact make-up or completion of assignments cannot be claimed as apportionment attendance (*Education Code* Section 48205 (k)).

Minimum and Maximum Agreement Term

- For apportionment purposes, an independent study agreement cannot be less than five (5) consecutive school days and not more than one school year. (SB 858 June 20, 2014) (*Education Code* sections 46300(e) and 51747(c)(5), respectively).
  - The five-day minimum is not applicable to charter schools.
  - A new agreement must be signed and dated by all required parties on or before the subsequent term of independent study.
- No independent study apportionment can be claimed for early termination of an agreement even if the agreement was written for five consecutive school days or more; i.e., pupil returns to classroom

Q: Our high school physical education gives a zero for any pupil not in attendance. How can you make up thirty-five minutes of laps?

A: Physical education is a curriculum- not just activity. The teacher responsible for the PE curriculum should make an alternative assignment to make up the work. There shall be full credit available.

instruction before five school days.
- Academic credit can be earned by the pupil for fewer days.
- Academic and apportionment credit are separate issues.

Everyone who is responsible for independent study written agreements or any part of one should be fully conscious that these documents are not legal contracts. Legal contracts include and are like the document a renter signs when she or he rents a car or carpet cleaner (or buys and installs software). In signing that contract document, the individual assumes responsibility and potential liability, regardless of whether the document is read or understood by the signer. Often the only data that are understood are the date and time the item is to be returned and the rental rate. But, if and when the signer has to be accountable, a lawyer will explain the "small print" in detail and the responsible person will be liable for everything in the contract.

In contrast, an independent study written agreement stands for all the instructions a certificated teacher supplies to students during the course of a period of instruction, for each subject, plus general information about the term of the agreement, due dates, and student reporting (for example). Everything has to be understood and agreed to by the student with his parents and others- nothing can be taken for granted, and if it is the probability that the student's work- the only basis for apportionment attendance- will be deficient in quantity and quality, with the result that earned apportionment attendance will be jeopardized and the student will receive defective education in the independent study mode. That failure is to everybody's disadvantage. Therefore, the images and thought patterns about legal contracts should be absent when the parties to a written agreement enter into and sign one.

The term "contract" is used in a few places in the CDE's *Independent Study Operations Manual, 2000 Edition*, for example in reference to "course contracts." These documents are also not legal contracts but were named "contracts" in the context of common educational practice when a student and teacher agree, usually in writing, to something the student must do. Therefore, "course contracts" at the high school level that have been formalized and standardized for general use by students and teachers might better be labeled "course outlines and agreements" or something similar because, again, nothing can be taken for granted or neglected- everything is significant and has meaning, and the consequences are not financial- they are student learning and mastery, with subsequent apportionment attendance implications after the responsible supervising teacher has evaluated student work products and computed their time value for attendance purposes.

Section Two:
Compliance Guidelines

Summary of Key Requirements

A school district, charter school, or county office of education shall not be eligible to receive apportionment for independent study unless it has:

- Adopted written board policies and regulations containing all components specified in *Education Code* Section 51747,
- A credentialed teacher assigned overall responsibility for the pupil's independent study (i.e., supervising teacher),
- A written independent study agreement compliant with *Education Code* Section 51747,
- Voluntary participation,
- Classroom option continuously available,
- Dated signature of the pupil, parent/guardian, supervising teacher, and other persons responsible (*5 CCR* Section 11702),
- Equitable provisions for resources and services,
- Compliance with state testing and high school graduation laws,
- Compliance with state residency laws,
- Records compliant with *5 CCR* Section 11703, and
- Comparable pupil-to-teacher ADA ratio.

Charter schools must comply with the charter requirements, as well as adopting and implementing conflict of interest policies.

Board Policy

The first link in the audit trail is a written board policy adopted pursuant to *5 CCR* Section 11701 (a sample board policy is provided in Appendix A). This policy must address the maximum length of time that will be allowed, by grade level and type of program, between the date the assignment is made and the date by which the student must complete it. (Type of program is defined by *5 CCR* Section 11700 as the statutory program category for purposes of attendance accounting and apportionment, i.e. general education, continuation high school, special education, etc. This statute also requires board policy to reflect an awareness that excessive leniency in the duration of assignment due dates can result in students falling so far behind their peers as to increase, rather than decrease, their risk of failing or dropping out of school.) The policies must also clearly state the number of assignments that can be missed

Q: Are all of the rules included in this manual?

A: *This manual is not all-inclusive. It serves only as a guide. New rules and interpretations are continually being circulated. Use this manual as a base, know independent laws, and continue to expand your knowledge.*

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before the pupil's independent study placement is re-evaluated. A written record of this re-evaluation must be maintained with the pupil's permanent record. Finally, the policies must state that a current written agreement containing the elements required by law will be on file for each pupil participating in independent study.

Administrative Regulations

It is the intent of the Legislature that the governing board adopt administrative regulations that contain such language as to **prevent** the following:

- Participation in independent study of any student who resides outside the local or adjoining county (*Education Code* Section 51747.3(b))
- Funds or things of value from being provided to independent study students or their parents/ guardians if not provided to students who attend regular classes (*Education Code* Section 51747.3 (a))
- Participation of special needs students pursuant to *Education Code* Section 56026, unless specified in the student's Individualized Education Program (IEP) (*Education Code* Section 51745(c))
- *Participation in independent study of any temporarily disabled student pursuant to (*Education Code* Section 48206.3; *Education Code* Section 51745(d))
- Participation in a K-12 program by, and claiming of K-12 state apportionment for, students age 19 to 21 who have not been continuously enrolled in a K-12 school since their 18th birthday (*Education Code* Section 46300.1).
- Participation by, and claiming of state apportionment for, students whose residence status is based on their parent's place of employment within district boundaries (*Education Code* Section 51747.3 (c)).
- No more than 10% of the students enrolled in a continuation or opportunity school or program, **not**



Common Error Found in Board Policy:

Copies statutory language verbatim BUT does not specifically define timelines for assignments numerically or policy excludes language entirely.



Condition of Funding:

No ADA is earned unless there exists written and adopted board policies that are in accordance with 5 CCR *Section 11701 and* Education Code *Section 51747.*



Audit Trail:

Board policies that contain language mandated by independent study law are the 1st link in the audit trail.



Common Audit Exception:

Short term independent study assignments due "upon return to school" but exceed maximum length specified in board policy. No apportionment credit may be claimed.

including pregnant and parenting students, may be in independent study at any given time. (*Education Code* Section 51745(b))

Appendix A contains an Administrative Regulations sample.

*Note: Independent study may be offered as an alternative to home and hospital instruction and should be considered for pupils capable of doing 20-30 hours of instruction per 5-day school week under the general supervision of a credentialed independent study teacher.

Written Independent Study Agreement

The written agreement is the second link in the audit trail. *Education Code* Section 51747 and *5 CCR* Section 11702 mandate that local board policy provide for a written independent study agreement, to be maintained on file for each independent study student, which minimally contains the following components:

- A statement that independent study is an optional education alternative in which no student is required to participate (*voluntary).* In the case of a student referred or assigned pursuant to *Education Code* sections 48915 or 48917, a statement that instruction may be provided to the pupil through independent study only if the pupil is offered the alternative of classroom instruction.
- The duration (e.g., five days, one week, two weeks, etc.) including the beginning and ending dates for the student's participation under the agreement. No agreement shall be shorter than five consecutive school days or longer than one school year. (SB 858, June 20, 2014)
  - Charter schools are exempt from the five-day rule.
- The specific resources, including materials and personnel, that will be available to the pupil.
- The manner, time, frequency, and place for submitting a pupil's assignments and for reporting his/her progress.
- The objectives and methods of study for the pupil to complete the work, and the methods the teacher will use to evaluate that work.
- Language that matches the statement of *your* governing board policy pertaining to:
  1. The length of time between when an assignment is given and when it is due. The due date for completion of the work cannot extend beyond the end date of the agreement.
  2. The maximum number of missed independent study assignments that will initiate an evaluation to determine whether the pupil should be allowed to continue in independent study.

Q: Another district faxed over their Independent study Agreement. Is that okay?

A: *It must match your board policies and procedures. You can't simply copy from another district. Always validate compliance.*



Audit Trail:

A signed and dated independent study agreement that contains all the necessary legal components is the 2nd link in the audit trail.

- A statement of the number of course credits or other measures of academic accomplishment to be earned by the pupil upon completion.
- The dated signatures, prior to the commencement of independent study, of the: 1) pupil; 2) parent, guardian, or caregiver; 3) the certificated supervising teacher; and 4) all persons who have direct responsibility for providing assistance to the pupil.

Refer to Section Five for sample independent study agreements and forms.

Supervising Teacher

The supervising teacher is the third link in the audit trail. As a condition of apportionment, one teacher must be assigned overall responsibility for the pupil's course of study, assignments, evaluations, and apportionment and academic credit while participating in independent study. This person is designated as the pupil's supervising teacher; it does not mean a teacher who supervises other teachers or persons. 1998 amendments to *CCR 5,* Section 11700 (j) changed certificated person to certificated teacher to clearly indicate legislative intent. A principal, counselor, or other credentialed person who does not have assigned duties of teacher and hold a valid teaching credential pursuant to *Education Code* Section 44300 cannot be designated as the supervising teacher. At the elementary level generally one teacher is involved for all aspects of the student's independent study; especially for short-term independent study whereby the classroom teacher may be the supervising teacher. At the secondary level it is more challenging as multiple course teachers are typically involved and the law specifies a supervising teacher.



Common Audit Exception:

The school site had blank agreements signed in advance with "open-ended" dates.

- *Attorneys state open-ended agreements are worthless*
- *It appears to be involuntary participation*
- *Agreements must have a beginning and end date*
- *No apportionment ADA may be claimed*

To avoid these exception:

- *Be sure that sites understand the requirements*
- *Provide manuals for all sites*
- *Visit sites to check compliance issues*



Common Audit Exception:

Claiming ADA prior to the signing and dating of the independent study agreement by all required parties.

To avoid this exception:

Establish procedures to ensure the independent study agreement has been signed <u>and</u> dated by all required parties:

- *Pupil*
- *Parent/guardian*
- *Supervising credentialed independent study teacher*
- *Other person or persons responsible*

The supervising teacher:

- Must be certificated teacher employed by school district or county office claiming apportionment attendance (*Education Code* Section 51747.5 (a).
- Coordinates academic work assignments and work products.
  - Must be equivalent to regular classroom activities.
  - Must specify date due, not to exceed maximum length contained in board policy.
- Evaluates assigned work products per policy and procedures; academic credit is separate from apportionment credit.
  - Work product must be completed and reported to the assigned teacher by the due date or the day the student returns to school—***whichever happens first!*** The due date of the assignment cannot exceed the length of time stated in local board policies for each grade level and educational program.
  - No retro-credit or banking of apportionment attendance.
  - Count whole days only, no partial days.

NCLB Teacher Requirements

Teachers who provide instruction in alternative education placements such as independent study must meet the same NCLB teacher requirements as other teachers. If the teacher of record cannot meet the NCLB requirements for all subjects taught, a possible solution is to provide students with access to teachers meeting the requirements. The access to teachers meeting the requirements could be through in-person meetings or through distance learning arrangements.

To verify subject matter competence for teachers "Not New" to the profession, LEAs can use the California HOUSSE. Additionally, districts should review the curriculum in their alternative schools and programs to determine if they are elementary or middle/high school teaching assignments under NCLB.

The CDE and SBE recognize that meeting the NCLB teacher requirements may be a particular challenge for small schools and schools that offer educational options. It is important to recognize that these issues are not unique to California, but are being raised by other states across the country. For this reason, it is particularly critical that school districts NOT react to the new NCLB requirements by eliminating appropriate options for students. California will continue to work with the United States Depart-





Audit Trail:

An assigned supervising teacher is the third link in the audit trail.

Q: What is meant by other person responsible?

A: *Persons who have a direct responsibility for providing assistance to the pupil- at the secondary level, each class period teacher, for example.*

ment of Education and other state agencies to develop viable solutions to implementing the requirements of NCLB within the full range of settings and options that are necessary to serve the diverse needs of all students. If an LEA is unable to fully meet the teacher requirements at this time, it should document its efforts and develop a plan for how it will reach the NCLB goal for teacher compliance.

A guide published by CDE on NCLB Teacher Requirements is available at http://www.cde.ca.gov/nclb/sr/tq/.

Student Work Assignments

The law requires that student assignments be equivalent in quantity and quality to the student's normal classroom based instruction. The intent is for the pupil to remain current with his or her present course of studies while engaged in independent study. The full-day equivalent and curriculum for the grade level taught should be assigned. The teacher must review the objectives of the assignment, method of study, how the assignment will be evaluated, and establish the appropriate due date which includes frequency, time, manner and place of the scheduled teacher/student meetings. For apportionment purposes, the due date cannot exceed the length of time specified in board policy unless the policy allows for an extension due to extraordinary situations and the extension does not carry the assignment beyond the duration of the agreement. Assignments not completed by the due date or after-the-fact cannot be claimed for apportionment ADA but the pupil is entitled to the resultant academic credit.

A representative sample of the student work products must be kept with the independent study agreement in the student's independent study file. The sample must establish a clear audit trail to the days of apportionment credit claimed for independent study. Most auditors recommend inclusion of three original pages from each curriculum assignment. These samples should reflect state-adopted curriculum, teacher notations and evidence of the student's effort.

Effective FY 14/15, Student work samples **no longer** need to bear evidence (signature & date) that the supervising teacher has personally evaluated the pupil's work product, or reviewed the evaluations made by other teachers, for apportionment credit. Apportionment credit is represented by the work product sample. (SB 858, June 20, 2014)

Charter schools must additionally demonstrate compliance with *5 CCR* Section 11960 and *Education Code* Section 47612, as to evidence of the charter school pupil's engagement in educational activities required of them by their charter school on days when school is actually taught in the charter school. As a condition of charter school apportionment, there must be a contemporaneous record. The CDE Charter Schools staff advise that a calendar or other contemporaneous record be used to document the daily instructional activities of the student while engaged in independent study. This contemporaneous

Q: Must physical education teachers comply with NCLB teacher requirements?

A: *No. Currently, NCLB does not define physical education as a core academic subject. Only physical education teachers who teach core academic subject classes, such as the arts (dance) are required to demonstrate NCLB compliance in that subject area. It should be noted that, although physical education is not considered a core academic subject under NCLB, California still requires physical education teachers to be fully credentialed.*

Q: Must vocational education teachers comply with NCLB teacher requirements?

A: *Vocational education teachers who teach core academic courses are required to meet the NCLB teacher requirements. The term core academic subjects is defined in NCLB as: English, reading/language arts, mathematics, science, foreign languages, civics/government, economics, arts, history, and geography.*

Q: How will teachers of English learners comply with NCLB teacher requirements?

A: *Teachers of English learners assigned to teach core academic subjects must meet the same NCLB requirements as other teachers of core academic subjects.*

There are additional requirements for teachers hired with funds from NCLB, Title III Language Instruction for Limited English Proficient and Immigrant Students, Part A sub-grants. LEAs receiving Title III funds must certify that all teachers are fluent in English and any other language used for instruction, including having written and oral communications skills. (Title III, Section 3116(c)).

In California, the possession of a Bilingual, Cross-cultural, Language and Academic Development (BCLAD) credential or equivalent, authorizes a teacher to provide instruction to English learners in a language other than English, though this is not a requirement for a teacher to meet the definition of "highly qualified teacher" under NCLB.

Q: Must teachers at alternative schools and small schools meet the same NCLB teacher requirements as other teachers?

A: *Yes. Teachers who provide instruction in alternative education placements and small schools must meet the same NCLB teacher requirements as other teachers. The local educational agency (LEA) determines, based on the curriculum taught, by school site, or by each grade at the school site, if appropriate whether a teachers is hired to teach elementary, middle or high school. A teacher must meet the NCLB teacher requirements for the designated subjects taught.*

Q: Are special education teachers required to comply with the NCLB teacher requirements?

A: *If a special education teacher is providing instruction in a core academic subject, then that teacher must meet the NCLB teacher requirements. The requirements apply whether a special education teacher provides core academic instruction in a regular classroom, a resource room, or another setting.*

If a special education teacher only provides consultation services to the teacher of core academic subjects, or only delivers special instructional assistance within the classroom where the core academic subject is taught, he or she does not have to be NCLB compliant.

The degree to which special education teachers have to meet the NCLB requirements is being addressed at the national level by the re-authorization of the Individuals with Disabilities Education Act (IDEA). Until IDEA requires something different, however, special education teachers providing instruction in a core academic subject must comply with the NCLB teacher requirements. The best advice to LEAs is to hire the most qualified special education teachers (i.e., teachers with special education credentials who are not on a credential waiver, emergency permit, or Pre-Intern certificate). Over the next few years, LEAs will be working toward the goal of having all teachers of core academic subjects, including secondary special education teachers, meet the NCLB requirements.

Q: Do the NCLB teacher requirements apply to Nonpublic Schools (NPS) that receive funds through a contract for education services identified on an Individualized Education Program for students with disabilities?

A: *No. Under the statute, the NCLB requirements apply only to public school teachers (Question C-30 of the* Improving Teacher Quality State Grants Non-Regulatory Guidance*, January 16, 2004).*

record must be signed by an adult with cause to know, and subsequently reviewed and approved (signed and dated) by the supervising teacher. (Refer to Figure 5.4 for a sample form)

Teacher Records

A teacher must evaluate the student work assignments for academic and apportionment credit in a timely manner. The academic record must show the grade earned. The teacher or supervising teacher must also determine the ADA apportionment credit to be earned. This must be recorded in whole days (for daily programs) or whole hours (for hourly programs such as continuation, supplemental hourly, etc.). No fractions are allowed. If the pupil completed the equivalent of the statutory minimum day for the grade level assigned (generally four hours per day), then full day ADA apportionment credit can be given. The supervising teacher must personally determine or personally review the apportionment attendance. This must be evidenced by the supervising teacher's dated signature (or initial) on the apportionment record.

Q: Our district has the same packet for all short-term independent study students. We have them keep a journal/scrapbook of their trip. Is that okay?

A: *No, the assignments must match the district adopted curricular components of the grade level. The work assignments must be equivalent (in quality and content) to that of the regular classroom. The goal is for the pupil to continue their instruction/education while out of the classroom. Upon return, there has been no lapse in their instruction. The free-style journal/scrapbook would not qualify.*

Q: How could a student complete physical education requirements on independent study?

A: *Walking, hiking, video aerobics, bowling, and golf might meet the requirements. Work products are not required to be on paper- a teacher can make his or her assessment of student work from recitation, in other words from indications of learning activity and achievement that a student describes orally or in some other appropriate manner. This type of teacher evaluated activity would not yield a "work sample" for a file, but there should be adequate work samples available from other study.*



Common Audit Exception:

In a sample of independent study work, there were assignments due after the student returned to class.

To avoid this exception:

- *Check the due dates against the time frame for the agreement*
- *The due date cannot exceed the maximum period of time specified in your district's board policy.*
- *Obtain all work from students on or before the return to class, or the maximum timeframe listed in your district's board policy pursuant to* Education Code *Section 51747(a), whichever is earlier.*
- *Verify dates on a calendar*

Summary of Legal Requirements that are Conditions for Apportionment

1. Apportionment credit may be earned for students participating in independent study when all compliance requirements have been met.
   a. No ADA is earned unless there exists written and adopted board policies that are in accordance with *5 CCR* Section 11701 and *Education Code* Section 51747.
   b. No ADA may be claimed from independent study until the written agreement is completed (*Education Code* sections 46300.7 and 51747 (c)(8)). The agreements shall be completed prior to the student beginning independent study, and under no circumstances shall an agreement be completed after the fact to allow a pupil's completed work to be counted as apportionment attendance.
   c. No ADA is earned unless (i.e. to the extent that) supervising teacher judgments of the time value of pupil or student work have been made personally in each instance (i.e. assignment) for each student in independent study (*Education Code* Section 51747.5).
2. Every student engaged in independent study must be enrolled in a school of a district or county office of education- see *Education Code* Section 51748. This enrollment should be evident from the agreement.



Helpful Hints:

- *Assignments must be completed by the last school day before the intersession or summer session begins.*
- *Charter school students must complete independent study curriculum on the actual school days operated by the charter. Auditable documentation must be available and retained in the student's independent study file until the 3rd July following completion of the required external audit.*



Compliance:

No credit for attendance may be claimed for apportionment until the work product is submitted and assessed by the certificated teacher. The supervising teacher for the student's independent study must personally determine and/or review academic and apportionment credit given by other teachers, when applicable. Effective FY 14/15, the supervising teacher is no longer required to sign (or initial) and date the first sheet of the work product sample. (SB 858, June 20, 2014)



Audit Trail:

Samples of the student's work product can be stapled to the work record and the independent study agreement to make the accumulation of audit materials easier. The law only requires a "representative" sample of the student's work product be contained in the student's independent study file; only retain work products essential to the audit trail. Photographs or audiocassettes are good documentation for large projects or book reports.

Q: What if the school day length is different? We have a minimum day each Wednesday.

A: *Independent study ADA is based on the independent study teacher's judgment of the time value of the work assignments. Work assignments must be equivalent to the full school day assignments that would have been required of the student if the student were in the classroom.*

3. ADA for independent study must fall within the teacher-to-ADA limits set by *Education Code* Section 51745.6 to be eligible for apportionment
4. Students who are age nineteen to twenty-one must have been continuously enrolled since their eighteenth birthday for their ADA to be computed at the rate for the unified school district.
5. No ADA from independent study may be claimed by a district if it has provided any funds or other things of value to the student or to his or her parent or guardian that the district does not provide to students who attend regular class (*Education Code* Section 51747.3(a)).
6. No ADA is earned from the independent study of any student who resides outside the local county or an adjoining county (*Education Code* Section 51747.3(b)).
7. No ADA is earned from the full-time independent study of any elementary student enrolled pursuant to *Education Code* Section 48204(b) & (f), the provision that allows a student to be enrolled in a school near a parent's place of employment (*Education Code* Section 51747.3(c)).



Condition of Funding:

No ADA from independent study may be claimed if the school has provided any thing of value not provided to other students enrolled in the school.

Other Pertinent Regulations

Attendance Accounting System Approval

Local education agencies, except charter schools, must obtain approval for any attendance accounting system used for recording independent study attendance.

Recordkeeping

Pursuant to *5 CCR* Section 11703, maintaining records to meet audit requirements is the responsibility of the local district or county superintendent's office, including charter schools. Records shall include, but not be limited to, a daily or hourly attendance credit register, as appropriate to the program in which the pupils are enrolled, separate from classroom attendance records, and maintained on a current basis as time values of pupil's work products are personally judged by a certificated teacher and reviewed by the supervising teacher, if they are two different persons.

Independent study records shall include the following information:

- A copy of the board policies, administrative regulations, and procedures pertaining to independent study.
- A file of all agreements with representative samples of completed and evaluated student work products. Effective FY 14/15, the sample work products no longer need evidence (signature/initial & date) that it has been evaluated by the supervising credentialed teacher for 1) academic credit/grade and 2) apportionment credit. (SB 858, June 20, 2014)
- A list of all pupils who have participated or are participating in independent study, showing credits attempted by and awarded to each pupil according to the agreement and a record of the pupil's attendance.
- Independent study must be either maintained on separate registers or tracked separately from other ADA by a system approved by CDE.
- A record of grades and other evaluations of independent study assignments issued to the pupil.

Apportionment ADA

- A pupil's participation in independent study must be on a voluntary basis and a valid and continuing option of classroom instruction must be available.
- If a pupil returns to the classroom, full- time, prior to the independent study agreement end date, then the independent study agreement ends and regular classroom instruction begins. Procedures must be in place to prevent double counting ADA.
- Pupils participating in independent study must have access to the same instructional materials and services that would be made available to classroom-based pupils, free of charge.
- The ADA applicable to the agreement period should be accounted for as independent study ADA when all applicable laws and regulations have been met. For example, intermittent classroom participation (not on a regularly scheduled basis) that is part of the independent study for a child is



Helpful Hints:

- *Law states records must be maintained until the third July following completion of the audit.*
- *Independent study offered during intersession or summer must be recorded as supplemental instruction hours.*

counted as independent study ADA, not regular classroom ADA. Pupils on independent study may meet in groups with instructors from time to time or attend laboratory sessions designed to make resources available in a systematic manner.

- If something of value is provided to an independent study pupil that is not provided to classroom-based students, the school district or county office of education cannot claim State funding for the independent study student's ADA (*Education Code* Section 51747.3(a)).
- Only properly credentialed teachers that are employees of the educational agency claiming the independent study ADA funding may supervise the instruction of pupils participating in independent study. This limitation also applies to the function of coordination, assignment, and evaluation of a student's instructional work assignments for purposes of academic and apportionment credit.
- No independent study ADA may be claimed unless the supervising teacher judgments of time value of pupil work have been made personally in each instance (assignment) for each student engaged in independent study (*Education Code* Section 51747.5).
- Apportionment ADA in independent study is based on the work completed by the student and submitted by the due dates established in the independent study agreement to the assigned teacher who subsequently evaluates these for academic and apportionment values.
- Independent study ADA may not be claimed if the student work assignments are not completed and submitted by the date specified in the independent study agreement or student work assignment record made part of agreement.
- Record only whole days for daily programs or whole hours for hourly programs (*Education Code* Section 46303).
- Attendance credit of a pupil is not bankable. In other words, attendance credit cannot be accumulated and used to cover either a future or a past missing assignment for that student.
- No expelled student may participate in independent study and have that ADA reported until and unless that student is again enrolled in some school that can offer independent study as an option. A student whose expulsion has been suspended may engage in independent study during the time the suspension is in effect, as long as a viable classroom based instruction program is made continuously available and this option is stated in the agreement. **Note: Community day school does not allow independent study; therefore, this cannot be a classroom-based option for purposes of this section. (*Education Code 48663*)**
- Temporarily disabled pupils may not receive instruction through independent study, unless special criteria are met.
- The law prohibits participation by, and claiming of independent study ADA funding for, students with exceptional needs, unless their IEP stipulates independent study.
- **No more than 10% of the current year P-2 ADA reported for opportunity or continuation school (by school, not district-wide) are eligible for independent study ADA funding. Pregnant and parenting minors are excluded from this 10% cap, pursuant to *Education Code* Section 51745(b).**
- The law prohibits claiming independent study ADA funding for interdistrict parent employment students on full-time independent study (*Education Code* Section 48204(f)).
- Apportionment credit may be claimed only to the extent that the time values for apportionment are personally determined by the assigned supervising teacher (*5 CCR* Section 11700(b)(2) and *Education Code* sections 51747.5 (a)(b) and 51747(c)(8)).

Independent Contractor

If the LEA uses an independent contractor for independent study, the students must be under the gen-

eral supervision of a certificated employee of the LEA (*Education Code* Section 51747.5). The certificated employee must review and document, the determinations of the time values for apportionment purposes of each pupil's completed assignments (*5 CCR* sections 11700(b) and 11700 (b)(3)). Teacher-pupil ratios are calculated on the number of LEA teachers, not the supervision provided by the independent contractor. For charter schools, teacher-pupil ratios are calculated based on the teachers of the largest unified school district in the counties of reported attendance, not the supervision provided by the independent contractor.

Enrollment

Every student engaged in independent study must be enrolled in a specified school of a school district or county office of education by grade level and program placement (*Education Code* Section 51748). LEAs are not eligible for state funding for independent study unless such enrollment is identified in the written records of the LEA. No LEA may receive K-12 state apportionment for independent study by adult students age 19 to 21, unless the student has been continuously enrolled in kindergarten or any of grades 1-12 inclusive since his or her 18th birthday, and the coursework is consistent with *Education Code* Section 51225.3 or any course required by the governing board as a pre-requisite to receiving a high school diploma. K-12 independent study students who are age 19 or older must have been continuously enrolled in school since their 18th birthday (*Education Code* Section 46300.1). Students engaged in independent study may not be enrolled pursuant to *Education Code* Section 48204(b). (*Education Code* Section 51747.3(c)).

For charter schools, every student engaged in independent study must be enrolled in a school site of the charter school or another public school that the pupil is eligible to attend. This enrollment must be evidenced on the independent study agreement. (*Education Code* Section 51748). *5 CCR* Section 11963 defines "school site" as a facility in which the pupils receive instruction, which is:

- Owned, rented, leased, or provided to the charter school principally for classroom instruction;
- Excludes personal residence or dwelling, even if space is dedicated principally for classroom instruction.



Common Audit Exception:

Pupils concurrently enrolled in a private school are not eligible for state funding.

State Residency

Only the attendance of students who are residents of the State is eligible for apportionment purposes. This requirement applies only to the residency status of the student. A student's legal status (citizenship, legality of residency) has no bearing on his or her eligibility to a free public school education in California. All students who are not residents of California are not eligible for apportionment, and the district must collect tuition for those students in accordance with *Education Code* sections 48050, 48051, and 48052. In some cases pupils engaged in independent study, during the time that the independent study agreement is in effect, move to a residence that is outside the district so that the district is no longer eligible to receive State apportionment for that ADA.

County Residency

Independent study attendance may be claimed only for those pupils residing in the county in which the apportionment claim is reported or in a bordering county (*Education Code* sections 46300.2, 51747.3 (b)).

Pupil Age Limits

The minimum age requirement for a pupil is age 5 on or before September 1st for purposes of K-12 state funding. However, pupils who will turn age 5 between September 2nd and December 2nd shall be admitted to a transitional kindergarten (TK) program maintained by the school district. TK is considered the 1st year of a 2 year modified kindergarten curriculum. (*Education Code 48000*) The maximum age limit for pupils enrolled in public schools (other than charter schools) is 18, unless the pupil has been continuously enrolled in a K-12 program since his/her 18th birthday, in which case the maximum age limit is 20 (the time value of the student's work products becomes ineligible for K-12 state apportionment funds upon the student's 21st birthday). (*Education Code* Section 46300.1) The maximum age limit for pupils enrolled in a charter school is 19, unless the pupil has been continuously enrolled in the charter while age 19, when the maximum age limit is 22; the time value of the student's work products become ineligible for charter school apportionment upon the student's 23rd birthday. Adults in charter schools must complete all coursework for a high school diploma in the same amount of time a minor high school student has to finish a comparable amount of work. The law stipulates that pupils over 19 must show continuous, satisfactory progress towards a high school diploma.

Comparable Access to Resources and Services

It is the intent of the Legislature that schools offering non-classroom-based instruction provide appropriate existing services and resources to enable students to complete their course of studies successfully. If the public education agency operates an independent study program and a site-based classroom program, the pupils participating in independent study must have the same access to all existing services and resources in the school the pupil is enrolled in pursuant to *Education Code* Section 51748, i.e. access to the same instructional materials and services that would be made available to the classroom-based pupils, free of charge (*Education Code* sections 51746 and 51748).

Things of Value Restrictions

No state apportionment from independent study can be claimed by an educational agency if it has provided any funds or other things of value to an independent study pupil or to his/her parent or guardian that the school does not provide to all students enrolled in the school, including classroom-based stu-

dents. (*Education Code* Section 51747.3(a))

State Testing

All public education agencies must implement state testing standards as a condition of state funding.

CIF Rules for Independent Study Schools

The California Interscholastic Federation (CIF) has adopted rules specifically for independent study students who wish to participate on the CIF teams of a comprehensive school. These rules provide for a much more streamlined procedure than the rules that apply to "multi-school teams." The following is from the CIF web site at www.cifstate.org (click on Constitution and Bylaws in the column on the left, then Bylaws 300 Series (School Regulations), and scroll to Section 306, "Independent Study Programs/ School"):

306 Independent Study Programs/Schools

A student enrolled in an Independent Study Program/School operated by a school and/or school district is residentially eligible at the school in whose attendance area he/she resides, or where the student most recently established his/her residential eligibility, provided that:

1. A student's registration is accepted by the local school board; AND
2. The courses taken by the student meet the standards adopted by the local school board and *Education Code* Section 51745 et.seq.; AND
3. The administrative responsibility for the student involved in athletics would rest with the principal of the school for which the student is competing; AND
4. The student meets all other eligibility requirements of the CIF and its member sections; AND
5. For the purposes of determining dues, legal and liability assessments, realignment issues and State CIF and Section divisional placement, the enrollment figures for non-CIF member school/program students residing in the CIF member school's attendance area must be included in the CIF member school's CBEDS enrollment figures.

Average Daily Attendance (ADA)-to-Teacher Ratio CAP

The California Education Code (EC) provides for two different independent study program options for local educational agencies (LEA) to administer. Most LEAs offer the traditional independent study (IS) option, authorized pursuant to EC sections 51745–51749.3. In 2015–16 a new IS program, known as Course-Based IS (CBIS), was created pursuant to EC sections 51749.5–51749.6 with distinct apportionment significant requirements that differ from those of the traditional IS program.

Traditional IS and CBIS average daily attendance (ADA) is tracked and reported separately to the California Department of Education (CDE) by an LEA. ADA is one of the factors used by CDE when calculating an LEA's Local Control Funding Formula (LCFF) entitlement. For additional information about appropriately reporting ADA to CDE, see the Principal Apportionment Data Collection Software Data Reporting Instruction Manual available on CDE's Web site.

EC sections 51745.6 and 51749.5 require LEAs that participate in either or both programs to complete an IS ratio calculation. The ratio calculation is done annually by the LEA at the time of, and in connection with, the second period report of ADA. The results of the ratio calculations should be reflected in the P-2 and Annual ADA data submitted to CDE. Prior to completing the Excel calculation spreadsheet, please be sure to review the appropriate instructions for calculating an LEA's IS ratio.

Instructions for calculating the ratio, as prescribed by the California Department of Education, available at http://www.cde.ca.gov/sp/eo/is/calculations.asp.

SEE APPENDIX F FOR INSTRUCTIONS AND SAMPLE CALCULATIONS

Figure 2.1, Flow of Data Required by *5 CCR* Section 11703

For each officially enrolled student, the following diagram reflects the flow of data required for school apportionments and audit files as specified by *5 CCR* Section 11703:

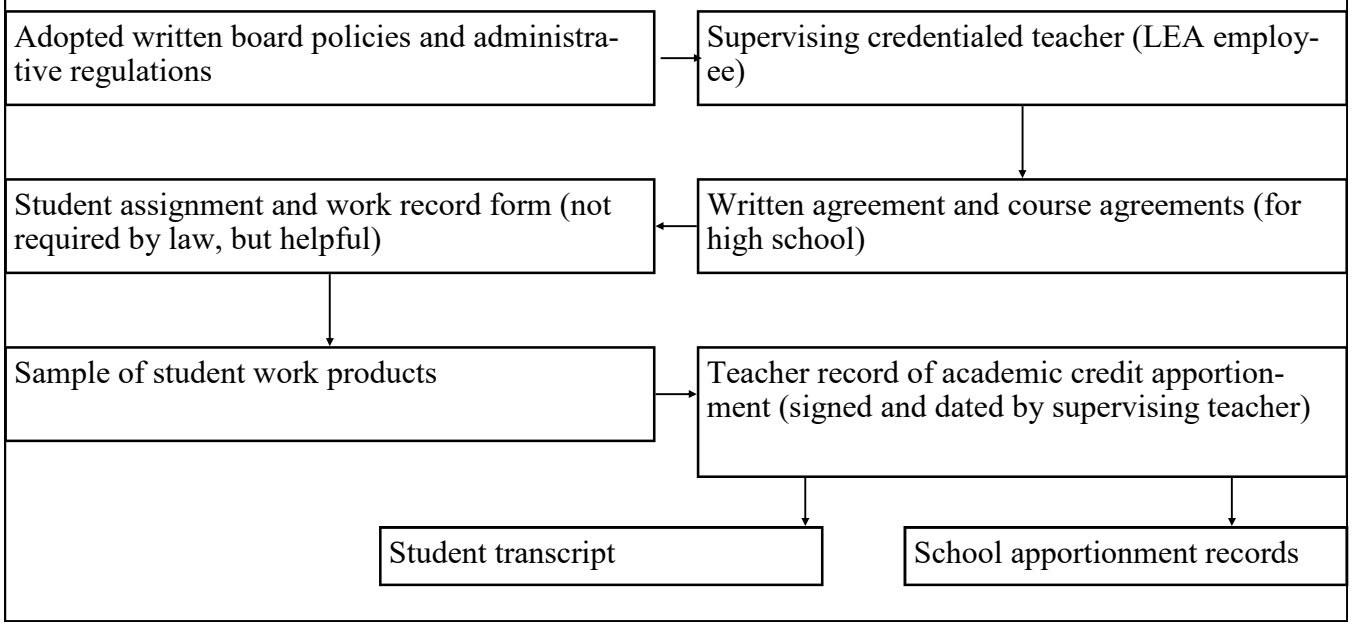


Figure 2.2, Record Retention Requirements

5 CCR sections 16020-16027 define record retention requirements.

Summary chart of required length of storage of data of audits	
Document	**Length of time to be kept***
Adopted written Board Policies	Class 3- 3 years
Written agreements and course agreements	Class 3- 3 years
Work assignments and work record	Class 3- 3 years
Sample of student work products	Class 3- 3 years
Teacher records (apportionment and academic)	Class 3- 3 years
Mandatory permanent pupil records (e.g. transcript)	Class 1- Permanently
School apportionment records	Class 3- 3 years

*Check district and county policy manuals for specific guidelines and see *5 CCR* sections 16023, 16026. Class 3 records must be retained until after the third July following the completion of the audit required by *Education Code* Section 41020.

Figure 2.3, Checklist for Legal Compliance

$$ indicates condition of apportionment (funding)
✓ Enter a check mark to indicate compliance is met. Any boxes that are not checked indicate noncompliance. Corrective action must be taken to resolve prior to the audit process.

	Legal Citation	✓	$$
A. PROCEDURES Board policy must be adopted pursuant to the procedures based on the California *Education Code* and *Title 5, California Code of Regulations*, Division 1, Chapter 11, Subchapter 13, Independent Study.			
1. Are adopted governing board policy and procedures in place? • Was board policy and accompanying administrative regulations based on *Education Code* Section 51747 and *5 CCR* Section 11701? • Was there a public hearing for independent study for policy making? • Have board policy and administrative regulations been reviewed and updated as needed?	51745 51747 11701		$$
2. Is there a copy of a present board policy, administrative regulations, and procedures relating to independent study available?	51747 11703(b)(1)		$$
B. BOARD POLICY As a condition of apportionment, districts must have adopted board policy, which encompass legal requirements pertaining to independent study.			
1. Was policy adopted pursuant to the procedures set forth in Title 5 regulations? A public hearing considering the scope of independent study.	11701		$$
2. Does the policy state the maximum length of time, by grade level and type of program, that may elapse between when the independent study assignment is made (by supervising teacher) and the date by which the student must complete the assigned work? • Is there a statement to extend this period when circumstances warrant a longer time? (See page 2-8 of CDE's Independent Study Operations Manual 2000 edition)	51747(a)		$$
3. Does the policy state the number of missed assignments that will be allowed before an evaluation is conducted to determine whether the student should remain engaged in independent study or return to the regular school program?	51747(b)		$$
4. Does the policy contain a statement that a written agreement will be maintained on file (may be electronic) for each independent study student and that the agreement will contain the components specified in *Education Code* Section 51747?	51747(c)		$$

$$ indicates condition of apportionment (funding) ✓ Enter a check mark to indicate compliance is met. Any boxes that are not checked indicate noncompliance. Corrective action must be taken to resolve prior to the audit process.			
	Legal Citation	✓	**$$**
C. ADMINISTRATIVE REGULATIONS Administrative regulations and/or procedures must contain statements for the following:			
1. No student shall be required to participate in independent study and a classroom option is always available.	51747(c)(7)		
2. Students enrolling in independent study must be residents of the local county or an adjacent county.	51747.3(b)		**$$**
3. The district shall not provide independent study students and parents/ guardians with funds or items of value that are not provided to regular classroom students.	51747.3(a)		**$$**
4. No individual with exceptional needs, as defined in *Education Code* Section 56026, may participate in independent study unless his/her IEP specifically provides for independent study participation.	51745(c)		
5. No temporarily disabled student may receive individual instruction pursuant to *Education Code* Section 48206.3 by means of independent study. (Home and hospital instruction *may not* be provided through independent study. However, if the parents/guardians and district agree, the student may *instead* receive instruction through independent study as an *alternative* to home and hospital instruction).	51745(d)		
6. No more than 10% of the students enrolled in continuation high school or opportunity education program may be eligible for apportionment credit for independent study. (Note: Enrollment is defined as current year P-2 ADA of each continuation HS & opportunity school; not district-wide aggregate.)	51745(b)		
7. Each pupil's independent study shall be coordinated, evaluated, and notwithstanding *Education Code* Section 46300(a), under the general supervision of a certificated employee of the school district or county office.	51747.5		**$$**
8. Record retention requirements defined in *Education Code* Section 51748 that list all elements stated in *5 CCR* Section 11703.	51748 *CCR 5* 11703		
9. A written independent study agreement must be executed and maintained for each participating student and contain **all of the** components prescribed by law: These components are listed on the subsequent page, under *Legal Compliance: Independent study Agreement*.	51747(c)		**$$**
10. Restrictive language and procedures to prevent claiming of Class-Size Reduction funding for any pupil enrolled in independent study.	52123		
11. Procedures to prohibit claims independent study ADA funding for pupils enrolled in a **full-time** independent study program who have been enrolled in the district on an **inter-district parent employment** request.	51747.3(c)		

$$ indicates condition of apportionment (funding)
✓ Enter a check mark to indicate compliance is met. Any boxes that are not checked indicate noncompliance. Corrective action must be taken to resolve prior to the audit process.

	Legal Citation	✓	$$
C. ADMINISTRATIVE REGULATIONS (Continued) Administrative regulations and/or procedures must contain statements for the following:			
12. A procedure to prevent claiming independent study ADA funding for expelled or suspended pupils unless classroom instruction is made continuously available to the pupil and this classroom option is stated in independent study agreement.	48204(f)		**$$**
13. Procedures to ensure that ADA for independent study remains within teacher-to-ADA statutory limits.	51747(c)(7)		**$$**
D. INDEPENDENT STUDY AGREEMENT All written independent study agreement regulations must be listed on the independent study agreement and in board policy or administrative regulations. The independent study agreement shall include, but not be limited to, all the following:			
1. Student name, grade, program placement,	51748		$$
2. School enrolled (must be officially enrolled in a specified school of a school district or county office),	51748		$$
3. The manner, times, frequency and place for submitting a pupil's assignments and reporting pupil's progress,	51747(c)(1)		$$
4. Objectives and methods for study for the pupil to complete the work assignments,	51747(c)(2)		$$
5. Methods to be used by supervising teacher to evaluate the pupil's work on assignments,	51747(c)(2)		$$
6. Specific resources available to the pupil, including personnel and materials,	51747(c)(3)		$$
7. A statement of the adopted policy regarding the maximum length of time allowed between the assignment and the completion of the pupil's work AND number of missed assignments that would trigger an evaluation to determine if the pupil should remain on independent study,	51747(c)(4)		$$
8. The duration of the independent study agreement, including the beginning and ending dates for each independent study student,	51747(c)(5)		$$
9. A statement of the number of course credits or, for elementary grades, other measures of academic accomplishment appropriate to the agreement, to be earned by the student upon completion, and	51747(c)(6)		$$
10. A statement that independent study is an optional educational alternative in which no student may be required to participate and a classroom option is continuously available.	51747(c)(7)		$$

$$ indicates condition of apportionment (funding)
✓ Enter a check mark to indicate compliance is met. Any boxes that are not checked indicate noncompliance. Corrective action must be taken to resolve prior to the audit process.

	Legal Citation	✓	$$
D. INDEPENDENT STUDY AGREEMENT (Continued) All written independent study agreement regulations must be listed on the independent study agreement and in board policy or administrative regulations. The independent study agreement shall include, but not be limited to, all the following:			
11. In the case of a suspended student pending expulsion pursuant to *Education Code* Section 48915 or 48917, a statement that instruction may be provided through independent study *only* if the student is offered the alternative of classroom instruction.	51747(c)(7)		$$
12. Signatures and date signed by the (1) pupil, (2) the parent/guardian (if pupil is a minor), (3) certificated supervising teacher, and (4) other persons directly responsible for providing assistance to the pupil. If no other persons involved, then LEAs may notate "N/A" on signature line.	51747(c)(8) *CCR 5* 11702(a)		**$$**
E. STUDENT ASSIGNMENT/WORK RECORD (Subsidiary Agreement) The student assignment/work record supplements or is an extension of the independent study agreement. The student assignment/work record contains required components of the independent study agreement that often includes:			
1. Course of study/subjects.	*CCR 5* 11702(b)		**$$**
2. Objectives of the assignments.	51747(c)(2)		**$$**
3. Method of study (activities that the student needs to complete the objectives).	51747(c)(2)		**$$**
4. Resources materials (texts, workbooks, videos, computer activities, projects) and personnel who may be assisting the student to meet the objectives.	51747(c)(3)		**$$**
5. Method of evaluation for attendance and academic credit.	51747(c)(2)		**$$**
6. Date assignment made and date assignment due.	51747(c)(4)		**$$**
7. Grades and/or credits earned* after the assignment is completed.	51747(c)(6)		**$$**
8. Attendance credits.*	51747.5(b)		**$$**
9. Dated signature of certificated teacher. For secondary grades, the signature of the course/subject teacher on this subsidiary agreement fulfills the signature/date requirement of the "other person responsible" pursuant to *Education Code* Section 51747(c)(8).	51747(c)(8)		**$$**
10. Dated signature of participating student. Dated signature of parent not required on sub-agreement if contained on independent study agreement.	51747(c)(8)		**$$**
*The teacher may keep grades, credits, and attendance on the student assignment/work record or on a separate form, in a grade book, in a final report, or on the subsidiary agreement, etc.			

$$ indicates condition of apportionment (funding)
✓ Enter a check mark to indicate compliance is met. Any boxes that are not checked indicate noncompliance. Corrective action must be taken to resolve prior to the audit process.

	Legal Citation	✓	$$
F. ATTENDANCE Attendance procedures for independent study must include the following:			
1. For K-12, record only whole days.			**$$**
2. For continuation and opportunity schools, record hours.			**$$**
3. Use a separate state-approved attendance register. • If using an alternative or computerized accounting system for attendance, a written approval from the California Department of Education must be on file.	*CCR 5* 11703(b)(4)		**$$**
4. Teacher records must match ADA reported.			**$$**
5. Work accepted after the due date cannot be claimed for apportionment.			**$$**
6. Excessive days/hours for attendance cannot be banked.			**$$**
G. RECORDS The following records must be available for an audit. Records shall include, but not be limited to:			
1. A copy of the district policy, administrative regulations, and procedures pertaining to independent study.	*CCR 5* 11703(b)(1)		**$$**
2. A file for each student containing a: • Written independent study agreement and any subsidiary agreements (may be stored electronically) • Student assignment/work record, • Representative samples of completed work by the students that have been evaluated by a certificated teacher, • Record of attendance credits, grades, and other evaluations of independent study assignments, and • Student transcript for high school students (transcript should list the "school of record" and not a program's name or "independent study").	*CCR 5* 11703(b)(3)		**$$**
3. A list of all students by grade level, program or school, who have participated or are currently participating in independent study showing credits attempted by and awarded to each student and a record of the student's attendance.	*CCR 5* 11703(b)(2)		**$$**
4. An attendance register for independent study records separate from the register) used for regular classroom attendance.	*CCR 5* 11703(b)(4)		**$$**
5. If using a system of accounting other than the state-approved register (computerized attendance accounting), a letter of approval by CDE must be on file.			**$$**

$$ indicates condition of apportionment (funding)
✓ Enter a check mark to indicate compliance is met. Any boxes that are not checked indicate noncompliance. Corrective action must be taken to resolve prior to the audit process.

	Legal Citation	✓	$$
G. RECORDS (Continued) The following records must be available for an audit. Records shall include, but not be limited to:			
6. A list of independent study teachers that includes their teacher assignments. This list allows the auditor to calculate the ratio of independent study ADA/ teacher and compare the ratio to other instructional programs in the district.	51745.6		**$$**
Note: All records except the student transcripts which are kept permanently) are to be kept for three years and made available for auditing.			
H. WORK SAMPLES			
1. Representative samples of original work for each student the supervising teacher has evaluated the work, or has personally reviewed the evaluations made by another certificated teacher.	*CCR 5* 11703(b)(3)		**$$**
2. Representative samples are defined as examples representing student work pertaining to independent study assignments where ADA was reported for attendance credit. Educational assignments must be consistent with course of study and board adopted curriculum and representative samples reflective of this.	*CCR 5* 11703(b)(3)		**$$**
3. The work sample should include the identification of the: **No Longer Required (SB 858, June 20, 2014)** • Certificated supervising teacher signature or initials indicating that he/ she has personally evaluated the work, or has personally reviewed the evaluations made by another certificated teacher. • Date of assessment evaluation for attendance and academic credit. **Recommended** • Subject • Student's name • Date student completed the assignment • Academic evaluation • Notation of the assessment evaluation for attendance credit (number of days/hours).	*CCR 5* 11703(b)(3)		**$$**

Section Three:
Criteria for Participation

Independent study was designed as an option for students in situations where their special interests, abilities, or individual needs are not being accommodated in the traditional instructional program. These students should have the willingness and ability to successfully complete the educational requirements of independent study. Independent study is permissive on the part of school districts pursuant to *Education Code* sections 51745(a) and 51747(c)(7). School districts are not obligated to permit all pupils who want to participate to do so. Pupils should only be placed on independent study if the pupil can successfully accomplish their academics.

Students who may be appropriately enrolled in independent study include, but are not limited to, students who:

- Have an understanding of and commitment to independent study.
- Exhibit the ability and the willingness to work independently with limited supervision by the certificated teacher.
- Have learning styles that can best be met through independent study.
- Are exceptional or gifted and need in-depth opportunities, which may include concurrent enrollment in post-secondary educational programs, acting, athletic and/or sports participation.
- Have an acceptable reason for requesting independent study. Some acceptable reasons may include:
  - Vacation or travel
  - Funeral
  - Religious purposes
  - Safety issues
  - Jury duty
  - Severe weather situations
  - Pregnancy
  - Parental responsibilities (teen parents)
  - Family emergencies
  - Immunization
- Have medical and/or psychological problems and choose independent study in place of home/hospital instruction or have an illness that will extend beyond five consecutive school days, such as:
  - Mono
  - Chicken pox
  - Medical treatments
  - Contagious diseases
  - Mental, emotional, or physical trauma/injury
  - Pneumonia, bronchitis
  - Flu



Helpful Hints:

- *Parent conferences may reveal upcoming family plans. Perhaps grandma will be babysitting for a two-week period. Perhaps a shared custody arrangement requires an airplane trip, weeks prior to a holiday recess.*
- *A student with special needs who has an Individualized Education Plan (IEP) may engage in independent study only to the extent his or her IEP specifies independent study as the instructional modality.*

Others who may benefit from independent study include those who:

- Have experienced difficulty in adapting to the regular curriculum, achieving academic success, or conforming to school rules, and are ready to or have dropped out.
- Could be classified as school-phobic.
- Wish to continue studies while on extended vacation or travel.
- Have received suspended expulsion (or stay of expulsion), rather than full expulsion from the governing board, and have been offered independent study with a classroom option; i.e., enrollment at a traditional or alternative school.
- Are genuinely needed at home because of illness in the family.
- Arrived in the district mid-semester.

Selection or Participation Process

A student who has met the criteria for participation may:

- Complete a full program of courses.
- Take a full program of courses and continue or take a lab class (e.g. band, chemistry) at the comprehensive school.
- Complete an extra or special course outside the regular school day.
- Enroll for a limited period of time if the student is to be out of school for five or more consecutive school days.

The selection or intake process may be accomplished via the following suggested procedure:

1. Complete an independent study participation request form at the school office.
2. Meet with the school designee (e.g., teacher, principal, school personnel) to determine if the student meets the criteria for participation in independent study.
   - Independent study is permissive on the part of school districts pursuant to *Education Code* sections 51745(a) and 51747(c)(7). School districts are not obligated to permit all pupils who want to participate to do so. Pupils should only be placed on independent study if the pupil voluntarily requests and can successfully accomplish their academics.
3. Complete all components of the independent study agreement with the supervising teacher.

Student Exit from Independent Study

The student or parent/guardian/caregiver may request a classroom option at any time. This request may

Q: I didn't think we could offer independent study when students were absent from school for medical reasons and/or illness. How can this be done?

A: *A parent may decide that independent study is a viable option after the student is feeling better but still unable to return to school on a full-time or regular basis. Independent study may then start once all required parties have signed and dated the independent study agreement and the teacher has provided the student with comparable work assignments and discussed with the parents and student the method of study for the student to complete the assignments, but cannot be retroactive. Apportionment credit may not be claimed if less than five consecutive school days and may never be retroactively credited to absence days prior to the proper execution and completion of the independent study agreement. Be aware of perfect attendance policies. Many parents may still request for less than five consecutive school days so that their child's attendance record is not affected by their departure from school.*

come from the student, parent/guardian/caregiver, or school administration. As a general rule, students in grades K-12 may transfer to a classroom option at any time during a semester. The teacher, counselor or school administrator should make every effort to counsel the student and parent/guardian/caregiver to the most appropriate option. The law requires that, subject to a reasonable delay of no more than a few days, a pupil be returned to the classroom when the student opts to end independent study.

Under no circumstances may a school agency claim apportionment attendance for any student work assignments completed after whichever occurs first:

- the due date;
- the end date of the independent study agreement;
- the maximum period stated in the board policy for completion of the assignments, or;
- the student's return to seat-based (classroom) instruction.



Section Four:
Internal Audit

The checklist provided in this section is to be used as a tool to assess legal compliance and operational efficiencies. It is highly recommended that a person or persons be assigned the responsibility to perform/conduct a periodic internal audit.

A single copy of *A Self-Assessment of Independent Study: Legal Compliance Checklist* may be downloaded, along with other evaluation tools and select excerpts from the *Independent Study Operations Manual*, from www.cde.ca.gov/sp/eo/is.

What Non-Compliance Items do Auditors Look For?

- Claiming a day of ADA when the student did not complete a day's worth of assignments.
- Claiming ADA prior to the signing and dating of the agreement by all required parties.
- The certificated teacher not evaluating the student's work products (mark the days of apportionment ADA).
- Failing to maintain original student work samples that no longer require the dated signature of the supervising teacher.
- Coercing and/or mandating that parents/students participate in independent study.
- Maintaining board policies and administrative regulations that are not consistent with current state laws.
- The role and duties of the teacher are performed by parents, instructional aides, or others.
- Inequitable provision of instructional materials, providing students with items that are not provided

Q: Must we test all student work products?

A: *No, a representative sample is sufficient. Make sure that the sample pool represents different grade levels, students, and time frames.*

Q: We bought the same attendance system as the districts surrounding ours. The salesperson said it was authorized by the state. Should we get a letter from the company?

A: *No, the attendance system may only be approved by the state, not by a vendor. State approval is of each specific agency's forms and processes, including it's attendance system.*

Q: We have a problem with rats and/or mice in the storage area of our warehouse? What if the records are not usable?

A: *Many districts are obtaining approval from their auditors for maintaining a back-up copy of records on CDs. Regulations require that agencies retain the original source document for the required retention period. Keep additional copies of electronic storage at an off-site location.*



Helpful Hint:

A district office employee may be assigned independent auditor duties. With a good checklist, it may not be necessary for that individual to be a CPA or have a degree in accounting.

Figure 4.1: Internal Audit Checklist

OK = No further action needed; F/U = Follow-up action necessary	OK	F/U
1. Review the *State Controller's K-12 Audit Guide* for areas the independent auditor will focus on. A new guide is issued annually. See www.eaap.ca.gov/NewWebSite0804/AuditGuide.htm.	❒	❒
2. Facility meets earthquake standards. If non-conforming to standards, has a waiver been obtained from the State Allocation Board? Check for the expiration date of the waiver.	❒	❒
3. Do procedures follow board policy and regulations? Check to see if all teachers follow the same procedures.	❒	❒
4. An evaluation for missed assignments according to board policy must be kept in the permanent record.	❒	❒
5. Classroom option must always exist. Every student must have been offered a continuous classroom option at a school of the district of attendance.	❒	❒
6. Check to see if orientation is part of the student's program. It cannot be counted for ADA unless it is part of the district curriculum.	❒	❒
7. Students cannot be enrolled in independent study for less than five consecutive school days for apportionment ADA.	❒	❒
8. Board policy, independent study agreement and subsidiary paperwork must agree.	❒	❒
9. Check to see if the teacher is writing assignment and not the parents. A credentialed teacher must be clearly identified as the supervising teacher who has all the responsibilities for the student.	❒	❒
10. Check the roster to see if the number of enrolled students reflects a realistic teacher to student ratio. Check to see what ADA has been generated by each teacher.	❒	❒
11. Signatures on the independent study agreement must include the supervising teacher and any other person or persons who is working with the student. Check to see that the supervising teacher is the one who calculates the ADA generated and evaluates all paperwork.	❒	❒
12. Dates must correspond the referenced paperwork. The student apportionment record must bear the signature (or initial) and date of the supervising teacher identified on the student's independent study agreement. A clear and essential audit trail must exist.	❒	❒
13. Check CDS number of school and see what is the allowable ADA. Some alternative schools are under the continuation school umbrella. There can be only 10% of the current P-2 ADA for that site generated. Pursuant to *Education Code* Section 51745(b), pregnant and parenting pupils are excluded from the 10% limit. Also check to see if the school is really a school. This same rule applies to opportunity programs/schools.	❒	❒
14. Check for multi-enrollment. Example, full time high school and full time independent study.	❒	❒

OK = No further action needed; F/U = Follow-up action necessary	OK	F/U
15. Determine if any funds or things of value are being provided to independent study students and/or parents and/or guardians that the LEA does not provide to students who attend regular class.	❒	❒
16. Board policy must include all items required in *Education Code* Section 51747.	❒	❒
17. Independent study agreement must have all elements required by law. Validate that no items are contrary to a student's rights.	❒	❒
18. Verify that a district certificated teacher coordinates, evaluates, and supervises each student's independent study.	❒	❒
19. Select a representative sample of teacher records. Foot and cross-foot teachers' attendance records.	❒	❒
20. Trace the monthly totals to the attendance records.	❒	❒
21. Verify a written agreement exists for each independent study student.	❒	❒
22. Determine that no apportionment is claimed prior to the signing and dating of the agreement by all parties.	❒	❒
23. Determine that the written agreement contains all required elements specified by law.	❒	❒
24. Verify that evaluated student work samples are retained in the student's independent study file (no longer requires dated signature of the supervising teacher identified on the agreement). Ensure that the work product samples are related to the assignment & reflect curriculum adopted by the governing board.	❒	❒
25. Trace each student's attendance from the attendance record to the teacher's record, student's work record, and the corresponding work assignment.	❒	❒
26. Obtain/maintain a copy of the CDE approval letter for the independent study attendance system.	❒	❒
27. Verify attendance is recorded in whole days of at least the applicable minimum day. Fractions must be rounded down for hourly programs. Verify only whole hours are claimed, no fractions.	❒	❒
28. If all enrolled independent study pupils receive 100% apportionment ADA, ensure banking and/or makeup credit for late assignments is not included.	❒	❒
29. Verify that pupils on an interdistrict parent employment transfer are not claimed for full-time independent study apportionment allowable for short term independent study.	❒	❒
30. Calculate ratio of independent study teachers to full-time independent study P-2 ADA and compare to the ratio of other program teachers to other P-2 ADA.	❒	❒
31. Verify that only California residents are claimed for ADA apportionment.	❒	❒
32. Verify that district and site attendance records are maintained pursuant to statutory requirements.	❒	❒
33. Check a few completed independent study agreements, with verification of components.	❒	❒
34. Verify that records are kept in a safe and easy to find location.	❒	❒

Section Five:
Resources

Who to Call for Assistance

Programmatic Matters

Yvonne Evans, Educational Programs Consultant

(916) 323-2562
E-mail: yevans@cde.ca.gov

Attendance Accounting

E-mail: PASE@cde.ca.gov

Resources

California Association of School Business Officials	www.casbo.org
California Consortium for Independent Study	www.ccis.org
California Department of Education (CDE)	www.cde.ca.gov
Educational Options	www.cde.ca.gov/sp/eo/
Independent Study Operations Manual	www.cde.ca.gov/sp/eo/is/isoperationsmanual.asp
Instructions for Ratio Calculations	www.cde.ca.gov/sp/eo/is/calculations.asp
No Child Left Behind	www.cde.ca.gov/nclb/
NCLB- Improving Teacher Quality	www.cde.ca.gov/nclb/sr/tq/
California Interscholastic Federation	www.cifstate.org
Education Code & CCR	http://www.cde.ca.gov/re/lr/cl/
Senate Bill/Regulations/Legal Documents	www.leginfo.ca.gov/bilinfo.html
Education Audit Appeals Panel's Audit Guide for K-12 LEAs	www.eaap.ca.gov
Association for Supervision & Curriculum Development	www.ascd.org
Outreach and Technical Assistance Network	www.otan.dni.us
U.S. Department of Education	www.ed.gov
National Association of Secondary School Principals	www.nassp.org

Figure 5.1: Sample Independent Study Agreement

Name: _____ Student Number: _____ Grade: _____
Address: _____ Age: _____ Birthdate: _____
City: _____ ZIP: _____ Phone: _____
Duration of Agreement: _____ Beginning Date: _____ Ending Date: _____
School Enrolled: _____ Program Placement: _____

School Responsibilities:

- This master agreement is in effect for the _____ semester for the _____ school year.
- The major objective for the duration of this agreement is to enable the child to keep current with _____ grade studies for the period covered by this agreement.
- This agreement is to enable the child to successfully reach the objectives and complete the assignments identified in the Assignment and Work-Record Form(s) that will be a part of this agreement. With the support of the parent, guardian, or caregiver, the child will submit assignments on or before the due date specified in the Assignment and Work-Record Form(s).
- According to district policy for Independent Study in grades _____, no more than _____ weeks or _____ school days may elapse between when an assignment is made by the teacher and the date it is due, unless an exception is made in accordance with district policy.
- The _____ School District will provide the teacher services, instructional materials, and other necessary items and resources as specified for each assignment.
- The child will complete, during the term of this agreement, the course work listed below. All course work will be consistent with the _____ School District adopted curriculum. The Assignment and Work-Record Form(s) include the course descriptions, objectives, study methods, evaluation methods, and resources covered by this agreement.
- Independent Study is a voluntary optional alternative in which no pupil may be required to participate; a classroom option will always be available to the child. In the case of a pupil who is referred or assigned pursuant to Education Code 48915 or 48917, an alternative classroom has been offered and is available at all times at the school specified above.
- The child's work will be evaluated by the method specified in the Assignment and Work- Record Form(s).
- The child agrees to meet with or report to the teacher regularly, in accordance with the frequency, date, time, and location specified in the Assignment and Work-Record Form(s).

Student Responsibilities:

I understand that:

- Independent Study is a form of education that I have voluntarily chosen and I will continuously have a classroom option available to me should I choose to no longer participate in Independent Study.
- I am entitled to textbooks and supplies, supervision by a certificated teacher, and all the services and resources received by other children enrolled in my grade.
- I have the same rights as other students in my grade at my current school.
- I must follow the discipline code and behavior guidelines of the school, in accordance with district policy.
- If I do not complete _____ consecutive assignments, my incomplete work will result in an evaluation to determine if I should remain in independent study or be immediately returned to a classroom at my last school of enrollment.

I agree to:

- Be supervised by and meet regularly with the assigned Independent Study teacher and/or approved resource personnel responsible for my educational studies as outlined on page one of this agreement.
- Complete my assigned work by its due date, as explained by my teacher or teachers and described in my written assignments.

Parent/Guardian/Caregiver Responsibilities:

- I understand that Independent Study is an optional educational alternative for my child that I have voluntarily selected. I agree to the conditions listed under "Student." I also understand that:
- Learning objectives are consistent with and evaluated in the same manner that they would be if my child were enrolled in a traditional school program at his/her current school.
- If my child has an individualized educational program (IEP), the IEP must specifically provide for his or her enrollment in Independent study.
- Unless otherwise indicated, the supervising teacher who signs this agreement will meet with my child on a regular basis as specified on page one of this agreement. The purpose is to direct the child's study and measure progress toward the objectives in this agreement. It is my responsibility to promptly reschedule any appointment missed because of any emergency.
- I am responsible for supervising my child while he or she is completing the assigned work and for ensuring the submission of all completed assignments necessary for evaluation by dates due.
- I am liable for the cost of replacement or repair for willfully damaged books and other school property checked out to my child.
- It is my responsibility to provide any needed transportation for my child's scheduled meetings and any other travel covered by this agreement.
- I have the right to appeal to the school administrator any decision about my child's placement or school program in accordance with the _____ School District's policies and procedures.

AGREEMENT:
We have read this agreement, including the Assignment and Work Record form(s) and hereby agree to all the conditions set forth within.

Student _____ Date _____
Parent/Guardian/Caregiver _____ Date _____
Independent Study Supervising Teacher _____ Date _____
Other Person Responsible _____ Date _____

Figure 5.2: Sample Student Work Assignment Record #1

Student/Child Name: _____ School: _____
Teacher _____ Date Given: _____ Date Due: _____
Course Title: _____ Course Number: _____

SCHEDULE FOR REPORTING OR SUBMITTING ASSIGNMENTS TO ASSIGNED TEACHER:
The child shall submit assignments to the assigned teacher for evaluation according to the following schedule:
Frequency: _____ Time: _____ Place: _____ Manner: _____
_____ incomplete assignments will result in reevaluation of this child's independent study placement.

OBJECTIVES (short term):

Subject:	Course Value:	Subject:	Course Value:

METHOD OF STUDY: Child reads ❒ Answers questions ❒ Completes worksheets ❒ Takes quizzes or tests
❒ Other _____

METHOD OF EVALUATION: ❒ Demonstration of skills ❒ Written test ❒ Oral presentation ❒ Minimum performance of 60% ❒ Other_____

LIST OF RESOURCES AND STUDY MATERIALS AVAILABLE: _____
_____
I HAVE READ THE TERMS OF THIS AGREEMENT AND HEREBY AGREE TO ALL THE CONDITIONS SET FORTH WITHIN.
Student _____ Date _____
Teacher _____ Date _____

The following section is to be completed by the assigned teachers after pupil completes assignments.

Subject:	Grade:	Date Completed	Makeup (academic) If applicable	Teacher Initial:	Date

SUPERVISING TEACHER'S EVALUATION/CERTIFICATION STATEMENT
To be completed by Supervising Teacher after evaluation of assignment

My signature below indicates that I, the assigned supervising teacher, have personally evaluated the time value (apportionment credit) of the student's work products, or that I have personally reviewed the evaluations made by other certified teachers.

Actual Days of Absence From _____ to _____ Date Assignments Evaluated _____

Total Number of Attendance Days Possible	
Total Number of Days Credited	
Total Number of Days Not Credited	

Supervising Teacher's Signature: _____ Date: _____

Figure 5.3: Sample Student Work Assignment Record #2

Student Work Assignment Record

Name of Student: _____ School: _____

Grade: _____ Classroom Teacher: _____

Social Security Number: _____ Student ID #: _____ Track: _____

SUBJECT (Course Title): _____

METHOD OF STUDY: Student Reads ☐ Answers Questions ☐ Completes Worksheets ☐ Takes Quizzes or Tests

☐ Other _____

CURRICULUM OBJECTIVES: The student will have the resources of school district personnel, curriculum, textbooks, supplementary materials and community resources that are available to all other students of the school. The following lists specific materials that are checked out to the student for use during the term of this independent study agreement: _____

_____

_____

METHOD OF EVALUATION:
The evaluation portion (Actual Credit/Makeup) to be completed by the teacher after the student finishes the assigned coursework.

EVALUATION:	Credit To Be Earned:	Actual Credits Earned:	Makeup (Academic):
Assignment Completed	_____	_____	_____
Demonstration of Skills	_____	_____	_____
Written Test	_____	_____	_____
Oral Presentation	_____	_____	_____
Minimum Performance of 60%	_____	_____	_____
Other: _____	_____	_____	_____

Beginning Date: _____ Due Date: _____ Date Completed: _____

SCHEDULE FOR SUBMITTING ASSIGNMENTS: The student shall submit assignments to the assigned teacher for evaluation according to the following schedule:

Frequency: _____ Time: _____ Place: _____ Manner: _____

WE HAVE READ THE TERMS OF THIS AGREEMENT AND HEREBY AGREE TO ALL THE CONDITIONS SET FORTH WITHIN:

Student: _____ Date: _____

Teacher: _____ Date: _____

SUPERVISING TEACHER'S EVALUATION/CERTIFICATION:
To be completed by supervising teacher after evaluation of assignments.
My signature below indicates that I, the assigned supervising teacher, have personally evaluated the time value (apportionment credit) of the student's work products, or that I have personally reviewed the evaluations made by other certificated teachers.

Actual Days of Assignment Period From _____ To _____ Date Assignments Evaluated: _____

Total Number of Attendance Days Possible	
Total Number of Days Credited	
Total Number of Days Not Credited	

Supervising Teacher Signature: _____ Date Evaluated: _____

Figure 5.4: Sample Charter School Educational Learning Log

Daily Educational Activity Record

Student Name:_____ Grade:_____ Teacher: _____

Period of Independent Study: Start_____ End_____

XYZ CHARTER SCHOOL recognizes that families may not evenly distribute student's work assignment over weekdays. However, due to strict State law requirements for charter school attendance, the Charter School expects each student to be engaged in an educational activity required of them in the assignments on each weekday that XYZ CHARTER SCHOOL is in session, and asks that this "daily engagement" be documented on a daily basis in the student log by the parent/guardian. This should not be read to prohibit schoolwork on weekends and should not be read to dictate the manner in which a family distributes the assignments over the independent study period. XYZ CHARTER SCHOOL asks that a parent/guardian refrain from documenting any "daily engagement" on a day where a student did not engage in any educational activity required of them by the assignments. By law, work done on weekends or other days when school is not in session cannot be used to "make-up" weekdays where no "daily engagement" occurred.

WEEK ONE

Parent – Please fill in date and *initial*. Write in the description on line next to subjects in which student was engaged on each day.

Daily Engagement in Educational Activities Assigned by the School on Days the School is in Session Week One					
	Monday __/__/__ Initial: _____	Tuesday __/__/__ Initial: _____	Wednesday __/__/__ Initial: _____	Thursday __/__/__ Initial: _____	Friday __/__/__ Initial: _____
Language Arts					
Social Sciences					
Mathematics Science					
Spanish					
Physical Ed					
Other					

WEEK TWO

Parent – Please fill in date and *initial*. Write in the description on the line next to subjects in which student was engaged on each day.

Daily Engagement in Educational Activities Assigned by the School on Days the School is in Session Week Two					
	Monday __/__/__ Initial: _____	Tuesday __/__/__ Initial: _____	Wednesday __/__/__ Initial: _____	Thursday __/__/__ Initial: _____	Friday __/__/__ Initial: _____
Language Arts					
Social Sciences					
Mathematics					
Science					
Spanish					
Physical Ed					
Other					

WEEK THREE

Parent – Please fill in date and *initial*. Write in the description on the line next to subjects in which student was engaged on each day.

Daily Engagement in Educational Activities Assigned by the School on Days the School is in Session Week Three					
	Monday __/__/__ Initial: _____	Tuesday __/__/__ Initial: _____	Wednesday __/__/__ Initial: _____	Thursday __/__/__ Initial: _____	Friday __/__/__ Initial: _____
Language Arts					
Social Sciences					
Mathematics					
Science					
Spanish					
Physical Ed					
Other					

WEEK FOUR

Parent – Please fill in date and *initial*. Write in the description on the line next to subjects in which student was engaged on each day.

Daily Engagement in Educational Activities Assigned by the School on Days the School is in Session Week Four					
	Monday __/__/__ Initial: _____	Tuesday __/__/__ Initial: _____	Wednesday __/__/__ Initial: _____	Thursday __/__/__ Initial: _____	Friday __/__/__ Initial: _____
Language Arts					
Social Sciences					
Mathematics					
Science					
Spanish					
Physical Ed					
Other					

1. I certify that my child was engaged in an educational activity required of him or her by his or her charter school on the days indicated by my initial or signature on this form.

   Parent/Guardian Signature: _____ Date: _____

2. I certify as the teacher evaluating and/or coordinating the student's independent study assignments that I received this form from the student or parent/guardian on _____.

   Attendance Approved by Teacher: _____ [insert number of days]

   Signature of Teacher:_____ Date: _____

The sample forms provided were originally published in *Independent Study Operations Manual (2000 Edition)*, © 2000 by the California Department of Education. Portions of the manual and ordering instructions are available at http://www.cde.ca.gov/sp/eo/is/.

Figure 5.5: CDE Sample Subsidiary Course Agreement

Subsidiary Independent Study Course Contract

Student name	Beginning and ending dates: to
Course title	Course number

Course objectives:

Description of educational activities (methods of study):

Material and/or resources needed for completion:

Material checked out:

Progress reports: Frequency: _____ ; Time: _____ ; Place: _____ ; Manner: _____

Method of evaluation:

Number of units to be awarded upon successful completion: _____

We have read the terms of this contract and agree to all the conditions set forth. Any violation of this contract may result in renegotiation.

Student signature Date

Supervising teacher signature Date

Other signature Date

Figure 5.6: CDE Sample High School Master Agreement

High School Master Agreement for Independent Study

Name:	Student number:	Grade:
Address:	Age:	Birth date:
City:	ZIP code:	Phone: ( )
Location(s):	Social Security number: – –	
Duration:	Entry date:	Exit date:

Agreement: We have read both sides of this agreement and hereby agree to all the conditions set forth within.

Signatures:

Student Date

Parent/Guardian/Caregiver Date

Teacher Date

Program Administrator Date

Other Date

Objective: The student will complete the courses listed below during the semester as they are outlined in the _____ School District course descriptions. All course objectives will be consistent with the established district guidelines. Assignment and Work-Record Forms will include additional descriptions of the major objectives and activities of the course of study covered by the agreement and the methods for evaluating student work. It is understood that:

- The purpose of this agreement is to enable the student to successfully reach the objectives and complete the assignments identified in the Assignment and Work-Record Forms that will be part of this agreement.
- According to district policy for independent study in grades nine through twelve, no more than _____ may elapse between the date an assignment is made by the teacher and the date it is due, unless an exception is made in accordance with district policy.
- The _____ Unified/Joint Union School District will provide the teacher services, instructional materials, and other necessary items and resources as specified for each assignment.
- The student agrees to meet with or report to the teacher regularly, in accordance with the frequency, date, time, and location specified in the course contract or the assignment and work-record form.

Subject	*Course value*	*Subject*	*Course value*

Certification of completed course work

Subject	*Course code number*	*Grade*	*Credits earned*	*Teacher's initials*	*Date*

Total credits _____ Date recorded _____ Teacher's signature _____

High School Master Agreement *(Continued)*

Student:

I understand that:

- Independent study is an optional educational alternative that I have voluntarily selected. If I am a student who was suspended or expelled, I was offered the alternatives of classroom instruction and independent study, and I chose independent study.
- By entering _____ High School I have not waived any rights as a student, and I am entitled to all _____ School District services and resources.
- If I am a student with an individualized education program (IEP), my IEP must specifically provide for my enrollment in Independent Study.
- I must follow all the discipline code and behavior guidelines of the _____ School District.

  Any violation of these guidelines or failure to meet school/district requirements could result in dismissal from _____ High School.
- Visitation on any other school campus requires permission from that school.
- If I achieve only minimum study requirements, I will complete the equivalent of only one semester course a month, or a minimum of 25 credits a semester. A regular high school program is 30 credits a semester.

I agree to:

- Be supervised by _____ and/or other approved resource personnel.
- Meet regularly with the assigned staff member. I understand that failure to complete _____ assignments will result in an evaluation to determine if I should remain in independent study and may also result in one or more of the following:
  1. A letter of concern to me and my parent, guardian, or caregiver, if appropriate
  2. A specially scheduled appointment
  3. A special meeting with the teacher and/or counselor
  4. A meeting with the administrator, including my parent, guardian, or caregiver, if appropriate
  5. Placement on probation
  6. Increase in the amount of time I must be on campus or in an equivalent supervised situation
  7. Revocation of any work permit issued until my school work is satisfactorily completed
  8. Termination of the agreement and my return to a regular classroom program of instruction or other appropriate alternative
- Meet weekly with the Outside Work Experience (OWE) coordinator if I am enrolled in work experience.
- Obtain transportation to scheduled meetings.

  I understand that lack of transportation to the school site is not an acceptable reason for failing to meet with my teacher and/or supervisor to submit my completed assignments.
- Complete my assigned work and achieve at least the minimum performance requirements of the course of study. I understand that credit, which is based on mastery of learning, can only be issued after I have successfully completed an activity and it has been evaluated. I realize that a minimum of _____ hours of work is needed for each unit of credit.

Student's signature: _____

Parent/Guardian/Caregiver:

I understand that the major objective of Independent Study is to provide a voluntary educational alternative for my son or daughter.

I agree to the above conditions listed under **"Student."** I also understand that:

- Individual course objectives are consistent with and evaluated in the same manner that they would be if he or she were enrolled in a traditional school program.
- I am liable for the cost of replacement or repair for wilfully damaged or destroyed books and other school property checked out to my son or daughter.
- Unless otherwise indicated, a teacher or supervisor will meet with my son or daughter on a regular basis to direct and measure progress. The time and location of meetings with the teacher or supervisor will be determined by the teacher or the supervisor in consultation with my son or daughter.
- I am expected to encourage him or her to do more than the minimum study requirements and be involved in an Outside Work Experience (OWE), a Regional Occupational Program (ROP), community volunteer work, or a directed project.
- I have the right to appeal any decision about my son's or daughter's placement, school program, or transfer according to the school district's procedures.

Parent's/Guardian's/Caregiver's signature: _____

Figure 5.7: CDE Sample High School Assignment/Work Record

High School Assignment and Work Record Form

Name | Subject

Objective (Short term): _____ Start date / Due date

Study methods: _____

Resources: _____

Evaluation method: _____

Teacher's signature: _____ Student's signature: _____

Teacher comments/grade: _____

Attendance credit: _____

Objective (Short term): _____ Start date / Due date

Study methods: _____

Resources: _____

Evaluation method: _____

Teacher's signature: _____ Student's signature: _____

Teacher comments/grade: _____

Attendance credit: _____

Figure 5.8: CDE Sample Assignment/Work Record

Assignment and Work Record Form

Student name:	School:	
Instructor:	Date given:	Date due:
Course title:	Course number:	

Regular appointments are required between the teacher and student on the following schedule:
Frequency: _____ Starting (date): _____ Time: _____ Place: _____

Assignments with due dates will be made in writing at each student-teacher meeting.

_____ incomplete assignments will result in a reevaluation of this student's placement in independent study.

Course title and objectives: _____

_____

_____

Method of study: _____

_____

_____

Method of evaluation:

1. Teacher observation and review of student work
2. Quizzes and tests (mastery level _____ percent or better)
3. Other: _____

Description of major learning activities and/or study materials

Textbook and study materials: _____

Computer-based instructional opportunity: _____

Supplemental audiovisual instructional support: _____

Other: _____

_____

Student's signature Date

Parent's/Guardian's/Caregiver's signature Date

Teacher's signature Date

Teacher's comments/grades: _____

Credits: _____

Figure 5.9: CDE Sample Middle School Master Agreement

Middle School Master Agreement for Independent Study

Name:	Student number:	Grade:
Address:	Age:	Birth date:
City:	ZIP code:	Phone: ( )
Location(s):	Social Security number: – –	
Duration:	Entry date:	Exit date:

Agreement: We have read both sides of this agreement and hereby agree to all the conditions set forth within.

Signatures:

Student Date

Parent/Guardian/Caregiver Date

Teacher Date

Program Administrator Date

Other Date

Objective: The student will complete the courses listed below during the semester as they are outlined in the _____ School District course descriptions. All course objectives will be consistent with the established district guidelines. Assignment and Work-Record Forms will include additional descriptions of the major objectives and activities of the course of study covered by the agreement and the methods for evaluating student work. It is understood that:

- The purpose of this agreement is to enable the student to successfully reach the objectives and complete the assignments identified in the course contract or Assignment and Work-Record Forms that will be part of this agreement.
- According to district policy for independent study in grades seven and eight, no more than _____ may elapse between the date an assignment is made by the teacher and the date it is due, unless an exception is made in accordance with district policy.
- The _____ Unified/Joint Union School District will provide the teacher services, instructional materials, and other necessary items and resources as specified for each assignment.
- The student agrees to meet with or report to the teacher regularly, in accordance with the frequency, date, time, and location specified in the course contract or the Assignment and Work-Record Form.

Subject	*Subject*

Certification of completed course work

Subject	*Grade*	*Teacher's initials*	*Date*

Date recorded_____ Teacher's signature _____

Middle School Master Agreement *(Continued)*

Student:

I understand that:

- Independent study is a form of education that I have chosen. If I am a student who was suspended or expelled, I was offered the alternatives of classroom instruction and independent study, and I chose independent study.
- I am entitled to textbooks, a teacher, and all school district services and resources.
- I must follow the discipline code and behavior guidelines of the school district.
- I have the same rights as any student of the school district.

I agree to:

- Be supervised by and meet regularly with my teacher. The frequency, date, time, and location will be determined by my work assignments. I realize that it is my responsibility to promptly reschedule any appointment I miss because of an emergency. I understand that if I do not give evidence of two completed assignments, my agreement may be reviewed.
- Complete my assigned work and achieve at least the minimum performance requirements of the course of study.

Student's signature: _____

Parent/Guardian/Caregiver:

I understand that the major objective of independent study is to provide a voluntary educational alternative for my son or daughter. I understand the conditions listed above under "Student." I understand that:

- Learning objectives are consistent with and evaluated in the same manner that they would be if my child were enrolled in a traditional school program.
- If my child has an individual education program (I.E.P.), the I.E.P. must specifically provide for his or her enrollment in independent study.
- Unless otherwise indicated, a teacher will meet with my son or daughter and me on a regular basis to direct and measure progress. The time and location of meetings with the teacher or supervisor will be determined by the teacher or supervisor in consultation with me and my son or daughter.
- I am responsible for supervising my child while he or she is completing the assigned work and for submitting all completed assignments necessary for evaluation.
- To ensure that my child's independent study is consistent with traditional schooling, I need to encourage him or her to meet more than the minimum study requirements.
- I am liable for the cost of replacement or repair of damaged or lost books and other materials that are checked out to my son or daughter.
- It is my responsibility to provide any needed transportation to the school site for my child.
- I have the right to appeal to the school administrator any decision about my child's placement or school program in accordance with the school district's procedures.

Parent's/Guardian's/Caregiver's signature: _____

Figure 5.10: CDE Sample Elementary School Master Agreement

Elementary School Master Agreement for Independent Study

Name:	Student number:	Grade:
Address:	Age:	Birth date:
City:	ZIP code:	Phone: ( )
Duration:	Entry date:	Exit date:
Location(s):		

Objective:

- The major objective for the duration of this agreement is to enable the student to keep current with _____ grade studies for the period covered by this agreement.
- This agreement is to enable the student to successfully reach the objectives and complete the assignments identified in the Assignment and Work-Record Form(s) that will be a part of this agreement. With the support of the parent, guardian, or caregiver the student will submit assignments on or before their due date.
- According to district policy for independent study in grades K–6, no more than_____ may elapse between the date an assignment is made by the teacher and the date it is due, unless an exception is made in accordance with district policy.
- The _____ School District will provide the teacher services, instructional materials, and other necessary items and resources as specified for each assignment.
- The student will complete the studies listed below during the semester or term of the agreement as they are outlined in the _____ School District curriculum.
- Other
  List studies here):_____

We agree on regular reports on the student's work, as follows:

The student's work will be evaluated by the method specified in the Assignment and Work-Record Form.

Frequency:_____ Time:_____ Place:_____ Manner: _____

AGREEMENT: We have read pages 1 and 2 of this agreement and hereby agree to all the conditions set forth within.

Student	Date
Parent/Guardian/Caregiver	Date
Teacher	Date
Other	Date
Program Administrator	Date

CERTIFICATION

Date recorded_____ Supervising teacher's signature _____

Elementary School Master Agreement *(Continued)*

Student:

I understand that:

- Independent Study is a form of education that I have chosen. If I am a student who was suspended or expelled, I was offered the alternatives of classroom instruction and independent study, and I chose independent study.
- I am entitled to textbooks and supplies, supervision by my teacher, and all the services and resources received by other children enrolled in my grade of _____ School.
- I have the same rights as other students in my grade at the _____ School.
- I must follow the rules and standards in the discipline code and behavior guidelines of the _____ School.
- If I do not complete ____ assignments my incomplete work will result in review of my agreement and I may not be allowed to continue in Independent Study.

I agree to:

- Be supervised by and meet regularly with my teacher, as specified on page 1.
- Complete my assigned work by its due date, as explained by my teacher and described in my written assignments.

Student's signature: _____

Parent/Guardian/Caregiver:

I understand that the major objective of Independent Study is to provide a voluntary educational alternative for my son or daughter. I agree to the above conditions listed under ***"Student."*** *I also understand that:*

- Learning objectives are consistent with and evaluated in the same manner that they would be if he or she were enrolled in a traditional school program.
- If my child has an individualized education program (IEP), the IEP must specifically provide for his or her enrollment in Independent Study.
- Unless otherwise indicated, the supervising teacher who signs this agreement will meet with my son or daughter on a regular basis as specified on page 1 to direct the child's study and measure progress toward the objectives in this agreement. It is my responsibility to promptly reschedule any appointment missed because of any emergency.
- I am responsible for supervising my child while he or she is completing the assigned work and for ensuring the submission of all completed assignments necessary for evaluation.
- I am liable for the cost of replacement or repair for willfully damaged or destroyed books and other school property checked out to my son or daughter.
- It is my responsibility to provide any needed transportation for my son's or daughter's scheduled meetings and any other travel covered by this agreement.
- I have the right to appeal to the school administrator any decision about my son's or daughter's placement or school program in accordance with the _____ School District's procedures.

Parent's/Guardian's/Caregiver's signature: _____

Figure 5.11: CDE Sample Assignment/Work Record

Assignment and Work Record Form

Name	Subject

Objective (short term)	Date

Study method

Resources

Evaluation method

Signature

Teacher comments/grade

Days submitted	Days accepted	Makeup (academic)

Objective (short term)	Date

Study method

Resources

Evaluation method

Signature

Teacher comments/grade

Days submitted	Days accepted	Makeup (academic)

White: C.I.S. Canary: Teacher Gold: Student

Figure 5.12: Sample Procedure for an Independent Study Teacher



Step One: Parent Request

1. You receive notice that a student will be gone from school for at least five consecutive school days.
2. Parent is requesting or has been offered voluntary option for independent study.



Step Two: Conference

1. Schedule student and parent conference for purposes of signing the independent study agreement and reviewing criteria for participation.



Step Three: Independent Study Agreement

1. Parent and student conference with certificated teacher.
2. Parent, student, supervising teacher, and other persons responsible sign and date the agreement. Other person's signature and date on subsidiary course/work assignment record satisfies requirement for "other persons responsible".*
   a. Specify work to be completed
   b. Indicate the apportionment attendance it is worth
   c. Beginning and end dates
3. Return conference time and location must be included.
4. Fill out course (subsidiary) agreements.
5. Complete daily assignment log.

* Note: The agreement can never be back dated, have dates altered, or banked.



Step Four: Course (Subsidiary) Agreements

1. Student and certificated teacher must sign and date for each academic subject.
2. Course agreements must specify:
   a. Beginning and end dates
   b. Objectives
   c. Learning activities
   d. Methods of evaluation
   e. Manner of reporting
   f. Specific resources made available to the student
3. Independent study supervising teacher secures assignments from the course teacher(s) at the elementary level. The supervising teacher may be the classroom teacher who directly makes assignments.
4. Only equivalent classroom curriculum is to be assigned, both in quality and quantity.
5. A course or work assignment record is required for each subject.



Step Five: When the Student Returns

1. Certificated teacher and student meet to evaluate completed assignments and/or student progress.*
2. Teacher evaluates student's progress and determines apportionment and academic value.
3. No half days or hours, count only in full day or full hour increments.
4. Teacher records academic credit and grade on applicable forms.
5. Representative (and original) work samples assembled by teacher. No longer required to sign & date work samples (SB 858, June 20, 2014)
6. Student's evaluated work is returned to the student's regular teachers.

Keeping a File:

1. A file must be maintained for each student and kept for three full school years; i.e. retain documents created in the 2006-07 school year until July 2010.
2. The folder includes:
   a. Independent study agreement
   b. Course agreements
   c. Assignment log sheets
   d. Original samples of evaluated student work
3. Apportionment record signed and dated by the supervising teacher.
4. Files must be alphabetical by grade level and by school year.

Keeping the Register:

1. Setup according to the school year (not calendar year).
2. Must be done in pen (black or blue). Mark "C" for apportionment and "Z" for non-apportionment.
3. Sign and date every page, and total ADA claimed.
4. Must be turned in to attendance office monthly.
5. The register is reviewed and may be returned for corrections.
6. Make sure students are enrolled weekdays only. Weekends and holidays may not be counted.

ADA

1. Record attendance in state approved attendance system.
2. Signed and dated by certificated employee as per approved system.
3. Registers are turned in at the end of the school year.
4. ADA collected assists in recouping ADA that would have been lost and allows students to keep up with their class work.
5. No ADA may be claimed if the work is not turned in on time or is done after the assignment due date, or time exceeding maximum period authorized in board policy or the independent study agreement end date, whichever occurs sooner.

Special Education:

1. If a student has an IEP, he/she cannot participate in the independent study program unless the IEP specifically provides for that participation. The auditors may require a copy of the student's IEP.

Bilingual:

1. Meet the needs of the bilingual student: Talk to the classroom teacher and the bilingual aide (or teacher) in order to set up appropriate work.

Year-Round or Multi-Track Independent Study:

1. Independent study cannot be used to make up attendance for days missed in year-round or multi-track.
2. Independent study, when offered during Intersession, is recorded in hours and reported on the approved attendance report as supplemental hourly programs, subject to specific criteria for these programs.

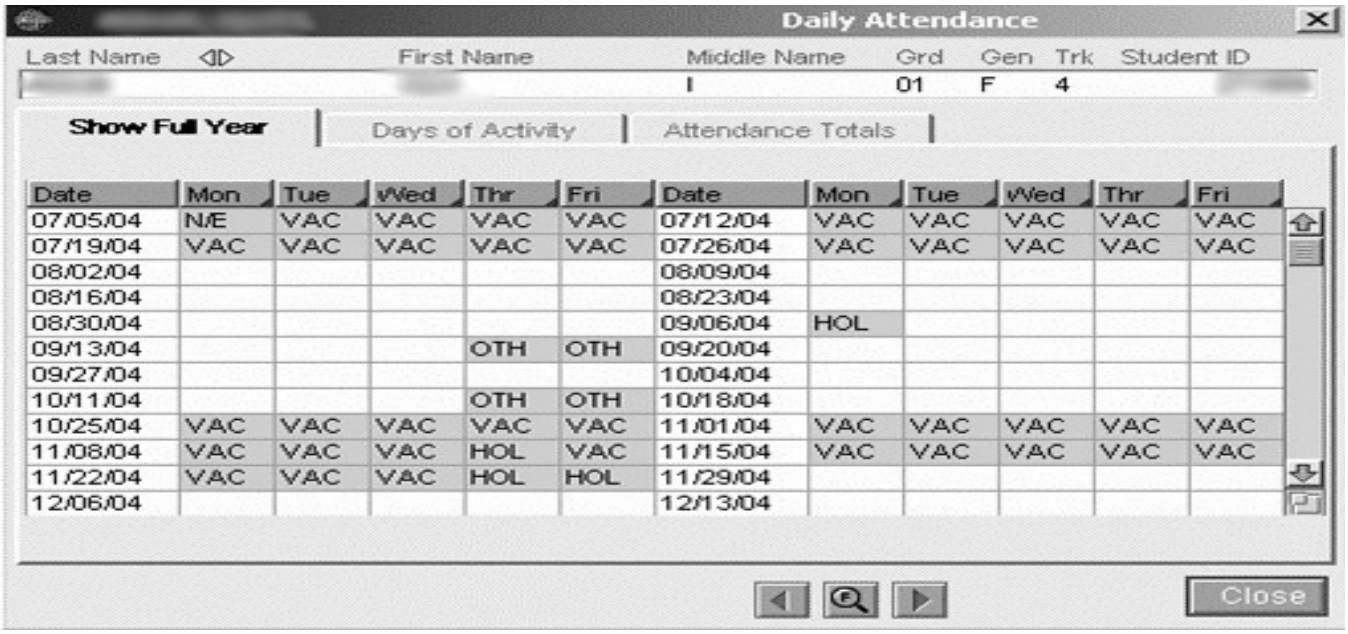
Figure 5.13: Sample Procedures for School Site Attendance Personnel

1. Parents and student request the short term independent study option from the student's school site. The attendance office contact s the student's supervising teacher.
2. The attendance clerk at the school site changes the student's records in attendance system to reflect that the student is on independent study.

Elementary School

Procedures for Changing Attendance Record to Reflect Independent Study In Process

1. The attendance clerk opens the student's attendance.



Date	Mon	Tue	Wed	Thr	Fri	Date	Mon	Tue	Wed	Thr	Fri
07/05/04	N/E	VAC	VAC	VAC	VAC	07/12/04	VAC	VAC	VAC	VAC	VAC
07/19/04	VAC	VAC	VAC	VAC	VAC	07/26/04	VAC	VAC	VAC	VAC	VAC
08/02/04						08/09/04					
08/16/04						08/23/04					
08/30/04						09/06/04	HOL				
09/13/04				OTH	OTH	09/20/04					
09/27/04						10/04/04					
10/11/04				OTH	OTH	10/18/04					
10/25/04	VAC	VAC	VAC	VAC	VAC	11/01/04	VAC	VAC	VAC	VAC	VAC
11/08/04	VAC	VAC	VAC	HOL	VAC	11/15/04	VAC	VAC	VAC	VAC	VAC
11/22/04	VAC	VAC	VAC	HOL	HOL	11/29/04					
12/06/04						12/13/04					

Figure 1, Student Daily Attendance Record

2. The attendance clerk refers to the student's agreement for short term independent study (see sample forms section) for the beginning and ending dates of the student's independent study. The beginning date must be at least three days after the request for independent study, and the ending date must be at least five, but no more than 20, consecutive school days after the beginning date. The clerk navigates to the dates of independent study within the student's daily attendance record, and for each school day that the student will be on independent study the clerk enters the attendance code ISP, for independent study pending (in process). This is done by clicking in the box for each day, which will bring up a drop-down menu of attendance codes (see Figure 2).

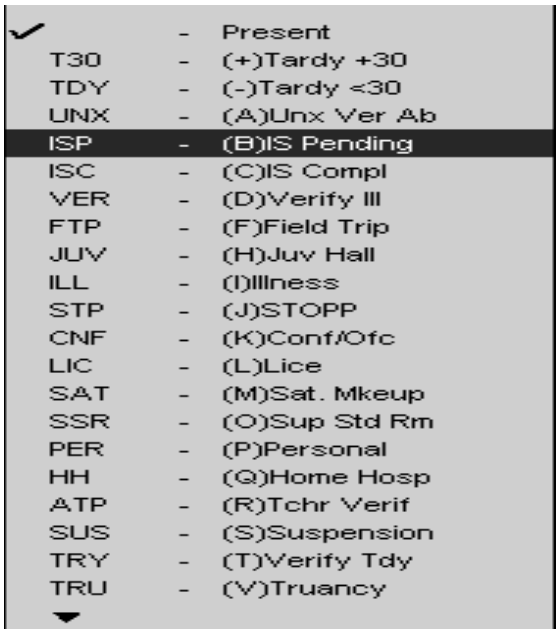
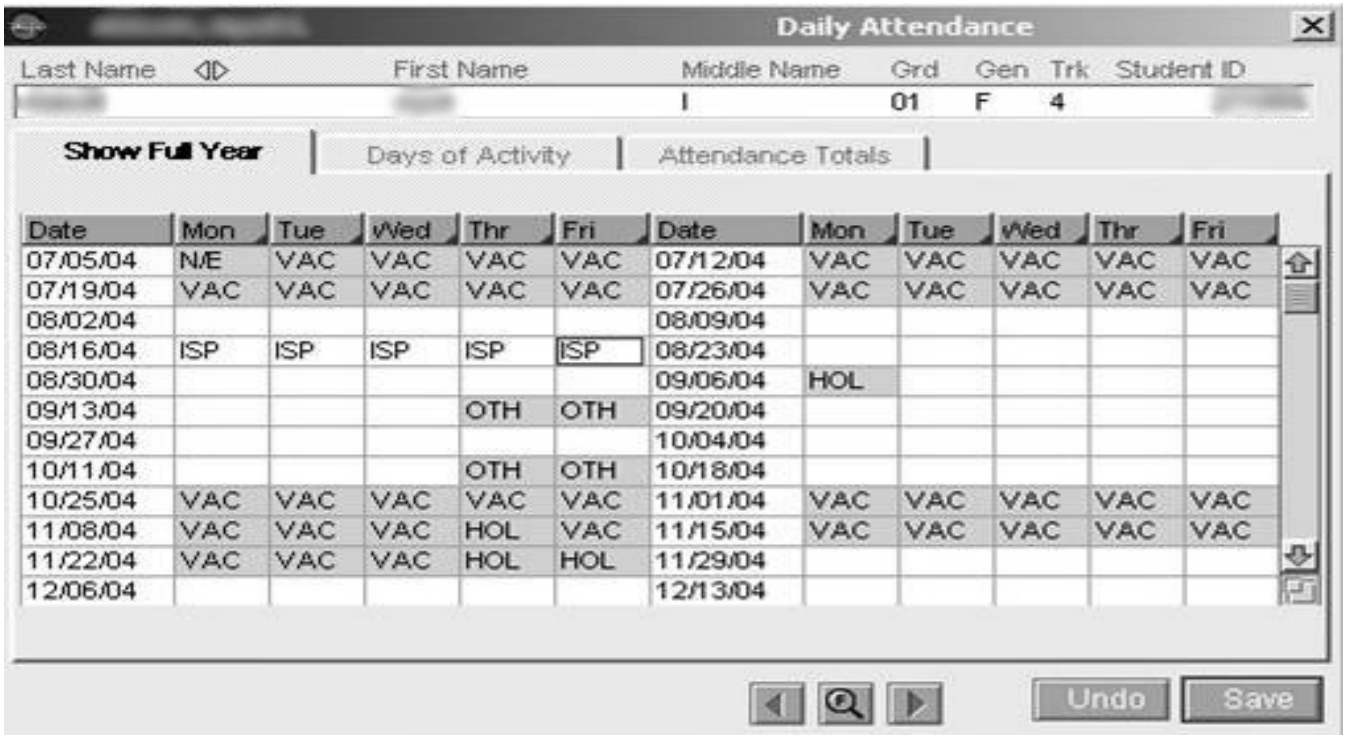


Figure 2, Drop-Down Menu of Attendance Codes (opened by clicking on a date in the student's attendance record)- ISP (Independent Study Pending)

3. The attendance clerk enters the ISP code into the field for each day the student will be on independent study. This code indicates that the student is on independent study, and that the attendance for that student while on independent study has not yet been processed.



Date	Mon	Tue	Wed	Thr	Fri	Date	Mon	Tue	Wed	Thr	Fri
07/05/04	N/E	VAC	VAC	VAC	VAC	07/12/04	VAC	VAC	VAC	VAC	VAC
07/19/04	VAC	VAC	VAC	VAC	VAC	07/26/04	VAC	VAC	VAC	VAC	VAC
08/02/04						08/09/04					
08/16/04	ISP	ISP	ISP	ISP	ISP	08/23/04					
08/30/04						09/06/04	HOL				
09/13/04				OTH	OTH	09/20/04					
09/27/04						10/04/04					
10/11/04				OTH	OTH	10/18/04					
10/25/04	VAC	VAC	VAC	VAC	VAC	11/01/04	VAC	VAC	VAC	VAC	VAC
11/08/04	VAC	VAC	VAC	HOL	VAC	11/15/04	VAC	VAC	VAC	VAC	VAC
11/22/04	VAC	VAC	VAC	HOL	HOL	11/29/04					
12/06/04						12/13/04					

Figure 3, Student Record of Attendance showing ISP code (this sample figure reflects the student's participation in independent study from August 16th to August 20).

4. The attendance clerk exits the student's attendance record. The student is now enrolled in independent study, and the attendance clerk does not enter any attendance information for the student until he or she returns from independent study and re-enters his or her original program.
5. When the student returns from independent study, the supervising teacher evaluates the student's work and submits the evaluation/certification statement (Figure 4) to the attendance clerk. This form is found at the bottom of the assignment agreement form . The attendance clerk at the school site changes the attendance codes in the student's records to reflect that the student's attendance from their time on independent study.

Procedures for Recording of Attendance After Student's Work is Evaluated

1. The attendance clerk reviews the evaluation/certification statement completed by the supervising teacher to determine the number of days for which the student is to receive attendance credit (Figure 4) and the number of days the student for which the student does not receive attendance credit (Figure 4, see ii). The total of these two numbers must equal the number of attendance days possible; for example, if the student was on independent study for five days and received attendance credit for four of those days, the number of days not credited would be one.

SUPERVISING TEACHER'S EVALUATION/CERTIFICATION STATEMENT
To be completed by Supervising Teacher after evaluation of assignment

My signature below indicates that I, the assigned supervising teacher, have personally evaluated the time value (apportionment credit) of the student's work products, or that I have personally reviewed the evaluations made by other certified teachers.

Actual Days of Absence From _____ to _____ Date Assignments Evaluated _____

Total Number of Attendance Days Possible	
Total Number of Days Credited	
Total Number of Days Not Credited	

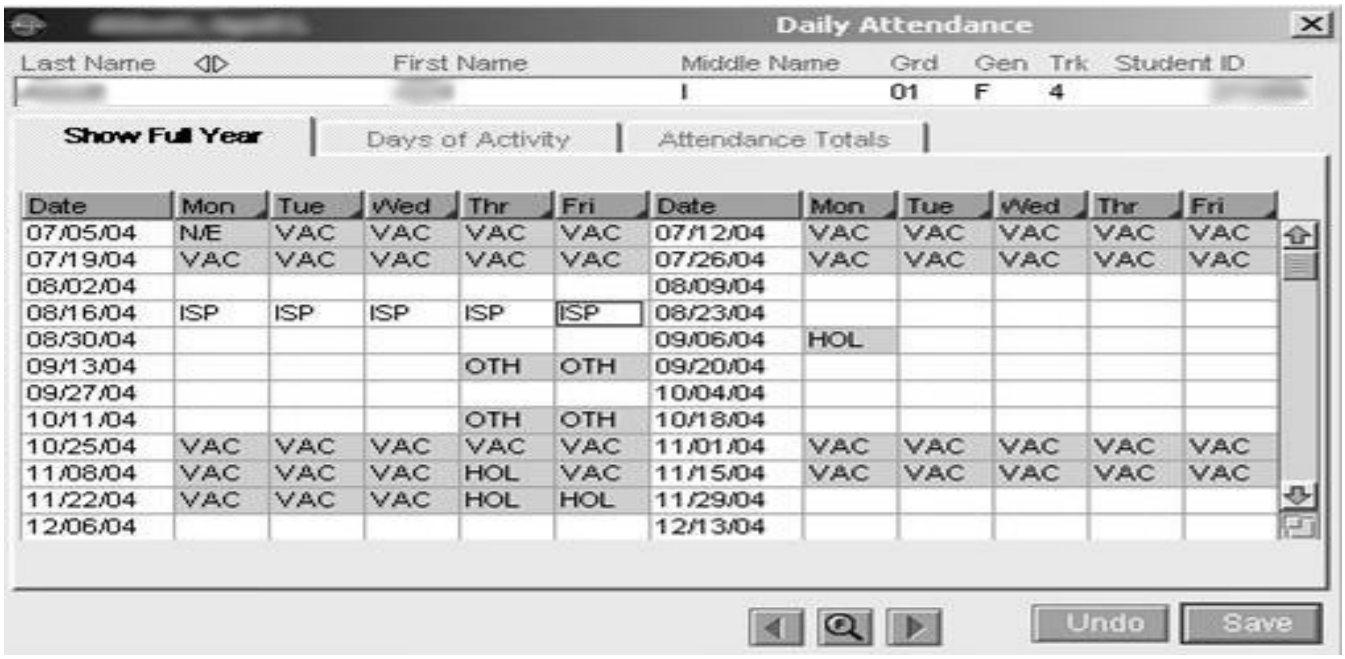
i

ii

Supervising Teacher's Signature: _____ Date: _____

Figure 4, Supervising teacher's evaluation/certification statement (from the lower portion of the assignments agreement form,)
i: The number of days of attendance credit the student is awarded for the work they completed while on independent study.
ii: The number of days of attendance credit the student is <u>not</u> awarded for their independent study.

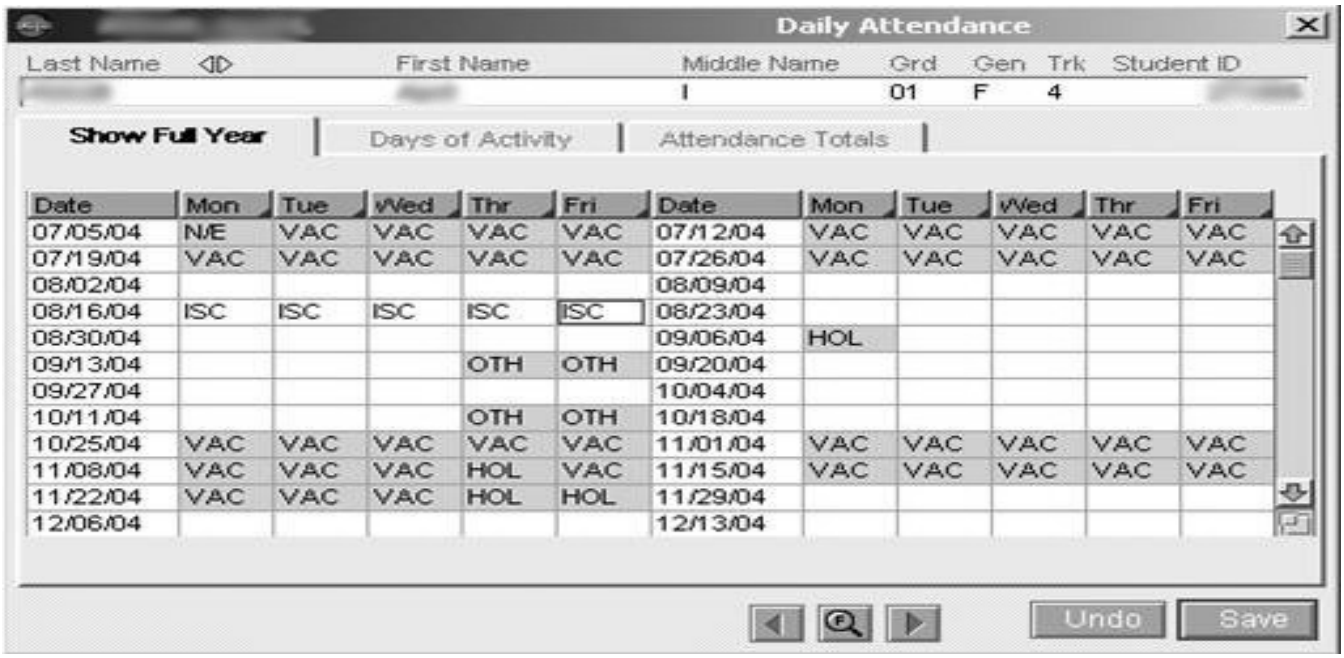
2. The attendance clerk opens the student's records in the attendance system (Figure 5). The student's record for the time spent on independent study is coded ISP, for independent study pending.



Date	Mon	Tue	Wed	Thr	Fri	Date	Mon	Tue	Wed	Thr	Fri
07/05/04	N/E	VAC	VAC	VAC	VAC	07/12/04	VAC	VAC	VAC	VAC	VAC
07/19/04	VAC	VAC	VAC	VAC	VAC	07/26/04	VAC	VAC	VAC	VAC	VAC
08/02/04						08/09/04					
08/16/04	ISP	ISP	ISP	ISP	ISP	08/23/04					
08/30/04						09/06/04	HOL				
09/13/04				OTH	OTH	09/20/04					
09/27/04						10/04/04					
10/11/04				OTH	OTH	10/18/04					
10/25/04	VAC	VAC	VAC	VAC	VAC	11/01/04	VAC	VAC	VAC	VAC	VAC
11/08/04	VAC	VAC	VAC	HOL	VAC	11/15/04	VAC	VAC	VAC	VAC	VAC
11/22/04	VAC	VAC	VAC	HOL	HOL	11/29/04					
12/06/04						12/13/04					

Figure 5, Student Record of Attendance showing ISP code

3. ISP codes are changed to the code ISC (independent study completed) for a number of days to equal the number of days of attendance credit the student was awarded according to the evaluation/ certification statement (Figure 4, see A). Any remaining days are coded as ISI (independent study incomplete). Days coded ISI are NOT considered excused nor unexcused absences as a student is not considered absent when on Independent Study. Figure 6 shows the attendance record of a student who received full attendance credit for the five days spent on independent study; the code for each of the five days has been changed to ISC.



Date	Mon	Tue	Wed	Thr	Fri	Date	Mon	Tue	Wed	Thr	Fri
07/05/04	N/E	VAC	VAC	VAC	VAC	07/12/04	VAC	VAC	VAC	VAC	VAC
07/19/04	VAC	VAC	VAC	VAC	VAC	07/26/04	VAC	VAC	VAC	VAC	VAC
08/02/04						08/09/04					
08/16/04	ISC	ISC	ISC	ISC	ISC	08/23/04					
08/30/04						09/06/04	HOL				
09/13/04				OTH	OTH	09/20/04					
09/27/04						10/04/04					
10/11/04				OTH	OTH	10/18/04					
10/25/04	VAC	VAC	VAC	VAC	VAC	11/01/04	VAC	VAC	VAC	VAC	VAC
11/08/04	VAC	VAC	VAC	HOL	VAC	11/15/04	VAC	VAC	VAC	VAC	VAC
11/22/04	VAC	VAC	VAC	HOL	HOL	11/29/04					
12/06/04						12/13/04					

Figure 6, Student's Daily Attendance Record Reflecting Attendance Credit for Completed Independent Study

Records maintenance

The written agreement, course/work assignment, sample of student work products, and teacher records (apportionment and academic) shall be maintained until after the third July following completion of the audit required by *Education Code* Section 41020 (*5 CCR* sections 16023, 16026). Mandatory permanent pupil records shall be maintained indefinitely. These files shall be maintained by the designated custodian of records (administrator, teacher, or other designated person) and be accessible for auditors.

Distribution of documents

- *Independent study agreement form* – one copy to pupil services
- *Assignments agreement for short-term independent study* – one copy to pupil services
- *Independent study attendance report* – one copy to attendance accounting, business services
- The *short-term independent study "control" log* is an optional form that can be completed and maintained by the attendance clerk.

Secondary School

Procedures for Changing Attendance Record to Reflect Independent Study In Process

1. The attendance clerk opens the student's records in the Period Attendance module (Figure 7).

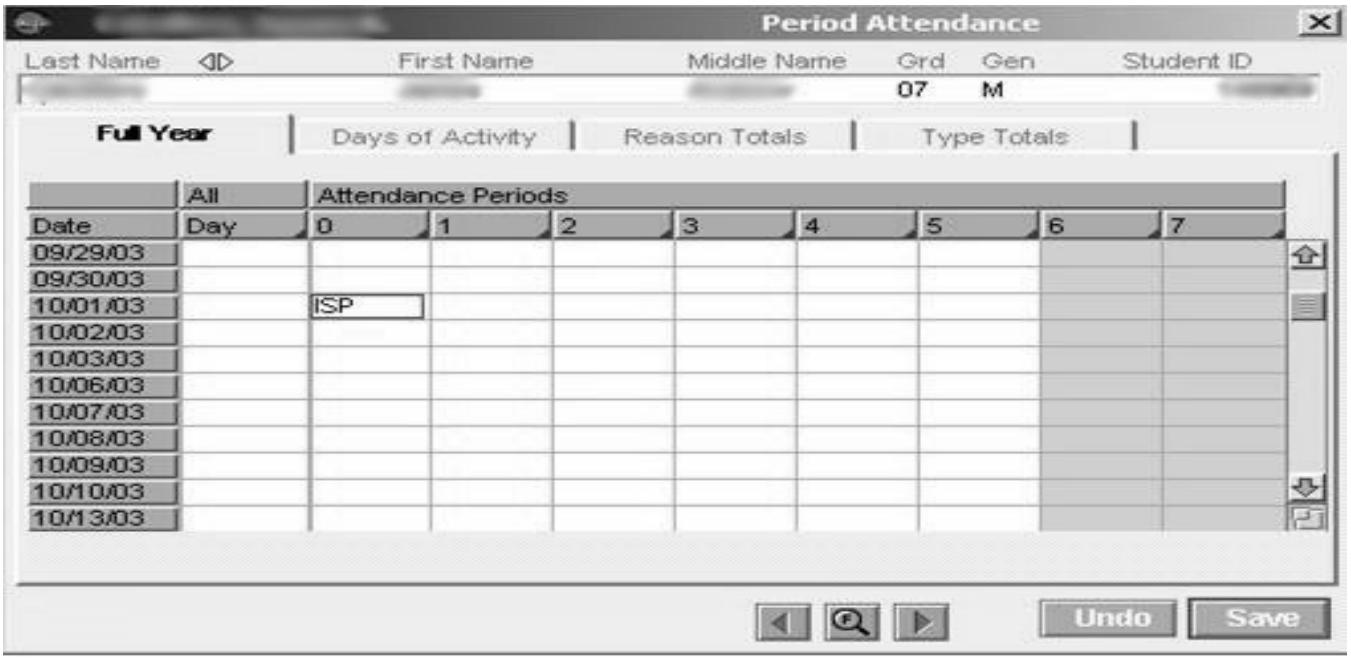


Figure 7, Student Record in Period Attendance Module

2. The attendance clerk refers to the student's agreement for short-term independent study (see sample forms section) for the beginning and ending dates of the student's independent study. The beginning date must be at least three days after the request for independent study, and the ending date must be at least five, but no more than 20, consecutive school days after the beginning date.
3. The clerk navigates to the dates of independent study within the student's period attendance record (Figure 8), and for each school day that the student will be on independent study the clerk enters the attendance code ISP, for independent study pending (in process), in the All Day field (Figure 8, see i) and in the field for each period of the day (Figure 8, see ii). This is done by clicking in each field, which will bring up a drop-down menu of attendance codes (see Figure 2). The ISP code indicates that the student is on independent study, and that the attendance for that student while on independent study has not yet been processed.

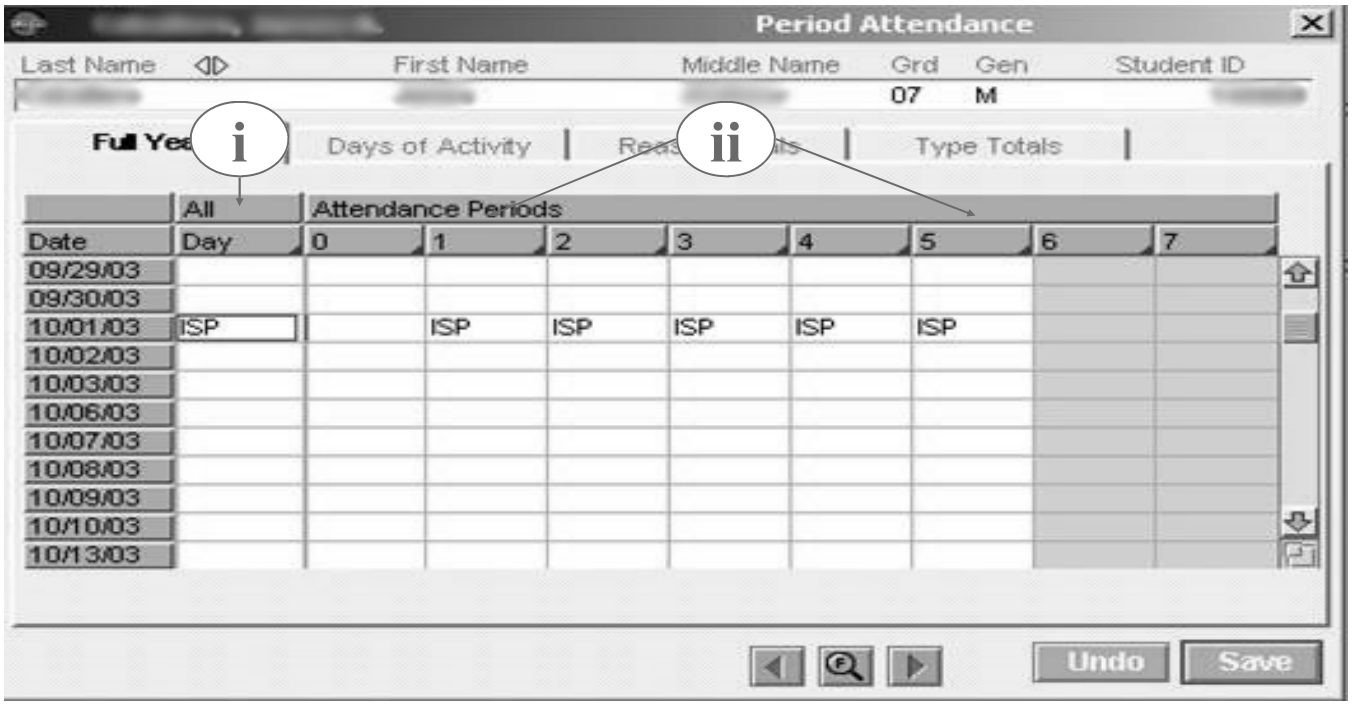


Figure 8, Student Record of Attendance showing ISP code for one day of the student's independent study
i: The All Day field must be coded ISP to prevent the student from being marked truant.
ii. Each of the attendance periods must be coded ISP to prevent the student from being marked absent in that period.

4. The attendance clerk exits the student's record. The student is now enrolled in independent study, and the attendance clerk does not enter any attendance information for the student until he or she returns from independent study and re-enters his or her original program.
5. When the student returns from independent study, the supervising teacher evaluates the student's work and submits the evaluation/certification statement (Figure 9) to the attendance clerk. This form is found at the bottom of the assignment agreement form. The attendance clerk at the school site changes the attendance codes in the student's record to reflect the student's attendance for their time on independent study.

Procedures for Recording of Attendance After Student Work is Evaluated

1. The attendance clerk reviews the evaluation/certification statement completed by the supervising teacher (Figure 9) to determine the number of days for which the student is to receive attendance credit (Figure 9, see i) and the number of days the student for which the student does not receive attendance credit (Figure 9, see ii). The total of these two numbers must equal the number of attendance days possible; for example, if the student was on independent study for five days and received attendance credit for four of those days, the number of days not credited would be one.

SUPERVISING TEACHER'S EVALUATION/CERTIFICATION STATEMENT
To be completed by Supervising Teacher after evaluation of assignment

My signature below indicates that I, the assigned supervising teacher, have personally evaluated the time value (apportionment credit) of the student's work products, or that I have personally reviewed the evaluations made by other certified teachers.

Actual Days of Absence From _____ to _____ Date Assignments Evaluated _____

Total Number of Attendance Days Possible	
Total Number of Days Credited	
Total Number of Days Not Credited	

i

ii

Supervising Teacher's Signature: _____ Date: _____

Figure 9, Supervising teacher's evaluation/certification statement (from the lower portion of the assignments agreement form)
i: The number of days of attendance credit the student is awarded for the work they completed while on independent study.
ii: The number of days of attendance credit the student is <u>not</u> awarded for their independent study.

2. The attendance clerk opens the student's records in the Period Attendance module (Figure 10). The student's record for the time spent on independent study is coded ISP, for independent study pending.

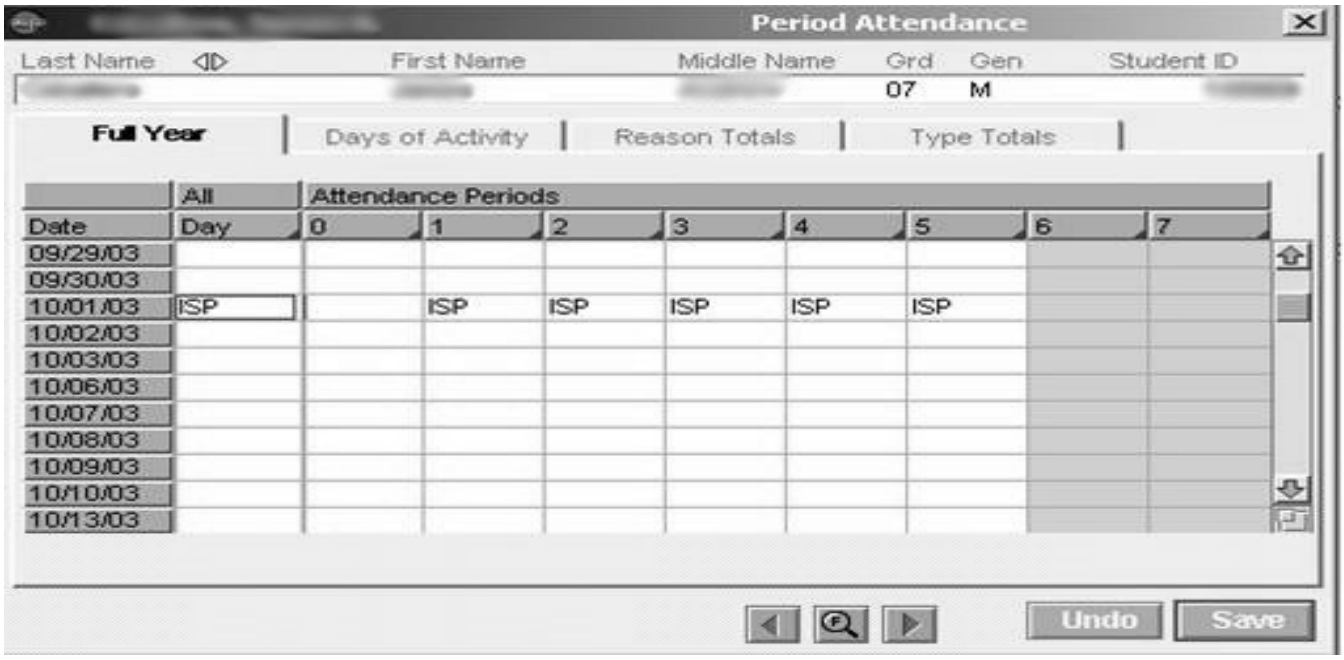


Figure 10, Student Record of Attendance showing ISP code

3. ISP codes are changed to the code ISC (independent study completed) for the All Day field and each period field of a number of days to equal the number of days of attendance credit the student was awarded according to the evaluation/certification statement (Figure 9, see i). Any remaining days are coded as ISI (independent study incomplete) in the All Day field and each period field. Figure 11 shows the coding for a day of attendance credit for independent study (independent study cannot be less than five consecutive school days, so an actual attendance record would never have a single day coded for independent study).

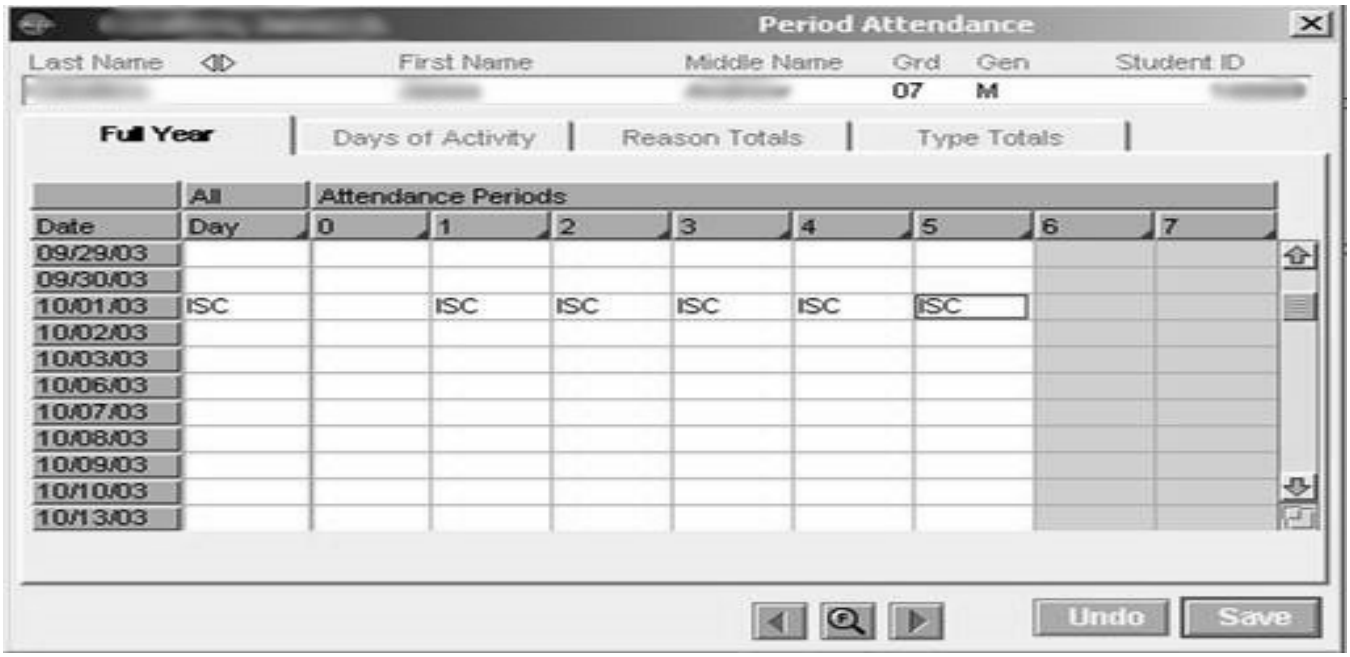


Figure 11, Student's Daily Attendance Record Reflecting Attendance Credit for Completed Independent Study

Records maintenance

The written agreement, course/work assignment, sample of student work products, and teacher records (apportionment and academic) shall be maintained until after the third July following completion of the audit required by *Education Code* Section 41020 (*5 CCR* sections 16023, 16026). Mandatory permanent pupil records shall be maintained indefinitely. These files shall be maintained by the designated custodian of records (administrator, teacher, or other designated person) and be accessible for auditors.

Distribution of documents

- *Independent study agreement form* – one copy to pupil services
- *Assignments agreement for short-term independent study* – one copy to pupil services
- *Independent study attendance report* – one copy to attendance accounting, business services
- The *short-term independent study "control" log* is an optional form that can be completed and maintained by the attendance clerk.

Each agency should develop checklists that are applicable to their specific procedures. The samples provided are for reference purposes only.

Figure 5.14: Sample Parent Questionnaire

Parent Questionnaire

Parent Name _____

Child Name _____

Purpose of Independent Study _____

Access	Methods for Submitting Work Assignments	Methods for Assisting Child
❑ Computer	❑ E-mail	❑ E-mail
❑ Internet	❑ UPS/FedEx	❑ Phone calls
❑ E-mail	❑ Fax	❑ Home visits
❑ Word Processing	❑ Mail	❑ Parent
❑ Other Programs	❑ Phone Conferencing	
	❑ Conferencing	

Study Location

Yes❑ No❑ Can your child work alone?

Yes❑ No❑ Do you think your child will be able to finish all assignments given?

Yes❑ No❑ Is your child responsible enough to make any necessary appointments with his or her teacher?

Yes❑ No❑ Will there be an appropriate place and space available for your child to study at home or on your vacation?

Yes❑ No❑ Are you aware of the supporting role you must play, as a parent, if your child is under 18 years of age?

Yes❑ No❑ Is your child capable of reading at the grade level required to complete the assigned coursework?

Yes❑ No❑ Is your child able to work in an unstructured environment?

Yes❑ No❑ Without the company of other children, will your child be able to grow socially at a normal level?

Yes❑ No❑ Does your child understand that s/he is enrolling in the Independent Study program voluntarily?

Yes❑ No❑ A classroom option will always be available. Has your child been made aware of this?

Yes❑ No❑ Does your child have one of the following deficit credits: special needs, travel, gifted or talented, previous dropout, or is raised by people who want to be more involved in the education?

Figure 5.15: Sample Independent Study Checklist

Independent Study

Description

- Serves K-12 and adult education students
- Enrollment is voluntary
- Classroom option always available
- A one semester agreement signed by the pupil, parent (guardian), independent study teacher, and other person(s) responsible
- School may terminate or deny a pupil's participation in independent study if all conditions of the agreement are not met
- Pupil may also end participation at anytime to regularly attend classroom instruction
- Pupil should be assigned a full day's assignments, comparable to time in a regular school day
- Pupil only attends school when there is an appointed time with the teacher
- Work experience and ROP are available
- Parents must take a responsible role

Qualifiers		**Yes**	**No**
1.	Is there evidence that the pupil can work alone?	____	____
2.	Is there an indication that the pupil will work to complete assignments	____	____
3.	Can the pupil make the necessary appointments with the teacher.	____	____
4.	Is there an appropriate place and space to study at home?	____	____
5.	If the pupil is under 18 years of age, does the parent understand the supporting role they must play?	____	____
6.	Does this pupil read at a grade level that will enable him or her to complete the assignment?	____	____
7.	Can this pupil work in an unstructured environment?	____	____
8.	Will this pupil be able to grow in an unstructured environment?	____	____
9.	Does the pupil understand they are enrolling voluntarily?	____	____
10.	Does the pupil understand a classroom option will always be available?	____	____
11.	Does the pupil have one of the following deficit credits, gifted or talented, special needs, has been a dropout, travel or parents who want to be more involved in the education?	____	____

Figure 5.16: Sample Student Evaluation/Orientation Checklist

Independent Study
Student Evaluation/Orientation Check List

Student_____ Date Checked_____

_____
Signature of reviewer

Please indicate with a √ all areas that are complete and in compliance

____Referral form (filled out completely)

____Student Orientation
- ____interview/explanation of program
- ____child rights explained
- ____enrollment form
- ____transcript evaluation
- ____assessment administered

Results of assessment:

_____ _____ _____
Math Reading Other

____Independent Study Agreement (check for required signatures and dates)

____Course Agreement (filled out with signatures)

____Weekly Assignment, evaluation and progress sheet (check assignments are given and work has been graded and evaluation indicated)

____Materials assigned sheet

____Student Work Samples (graded by teacher)
3 varied samples for each course agreement

____Attendance Sheet-check days of attendance against weekly report of work accepted

Figure 5.17: Sample Agreement Checklist

INDEPENDENT STUDY AGREEMENT
CHECK OFF LIST

BEFORE STUDENT LEAVES:

____ Reason for Independent Study Agreement. Usually this is family travel.

____ Length of Assignment: State beginning date/ending date.

____ Reporting School Month Number: School month/months child will be on independent study

____ Total Number of School Days: # of days student will be absent (should not include weekends or holidays). A student should not be marked excused on attendance register if he/she is on independent study.

____ Manner: e.g. meeting, email, telephone, or other forms of communication with the teacher

____ Days Assigned: The number of days a student will be absent from school.

____ Evaluation Method: How will you evaluate this student? Oral/written reports/work assignments/grade/etc.

____ Resources: Materials and personnel made available to the student.

____ Signature and Date Lines: Signed and dated by all required parties to the agreement before the student begins independent study.

____ Pink copy: Send to Accounting

____ Yellow copy: Give to parent/student

____ White copy: Retained by school

____ Goldenrod copy: When student returns, send completed copy to Accounting

AFTER STUDENT RETURNS:

____1 Teacher: Fill in days credited in the appropriate boxes.

____2 Teacher Evaluating Comments: Grade/Complete/Incomplete/Satisfactory/etc. Evaluate homework assignments and fill in evaluation comments on Agreement and homework samples.

____3 Days submitted and days accepted: Fill in at the bottom of the form. The State does not allow partial credit.

____4 Sign and **date** Agreement Completed or Agreement Not Completed.

____5 Office Manager:
Goldenrod copy: Send to Accounting.

____6 White copy: Keep with homework samples for a three-year period.

____7 Send ATD 02 to Accounting. No credit can be given until the ATD 02 is received.

Figure 5.18: Sample Substitute Teacher Checklist

INDEPENDENT STUDY
SUBSTITUTE TEACHER CHECKLIST

New Pupils

____1. Fill out child registration sheets

____2. Administer tests for ability range

____3. Review transcript

____4. (If no transcript, assign a 5-unit English contract, Assign only one subject at a time)

____5. Explain weekly assignment sheet

____6. Go over master agreement/child conduct

____7. Obtain necessary signatures for under age child.

____8. Place all paperwork in child folder

____9. Assign weekly appointment time

Pupils Already Enrolled

____1. Turn in completed work (child's name and assignment written on 1st page of work)

____2. Turn in weekly assignment sheet (must be completely filled out)

____3. Place completed work in assigned place

____4. Place weekly assignment sheets in pupil's folder

____5. Issue new work and record on assignment sheet in pupil's folder

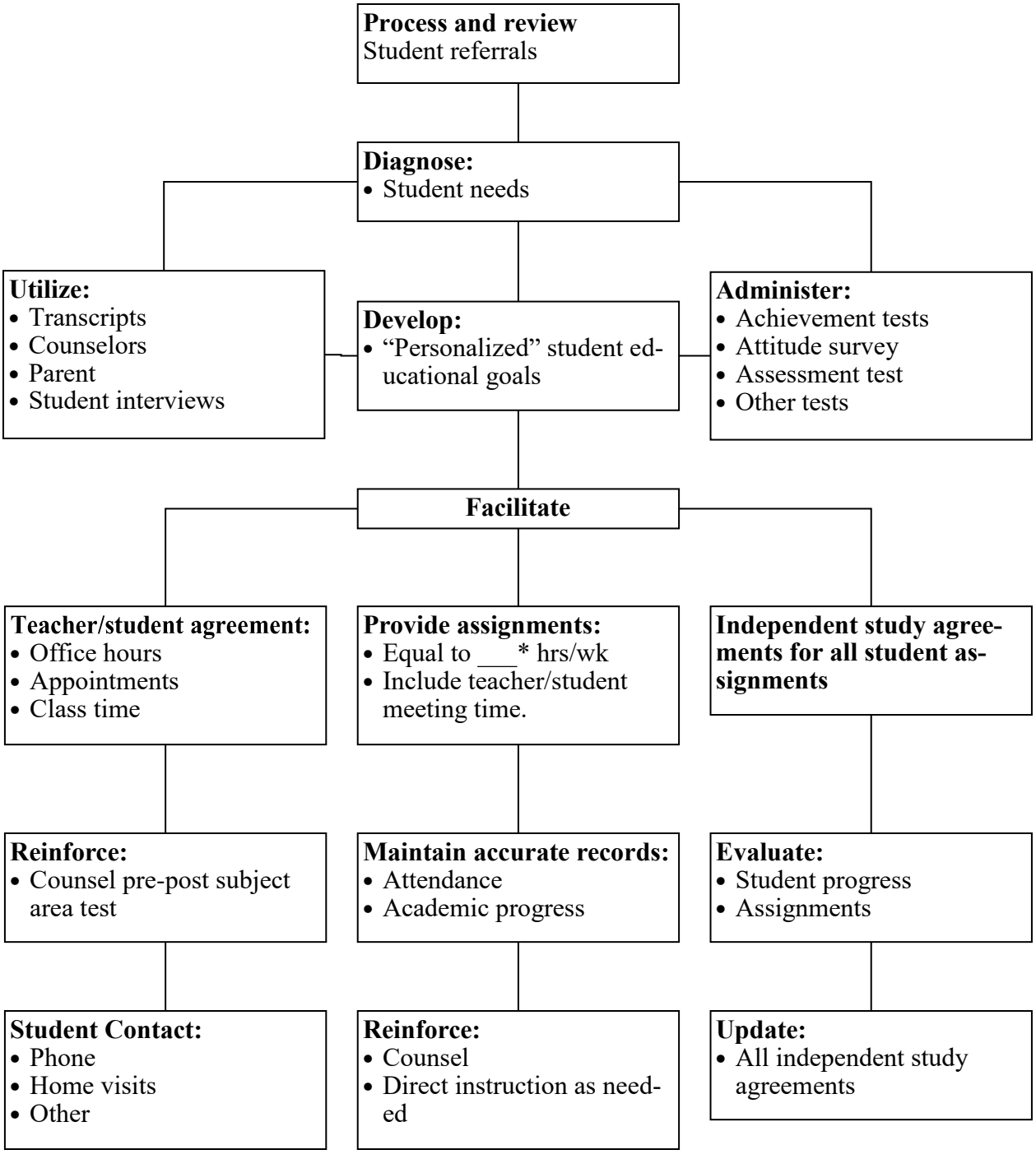
____6. Issue new weekly assignment sheets

____7. Write new course agreement, if needed

____8. Call pupils who have not shown for an appointment

This sample chart was originally published in *Independent Study Operations Manual (2000 Edition)*, © 2000 by the California Department of Education. Portions of the manual and ordering instructions are available at http://www.cde.ca.gov/sp/eo/is/.

Figure 5.19: Process Chart: Independent Study Teachers



*The district sets the numbers of hours based on the full-time school day defined in local board policies for elementary and secondary full day public schools.

Section Six:
Legal Citations

The *Education Code* sections included in this document do not take into consideration pending legislation. The reader is cautioned to incorporate any new legislative changes when reference is made to the section. *Education Codes* may be accessed directly on the internet at **http://leginfo.legislature.ca.gov/faces/codes.xhtml**

Education Code sections

§41020	Audit
§42238.5	Computation of Average Daily Allowance
§44865	Teaching Credentials
§46300	Average Daily Attendance
§46300.1	Average Daily Attendance
§46300.2	Average Daily Attendance
§46300.4	Average Daily Attendance
§46300.6	Average Daily Attendance
§46300.7	Average Daily Attendance
§46303	Average Daily Attendance
§47605	Charter Schools
§47612	Appropriations of Funds for Charter Schools
§48000	Kindergarten
§48050	Admission- Nonresident Pupils
§48051	Admission- Legal Status
§48052	Admission- Tuition for Nonresident Pupils
§48204	Residency Requirements
§48205	Excused Absences
§48206.3	Home/Hospital Instruction
§48663	Community Day School
§48915	Expulsion
§48917	Suspension
§49067	Pupil Records
§51225.3	Requirements for Graduation
§51745	Independent Study
§51745.6	Independent Study Ratios
§51746	Services and Resources
§51747	Apportionment for Independent Study Pupils
§51747.3	Restrictions on Funding Claims for Independent Study
§51747.5	Supervision and Evaluation of Independent Study by Qualified Personnel
§51748	Written Records for Apportionments

§51749.5 FY 2015/16 Independent Changes—"NEW" Course-Based Independent Study Program
§51749.6 FY 2015/16 Independent Changes—"NEW" Course-Based I/S Learning Agreement

California Code of Regulations, Title 5 sections

§11700 Definitions
§11701 District Responsibilities
§11701.5 Equitable Provision of Resources and Services
§11702 Requirements for Agreements
§11703 Records
§11960 Regular Average Daily Attendance for Charter Schools
§11963 Definition of Classroom-Based Instruction
§16020 Definition of Records
§16022 Classification of Records
§16023 Class 1--Permanent Records
§16024 Class 2--Optional Records
§16025 Class 3--Disposable Records
§16026 Retention Period
§16027 Destruction of Records

Education Code sections

§41020. Audit

(a) It is the intent of the Legislature to encourage sound fiscal management practices among local educational agencies for the most efficient and effective use of public funds for the education of children in California by strengthening fiscal accountability at the district, county, and state levels.

(b) (1) Not later than the first day of May of each fiscal year, each county superintendent of schools shall provide for an audit of all funds under his or her jurisdiction and control and the governing board of each local educational agency shall either provide for an audit of the books and accounts of the local educational agency, including an audit of income and expenditures by source of funds, or make arrangements with the county superintendent of schools having jurisdiction over the local educational agency to provide for that auditing.

(2) A contract to perform the audit of a local educational agency that has a disapproved budget or has received a negative certification on any budget or interim financial report during the current fiscal year or either of the two preceding fiscal years, or for which the county superintendent of schools has otherwise determined that a lack of going concern exists, is not valid unless approved by the responsible county superintendent of schools and the governing board.

(3) If the governing board of a local educational agency has not provided for an audit of the books and accounts of the local educational agency by April 1, the county superintendent of schools having jurisdiction over the local educational agency shall provide for the audit of each local educational agency.

(4) An audit conducted pursuant to this section shall fully comply with the Government Auditing Standards issued by the Comptroller General of the United States.

(5) For purposes of this section, "local educational agency" does not include community colleges.

(c) Each audit conducted in accordance with this section shall include all funds of the local educational agency, including the student body and cafeteria funds and accounts and any other funds under the control or jurisdiction of the local educational agency. Each audit shall also include an audit of pupil attendance procedures.

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

(e) (1) The cost of the audits provided for by the county superintendent of schools shall be paid from the county school service fund and the county superintendent of schools shall transfer the pro rata share of the cost chargeable to each district from district funds.

(2) The cost of the audit provided for by a governing board shall be paid from local educational agency funds. The audit of the funds under the jurisdiction and control of the county superintendent of schools shall be paid from the county school service fund.

(f) (1) The audits shall be made by a certified public accountant or a public accountant, licensed by the California Board of Accountancy, and selected by the local educational agency, as applicable, from a directory of certified public accountants and public accountants deemed by the Controller as qualified to conduct audits of local educational agencies, which shall be published by the Controller not later than December 31 of each year.

(2) Commencing with the 2003-04 fiscal year and except as provided in subdivision (d) of Section 41320.1, it is unlawful for a public accounting firm to provide audit services to a local educational agency if the lead audit partner, or coordinating audit partner, having primary responsibility for the audit, or the audit partner responsible for reviewing the audit, has performed audit services for that local educational agency in each of the six previous fiscal years. The Education Audits Appeal Panel may waive this requirement if the panel finds that no otherwise eligible auditor is available to perform the audit.

(3) It is the intent of the Legislature that, notwithstanding paragraph (2) of this subdivision, the rotation within public accounting firms conform to provisions of the federal Sarbanes-Oxley Act of 2002 (P.L. 107-204; 15 U.S.C. Sec. 7201 et seq.), and upon release of the report required by the act of the Comptroller General of the United States addressing the mandatory rotation of registered public accounting firms, the Legislature intends to reconsider the provisions of paragraph (2). In determining which certified public accountants and public accountants shall be included in the directory, the Controller shall use the following criteria:

(A) The certified public accountants or public accountants shall be in good standing as certified by the Board of Accountancy.

(B) The certified public accountants or public accountants, as a result of a quality control review conducted by the Controller pursuant to Section 14504.2, shall not have been found to have conducted an audit in a manner constituting noncompliance with subdivision (a) of Section 14503.

(g) (1) The auditor's report shall include each of the following:

(A) A statement that the audit was conducted pursuant to standards and procedures developed in accordance with Chapter 3

(commencing with Section 14500) of Part 9 of Division 1 of Title 1.

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

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

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

(h) Not later than December 15, a report of each local educational agency audit for the preceding fiscal year shall be filed with the county superintendent of schools of the county in which the local educational agency is located, the department, and the Controller. The Superintendent shall make any adjustments necessary in future apportionments of all state funds, to correct any audit exceptions revealed by those audit reports.

(i) (1) Commencing with the 2002-03 audit of local educational agencies pursuant to this section, each county superintendent of schools shall be responsible for reviewing the audit exceptions contained in an audit of a local educational agency under his or her jurisdiction related to attendance, inventory of equipment, internal control, and any miscellaneous items, and determining whether the exceptions have been either corrected or an acceptable plan of correction has been developed.

(2) Commencing with the 2004-05 audit of local educational agencies pursuant to this section, each county superintendent of schools shall include in the review of audit exceptions performed pursuant to this subdivision those audit exceptions related to use of instructional materials program funds, teacher misassignments pursuant to Section 44258.9, information reported on the school accountability report card required pursuant to Section 33126 and shall determine whether the exceptions are either corrected or an acceptable plan of correction has been developed.

(j) Upon submission of the final audit report to the governing board of each local educational agency and subsequent receipt of the audit by the county superintendent of schools having jurisdiction over the local educational agency, the county office of education shall do all of the following:

(1) Review audit exceptions related to attendance, inventory of equipment, internal control, and other miscellaneous exceptions. Attendance exceptions or issues shall include, but not be limited to, those related to revenue limits, adult education, and independent study.

(2) If a description of the correction or plan of correction has not been provided as part of the audit required by this section, then the county superintendent of schools shall notify the local educational agency and request the governing board of the local educational agency to provide to the county superintendent of schools a description of the corrections or plan of correction by March 15.

(3) Review the description of correction or plan of correction and determine its adequacy. If the description of the correction or plan of correction is not adequate, the county superintendent of schools shall require the local educational agency to resubmit that portion of its response that is inadequate.

(k) Each county superintendent of schools shall certify to the Superintendent and the Controller, not later than May 15, that his or her staff has reviewed all audits of local educational agencies under his or her jurisdiction for the prior fiscal year, that all exceptions that the county superintendent was required to review were reviewed, and that all of those exceptions, except as otherwise noted in the certification, have been corrected by the local educational agency or that an acceptable plan of correction has been submitted to the county superintendent of schools. In addition, the county superintendent shall identify, by local educational agency, any attendance-related audit exception or exceptions involving state funds, and require the local educational agency to which the audit exceptions were directed to submit appropriate reporting forms for processing by the Superintendent.

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

(m) (1) The Superintendent shall be responsible for ensuring that local educational agencies have either corrected or developed plans of correction for any one or more of the following:

(A) All federal and state compliance audit exceptions identified in the audit.

(B) Any exceptions that the county superintendent certifies as of May 15 have not been corrected.

(C) Any repeat audit exceptions that are not assigned to a county superintendent to correct.

(2) In addition, the Superintendent shall be responsible for ensuring that county superintendents of schools and each county

board of education that serves as the governing board of a local educational agency either correct all audit exceptions identified in the audits of county superintendents of schools and of the local educational agencies for which the county boards of education serve as the governing boards or develop acceptable plans of correction for those exceptions.

(3) The Superintendent shall report annually to the Controller on his or her actions to ensure that school districts, county superintendents of schools, and each county board of education that serves as the governing board of a school district have either corrected or developed plans of correction for any of the exceptions noted pursuant to paragraph (1).

(n) To facilitate correction of the exceptions identified by the audits issued pursuant to this section, commencing with 2002-03 audits pursuant to this section, the Controller shall require auditors to categorize audit exceptions in each audit report in a manner that will make it clear to both the county superintendent of schools and the Superintendent which exceptions they are responsible for ensuring the correction of by a local educational agency. In addition, the Controller annually shall select a sampling of county superintendents of schools and perform a follow-up of the audit resolution process of those county superintendents of schools and report the results of that follow-up to the Superintendent and the county superintendents of schools that were reviewed.

(o) County superintendents of schools shall adjust subsequent local property tax requirements to correct audit exceptions relating to local educational agency tax rates and tax revenues.

(p) If a governing board or county superintendent of schools fails or is unable to make satisfactory arrangements for the audit pursuant to this section, the Controller shall make arrangements for the audit and the cost of the audit shall be paid from local educational agency funds or the county school service fund, as the case may be.

(q) Audits of regional occupational centers and programs are subject to the provisions of this section.

(r) This section does not authorize examination of, or reports on, the curriculum used or provided for in any local educational agency.

(s) Notwithstanding any other provision of law, a non-auditing, management, or other consulting service to be provided to a local educational agency by a certified public accounting firm while the certified public accounting firm is performing an audit of the agency pursuant to this section must be in accord with Government Accounting Standards, Amendment No. 3, as published by the United States General Accounting Office.

§42238.5. Computation of Average Daily Allowance

(a) For purposes of Section 42238, the fiscal year average daily attendance shall be computed pursuant to paragraph (1) or (2).

(1) The second principal apportionment regular average daily attendance for either the current or prior fiscal year, whichever is greater. However, prior fiscal year average daily attendance shall be adjusted for any loss or gain of average daily attendance due to a reorganization or transfer of territory, or, commencing in the 1993-94 fiscal year, and each fiscal year thereafter, for any change in average daily attendance for pupils who are concurrently enrolled in adult programs and classes pursuant to Section 52616.17.

(2) Any school district that elects to receive funding pursuant to Article 4 (commencing with Section 42280) shall compute its units of average daily attendance for purposes of Section 42238 by subtracting the amount determined in subparagraph (B) from the amount determined in subparagraph (A).

(A) The units of average daily attendance computed pursuant to paragraph (1).

(B) The units of average daily attendance resulting from pupils attending schools funded pursuant to Article 4 (commencing with Section 42280).

(b) For purposes of this article, regular average daily attendance shall be the base revenue limit average daily attendance, excluding summer school average daily attendance.

(c) For purposes of this section, for the 1998-99 fiscal year only, the prior year average daily attendance shall be the 1997-98 regular average daily attendance, excluding absences excused pursuant to subdivision (b) of Section 46010, as that subdivision read on July 1, 1996.

§44865. Teaching Credentials

A valid teaching credential issued by the State Board or the Commission on Teacher Credentialing, based on a bachelor's degree, student teaching, and special fitness to perform, shall be deemed qualifying for assignment as a teacher in the following assignments, provided that the assignment of a teacher to a position for which qualifications are prescribed by this section shall be made only with the consent of the teacher:

(a) Home teacher.

(b) Classes organized primarily for adults.

(c) Hospital classes.

(d) Necessary small high schools.
(e) Continuation schools.
(f) Alternative schools.
(g) Opportunity schools.
(h) Juvenile court schools.
(i) County community schools.
(j) District community day schools.
(k) Independent study.

§46300. Average Daily Attendance

(a) In computing average daily attendance of a school district or county office of education, there shall be included the attendance of pupils while engaged in educational activities required of those pupils and under the immediate supervision and control of an employee of the district or county office who possessed a valid certification document, registered as required by law.

(b) (1) For the purposes of a work experience education program in a secondary school that meets the standards of the California State Plan for Vocational Education, "immediate supervision," in the context of off-campus work training stations, means pupil participation in on-the-job training as outlined under a training agreement, coordinated by the school district under a state-approved plan, wherein the employer and certificated school personnel share the responsibility for on-the-job supervision.

(2) The pupil-teacher ratio in a work experience program shall not exceed 125 pupils per full-time equivalent certificated teacher coordinator. Notwithstanding Section 52033, this ratio may be waived by the State Board of Education pursuant to Article 3 (commencing with Section 33050) of Chapter 1 of Part 20 under criteria developed by the State Board of Education.

(3) A pupil enrolled in a work experience program shall not be credited with more than one day of attendance per calendar day, and shall be a full-time pupil enrolled in regular classes that meet the requirements of Section 46141 or 46144.

(c) (1) For purposes of the rehabilitative schools, classes, or programs described in Section 48917 that require immediate supervision, "immediate supervision" means that the person to whom the pupil is required to report for training, counseling, tutoring, or other prescribed activity shares the responsibility for the supervision of the pupils in the rehabilitative activities with certificated personnel of the district.

(2) A pupil enrolled in a rehabilitative school, class, or program shall not be credited with more than one day of attendance per calendar day.

(d) (1) For the purposes of computing the average daily attendance of pupils engaged in the educational activities required of high school pupils who are also enrolled in a regional occupational center or regional occupational program, the school district shall receive proportional average daily attendance credit for those educational activities that are less than the minimum school day, pursuant to regulations adopted by the State Board of Education; however, none of that attendance shall be counted for purposes of computing attendance pursuant to Section 52324.

(2) A school district shall not receive proportional average daily attendance credit pursuant to this subdivision for any pupil in attendance for less than 145 minutes each day.

(3) The divisor for computing proportional average daily attendance pursuant to this subdivision is 240, except that, in the case of a pupil excused from physical education classes pursuant to Section 52316, the divisor is 180.

(4) Notwithstanding any other provision of law, travel time of pupils to attend a regional occupational center or regional occupational program shall not be used in any manner in the computation of average daily attendance.

(e) (1) In computing the average daily attendance of a school district, there shall also be included the attendance of pupils participating in independent study conducted pursuant to Article 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 for five or more consecutive schooldays.

(2) A pupil participating in independent study shall not be credited with more than one day of attendance per calendar day.

(f) For purposes of cooperative vocational education programs and community classrooms described in Section 52372.1, "immediate supervision" means pupil participation in paid and unpaid on-the-job experiences, as outlined under a training agreement and individualized training plans wherein the supervisor of the training site and certificated school personnel share the responsibility for the supervision of on-the-job experiences.

(g) In computing the average daily attendance of a school district, there shall be included the attendance of pupils in kindergarten after they have completed one school year in kindergarten only if the school district has on file for each of those pu-

pils an agreement made pursuant to Section 48011, approved in form and content by the State Department of Education and signed by the pupil's parent or guardian, that the pupil may continue in kindergarten for not more than an additional school year.

§46300.1. Average Daily Attendance

Commencing July 1, 1993, no school district may receive school district apportionments pursuant to Section 42238 for independent study by pupils 21 years of age or older or by pupils 19 years of age or older who have not been continuously enrolled in kindergarten or any of grades 1 to 12, inclusive, since their 18th birthday.

§46300.2. Average Daily Attendance

The State Department of Education shall apportion funds for community school and independent study average daily attendance only for average daily attendance claimed by school districts and county superintendents of schools for pupils who officially reside in the county in which the apportionment claim is reported, or who officially reside in a county immediately adjacent to the county in which the apportionment claim is reported.

§46300.4. Average Daily Attendance

If a pupil 21 years of age or older, or a pupil 19 years of age or older, has not been continuously enrolled in kindergarten or any of grades 1 to 12, inclusive, since his or her 18th birthday, any attendance credit for coursework he or she is pursuing through independent study shall be eligible for apportionment only if it is one or more of the types of courses set forth in paragraph (1) of subdivision (a) of Section 51225.3 or any course required by the governing board as a prerequisite to receiving a diploma of high school graduation. This section shall become operative on July 1, 1990.

§46300.6. Average Daily Attendance

The State Department of Education shall not apportion funds to a local education agency for a pupil in the independent study program if that agency has provided any funds or other things of value to the pupil or his or her parent or guardian that the agency does not provide to pupils who attend regular classes or to their parents or guardians.

§46300.7. Average Daily Attendance

Notwithstanding any other provision of law, no school district or county office of education shall receive apportionments for any pupil in independent study unless that entity receives written permission from the parent or guardian of the pupil prior to the commencement of independent study by that pupil. The written permission shall specify the actual dates of participation, the methods of study and evaluation, and the resources to be made available for the independent study program for the pupil.

§46303. Average Daily Attendance

(a) If any computation of average daily attendance made under, or necessitated by, any provision of law, results in a fraction of less than one-half of a unit, the average daily attendance shall be taken as the next lowest whole number, except that if such computation results in an average daily attendance of less than one unit, the average daily attendance shall be deemed to be one unit; but if the fraction is one-half or more of a unit, the average daily attendance shall be taken as the next highest whole number.

(b) Whenever any reference is made to a specific whole number of units of average daily attendance said number shall include any fraction above said number which is less than one-half of a unit, and any fraction of one-half or more of a unit above the next lowest whole number.

§47605. Charter Schools

(d) (1) In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any pupil on the basis of the characteristics listed in Section 220. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the

pupil, or of his or her parent or legal guardian, within this state, except that an existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who re-

side within the former attendance area of that public school.

§47612. Appropriations of Funds for Charter Schools

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

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

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

§48000. Kindergarten

(a) A child shall be admitted to a kindergarten maintained by the school district at the beginning of a school year, or at a later time in the same year if the child will have his or her fifth birthday on or before one of the following dates:

(1) December 2 of the 2011–12 school year.

(2) November 1 of the 2012–13 school year.

(3) October 1 of the 2013–14 school year.

(4) September 1 of the 2014–15 school year and each school year thereafter.

(b) The governing board of a school district maintaining one or more kindergartens may, on a case-by-case basis, admit to a kindergarten a child having attained the age of five years at any time during the school year with the approval of the parent or guardian, subject to the following conditions:

(1) The governing board determines that the admittance is in the best interests of the child.

(2) The parent or guardian is given information regarding the advantages and disadvantages and any other explanatory information about the effect of this early admittance.

(c) As a condition of receipt of apportionment for pupils in a transitional kindergarten program pursuant to Section 46300, a school district or charter school shall ensure the following:

(1) In the 2012–13 school year, a child who will have his or her fifth birthday between November 2 and December 2 shall be admitted to a transitional kindergarten program maintained by the school district.

(2) In the 2013–14 school year, a child who will have his or her fifth birthday between October 2 and December 2 shall be admitted to a transitional kindergarten program maintained by the school district.

(3) In the 2014–15 school year and each school year thereafter, a child who will have his or her fifth birthday between September 2 and December 2 shall be admitted to a transitional kindergarten program maintained by the school district.

(d) For purposes of this section, “transitional kindergarten” means the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate.

(e) A transitional kindergarten shall not be construed as a new program or higher level of service.

(f) It is the intent of the Legislature that transitional kindergarten curriculum be aligned to the California Preschool Learning Foundations developed by the department.

(g) As a condition of receipt of apportionment for pupils in a transitional kindergarten program pursuant to Section 46300, a school district or charter school shall ensure that credentialed teachers who are first assigned to a transitional kindergarten classroom after July 1, 2015, have, by August 1, 2020, one of the following:

(1) At least 24 units in early childhood education, or childhood development, or both.

(2) As determined by the local educational agency employing the teacher, professional experience in a classroom setting with preschool age children that is comparable to the 24 units of education described in paragraph (1).

(3) A child development teacher permit issued by the Commission on Teacher Credentialing.

§48050. Admission- Nonresident Pupils

The governing board of any school district may, with the approval of the county superintendent of schools, admit to the elementary and high schools of the district pupils living in an adjoining state which is contiguous to the school district. An agreement shall be entered into between the governing board and the governing board or authority of the school district in which the pupils reside providing for the payment by the latter of an amount sufficient to reimburse the district of attendance for the total cost of educating the pupil, including the total of the amounts expended per pupil for the current expenses of education, the use of buildings and equipment, the repayment of local bonds and interest payments and state building loan funds, capital outlay, and transportation to and from school. The amount of the tuition for the current expenses of education per unit of average daily attendance of pupils from the adjoining state shall equal the average current expenditure, exclusive of all transportation expenditures, per unit of average daily attendance in the district of attendance. The per pupil cost attributable to capital outlay shall be on the basis of an average expenditure for the preceding five years. The cost of transportation shall not exceed ten dollars ($10) per month. Tuition payments shall be made during the school year with final payment at the end of the school year after all costs have been determined. If the amount paid is more or less than the total cost of education and transportation, adjustment shall be made for the following semester or school year. The attendance of the pupils shall not be included in computing the average daily attendance of the class or school for the purpose of obtaining apportionment of state funds. In lieu of entering an agreement with the governing board or authority of the school district in which the pupil from the adjoining state resides, the governing board of the school district in this state may enter an agreement with the parent or guardian of the pupil on the same terms as is provided in this section.

§48051. Admission- Legal Status

Any person, otherwise eligible for admission to any class or school of a school district of this state, whose parents are or are not citizens of the United States, whose actual and legal residence is in a foreign country adjacent to this state, and who regularly returns within a 24-hour period to said foreign country may be admitted to the class or school of the district by the governing board of the district.

§48052. Admission- Tuition for Nonresident Pupils

The governing board of the district shall, as a condition precedent to the admission of any person, under Section 48051, require the parent or guardian of such person to pay to the district an amount not more than sufficient to reimburse the district for the total cost of educating the person, including the total of the amounts expended per pupil for the current expenses of education, the use of buildings and equipment, the repayment of local bonds and interest payments and state building loan funds, capital outlay, and transportation to and from school. The per pupil cost attributable to capital outlay shall be on the basis of an average expenditure for the preceding five years. The cost of transportation shall not exceed ten dollars ($10) per month. Tuition payments shall be made in advance for each month or semester during the period of attendance. If the amount paid is more or less than the total cost of education and transportation, adjustment shall be made for the following semester or school year. The attendance of the pupils shall not be included in computing the average daily attendance of the class or school for the purpose of obtaining apportionment of state funds. The school district shall not be eligible for nonimmigrant or non-citizen reimbursement under the provisions of Chapter 11 (commencing with Section 42900) of Part 24 of Division 3 of this title, Article 2 (commencing with Section 56865) of Chapter 6 of Part 30 of this division for these students.

§48204. Residency Requirements

Notwithstanding Section 48200, a pupil is deemed to have complied with the residency requirements for school attendance in a school district, if he or she is any of the following:

(a) A pupil placed within the boundaries of that school district in a regularly established licensed children's institution, or a licensed foster home, or a family home pursuant to a commitment or placement under Chapter 2 (commencing with Section 200) of Part 1 of Division 2 of the Welfare and Institutions Code. An agency placing a pupil in a home or institution described in this subdivision shall provide evidence to the school that the placement or commitment is pursuant to law.

(b) A pupil for whom interdistrict attendance has been approved pursuant to Chapter 5 (commencing with Section 46600) of Part 26.

(c) A pupil whose residence is located within the boundaries of that school district and whose parent or legal guardian is relieved of responsibility, control, and authority through emancipation.

(d) A pupil who lives in the home of a care giving adult that is located within the boundaries of that school district. Execution of an affidavit under penalty of perjury pursuant to Part 1.5 (commencing with Section 6550) of Division 11 of the Family Code by the care giving adult is a sufficient basis for a determination that the pupil lives in the caregiver's home, unless the school district determines from actual facts that the pupil is not living in the caregiver's home.

(e) A pupil residing in a state hospital located within the boundaries of that school district.

(f) A school district may deem a pupil as having complied with the residency requirements for school attendance in the school district if one or both the parents or legal guardians of the pupil is employed within the boundaries of that school district.

(1) This subdivision does not require the school district within which the parents or guardians of a pupil are employed to admit the pupil to its schools. Districts may not, however, refuse to admit pupils under this subdivision on the basis, except as expressly provided in this subdivision, of race, ethnicity, sex, parental income, scholastic achievement, or any other arbitrary consideration.

(2) The school district in which the residency of either the parents or guardians of the pupil is established, or the school district to which the pupil is to be transferred under this subdivision, may prohibit the transfer of the pupil under this subdivision if the governing board of the district determines that the transfer would negatively impact the court-ordered or voluntary desegregation plan of the district.

(3) The school district to which the pupil is to be transferred under this subdivision may prohibit the transfer of the pupil if the district determines that the additional cost of educating the pupil would exceed the amount of additional state aid received as a result of the transfer.

(4) The governing board of a school district that prohibits the transfer of a pupil pursuant to paragraph (1), (2), or (3) is encouraged to identify, and communicate in writing to the parents or guardians of the pupil, the specific reasons for that determination and is encouraged to ensure that the determination, and the specific reasons therefore, are accurately recorded in the minutes of the board meeting in which the determination was made.

(5) The average daily attendance for pupils admitted pursuant to this subdivision is calculated pursuant to Section 46607.

(6) Unless approved by the sending district, this subdivision does not authorize a net transfer of pupils out of any given district, calculated as the difference between the number of pupils exiting the district and the number of pupils entering the district, in any fiscal year in excess of the following amounts:

(A) For any district with an average daily attendance for that fiscal year of less than 501, 5 percent of the average daily attendance of the district.

(B) For any district with an average daily attendance for that fiscal year of 501 or more, but less than 2,501, 3 percent of the average daily attendance of the district or 25 pupils, whichever amount is greater.

(C) For any district with an average daily attendance of 2,501 or more, 1 percent of the average daily attendance of the district or 75 pupils, whichever amount is greater.

(7) Once a pupil is deemed to have complied with the residency requirements for school attendance pursuant to this subdivision and is enrolled in a school in a school district whose boundaries include the location where one or both parents of a pupil is employed, or where the legal guardian of the pupil is employed, the pupil does not have to reapply in the next school year to attend a school within that school district and the district governing board shall allow the pupil to attend school through the 12th grade in that district if the parent or guardian so chooses and if one or both of the pupil's parents or guardians continues to be employed by an employer situated within the attendance boundaries of the school district, subject to paragraphs (1) to (6), inclusive.

(g) This section is inoperative on and after July 1, 2007, and as of January 1, 2008, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2008, deletes or extends the dates on which it becomes inoperative and is repealed.

§48205. Excused Absences

(a) Notwithstanding Section 48200, a pupil shall be excused from school when the absence is:

(1) Due to his or her illness.

(2) Due to quarantine under the direction of a county or city health officer.

(3) For the purpose of having medical, dental, optometric, or chiropractic services rendered.

(4) For the purpose of attending the funeral services of a member of his or her immediate family, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California.

(5) For the purpose of jury duty in the manner provided for by law.

(6) Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent.

(7) For justifiable personal reasons, including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of his or her religion, attendance at religious retreats, or attendance at an employment conference, when the pupil's absence has been requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board.

(8) For the purpose of serving as a member of a precinct board for an election pursuant to Section 12302 of the Elections

Code.

(b) A pupil absent from school under this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit therefore. The teacher of any class from which a pupil is absent shall determine the tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.

(c) For purposes of this section, attendance at religious retreats shall not exceed four hours per semester.

(d) Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.

(e) "Immediate family," as used in this section, has the same meaning as that set forth in Section 45194, except that references therein to "employee" shall be deemed to be references to "pupil."

§48206.3. Home/Hospital Instruction

(a) Except for those pupils receiving individual instruction provided pursuant to Section 48206.5, a pupil with a temporary disability which makes attendance in the regular day classes or alternative education program in which the pupil is enrolled impossible or inadvisable shall receive individual instruction provided by the district in which the pupil is deemed to reside.

(b) For purposes of this section and Sections 48206.5, 48207, and 48208, the following terms have the following meanings:

(1) "Individual instruction" means instruction provided to an individual pupil in the pupil's home, in a hospital or other residential health facility, excluding state hospitals, or under other circumstances prescribed by regulations adopted for that purpose by the State Board of Education.

(2) "Temporary disability" means a physical, mental, or emotional disability incurred while a pupil is enrolled in regular day classes or an alternative education program, and after which the pupil can reasonably be expected to return to regular day classes or the alternative education program without special intervention. A temporary disability shall not include a disability for which a pupil is identified as an individual with exceptional needs pursuant to Section 56026.

(c) (1) For purposes of computing average daily attendance pursuant to Section 42238.5, each clock hour of teaching time devoted to individual instruction shall count as one day of attendance.

(2) No pupil shall be credited with more than five days of attendance per calendar week, or more than the total number of calendar days that regular classes are maintained by the district in any fiscal year.

(d) Notice of the availability of individualized instruction shall be given pursuant to Section 48980.

§48663. Community Day School

(a) The minimum school day in a community day school is 360 minutes of classroom instruction provided by a certificated employee of the district reporting the attendance of the pupils for apportionment funding.

(b) A pupil enrolled in a community day school may not generate more than one day of community day school attendance credit in a school day for any purpose.

(c) For the purposes of calculating the additional funding provided to a school district pursuant to Section 48664, only community day school attendance shall be reported in clock hours. Attendance of less than five clock hours in a school day shall be disregarded for purposes of Section 48664. Five clock hours of attendance in one school day shall be deemed to be one-half day of attendance, for purposes of additional funding pursuant to Section 48664. Six clock hours or more of attendance in one school day shall be deemed to be one day of attendance, for purposes of additional funding pursuant to Section 48664.

(d) Independent study may not be utilized as a means of providing any part of the minimum instructional day provided pursuant to subdivision (a).

(e) A community day school’s academic programs shall be comparable to those available to pupils of a similar age in the school district.

§48915. Expulsion

(a) Except as provided in subdivisions (c) and (e), the principal or the superintendent of schools shall recommend the expulsion of a pupil for any of the following acts committed at school or at a school activity off school grounds, unless the principal or superintendent finds that expulsion is inappropriate, due to the particular circumstance:

(1) Causing serious physical injury to another person, except in self-defense.

(2) Possession of any knife or other dangerous object of no reasonable use to the pupil.

(3) Unlawful possession of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.

(4) Robbery or extortion.

(5) Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.

(b) Upon recommendation by the principal, superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board may order a pupil expelled upon finding that the pupil committed an act listed in subdivision (a) or in subdivision (a), (b), (c), (d), or (e) of Section 48900. A decision to expel shall be based on a finding of one or both of the following:

(1) Other means of correction are not feasible or have repeatedly failed to bring about proper conduct.

(2) Due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.

(c) The principal or superintendent of schools shall immediately suspend, pursuant to Section 48911, and shall recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or at a school activity off school grounds:

(1) Possessing, selling, or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a firearm if the pupil had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the designee of the principal. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district.

(2) Brandishing a knife at another person.

(3) Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.

(4) Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.

(5) Possession of an explosive.

(d) The governing board shall order a pupil expelled upon finding that the pupil committed an act listed in subdivision (c), and shall refer that pupil to a program of study that meets all of the following conditions:

(1) Is appropriately prepared to accommodate pupils who exhibit discipline problems.

(2) Is not provided at a comprehensive middle, junior, or senior high school, or at any elementary school.

(3) Is not housed at the school site attended by the pupil at the time of suspension.

(e) Upon recommendation by the principal, superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board may order a pupil expelled upon finding that the pupil, at school or at a school activity off of school grounds violated subdivision (f), (g), (h), (i), (j), (k), (l), or (m) of Section 48900, or Section 48900.2, 48900.3, or 48900.4, and either of the following:

(1) That other means of correction are not feasible or have repeatedly failed to bring about proper conduct.

(2) That due to the nature of the violation, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.

(f) The governing board shall refer a pupil who has been expelled pursuant to subdivision (b) or (e) to a program of study which meets all of the conditions specified in subdivision (d). Notwithstanding this subdivision, with respect to a pupil expelled pursuant to subdivision (e), if the county superintendent of schools certifies that an alternative program of study is not available at a site away from a comprehensive middle, junior, or senior high school, or an elementary school, and that the only option for placement is at another comprehensive middle, junior, or senior high school, or another elementary school, the pupil may be referred to a program of study that is provided at a comprehensive middle, junior, or senior high school, or at an elementary school.

(g) As used in this section, "knife" means any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing, a weapon with a blade fitted primarily for stabbing, a weapon with a blade longer than 31/2 inches, a folding knife with a blade that locks into place, or a razor with an unguarded blade.

(h) As used in this section, the term "explosive" means "destructive device" as described in Section 921 of Title 18 of the United States Code.

§48917. Suspension

(a) The governing board, upon voting to expel a pupil, may suspend the enforcement of the expulsion order for a period of not more than one calendar year and may, as a condition of the suspension of enforcement, assign the pupil to a school,

class, or program that is deemed appropriate for the rehabilitation of the pupil. The rehabilitation program to which the pupil is assigned may provide for the involvement of the pupil's parent or guardian in his or her child's education in ways that are specified in the rehabilitation program. A parent or guardian's refusal to participate in the rehabilitation program shall not be considered in the governing board' s determination as to whether the pupil has satisfactorily completed the rehabilitation program.

(b) The governing board shall apply the criteria for suspending the enforcement of the expulsion order equally to all pupils, including individuals with exceptional needs as defined in Section 56026.

(c) During the period of the suspension of the expulsion order, the pupil is deemed to be on probationary status.

(d) The governing board may revoke the suspension of an expulsion order under this section if the pupil commits any of the acts enumerated in Section 48900 or violates any of the district's rules and regulations governing pupil conduct. When the governing board revokes the suspension of an expulsion order, a pupil may be expelled under the terms of the original expulsion order.

(e) Upon satisfactory completion of the rehabilitation assignment of a pupil, the governing board shall reinstate the pupil in a school of the district and may also order the expungement of any or all records of the expulsion proceedings.

(f) A decision of the governing board to suspend an expulsion order does not affect the time period and requirements for the filing of an appeal of the expulsion order with the county board of education required under Section 48919. Any appeal shall be filed within 30 days of the original vote of the governing board.

§49067. Pupil Records

(a) The governing board of each school district shall prescribe regulations requiring the evaluation of each pupil's achievement for each marking period and requiring a conference with, or a written report to, the parent of each pupil whenever it becomes evident to the teacher that the pupil is in danger of failing a course. The refusal of the parent to attend the conference, or to respond to the written report, shall not preclude failing the pupil at the end of the grading period.

(b) The governing board of any school district may adopt regulations authorizing a teacher to assign a failing grade to any pupil whose absences from the teacher's class that are not excused pursuant to Section 48205 equal or exceed a maximum number which shall be specified by the board. Regulations adopted pursuant to this subdivision shall include, but not be limited to, the following:

(1) A reasonable opportunity for the pupil or the pupil's parent or guardian to explain the absences.

(2) A method for identification in the pupil's record of the failing grades assigned to the pupil on the basis of excessive unexcused absences.

(c) Notwithstanding the provisions of subdivision (a) of Section 49061, the provisions of this section shall apply to the parent or guardian of any pupil without regard to the age of the pupil.

§51225.3. Requirements for Graduation

(a) Commencing with the 1988-89 school year, no pupil shall receive a diploma of graduation from high school who, while in grades 9 to 12, inclusive, has not completed all of the following:

(1) At least the following numbers of courses in the subjects specified, each course having a duration of one year, unless otherwise specified.

(A) Three courses in English.

(B) Two courses in mathematics.

(C) Two courses in science, including biological and physical sciences.

(D) Three courses in social studies, including United States history and geography; world history, culture, and geography; a one-semester course in American government and civics, and a one-semester course in economics.

(E) One course in visual or performing arts or foreign language. For the purposes of satisfying the requirement specified in this subparagraph, a course in American Sign Language shall be deemed a course in foreign language.

(F) Two courses in physical education, unless the pupil has been exempted pursuant to the provisions of this code.

(2) Other coursework as the governing board of the school district may by rule specify.

(b) The governing board, with the active involvement of parents, administrators, teachers, and pupils, shall adopt alternative means for pupils to complete the prescribed course of study which may include practical demonstration of skills and competencies, supervised work experience or other outside school experience, career technical education classes offered in high schools, courses offered by regional occupational centers or programs, interdisciplinary study, independent study, and credit earned at a postsecondary institution. Requirements for graduation and specified alternative modes for completing the prescribed course of study shall be made available to pupils, parents, and the public.

§51745. Independent Study

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

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

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

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

(4) Continuing and special study during travel.

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

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

(c) No individual with exceptional needs, as defined in Section 56026, may participate in independent study, unless his or her individualized education program developed pursuant to Article 3 (commencing with Section 56340) of Chapter 4 of Part 30 specifically provides for that participation.

(d) No temporarily disabled pupil may receive individual instruction pursuant to Section 48206.3 through independent study.

(e) No course included among the courses required for high school graduation under Section 51225.3 shall be offered exclusively through independent study.

§51745.6. Independent Study Ratios

(a) (1) The ratio of average daily attendance for independent study pupils 18 years of age or less to school district full-time equivalent certificated employees responsible for independent study, calculated as specified by the department, shall not exceed the equivalent ratio of average daily attendance to full-time equivalent certificated employees providing instruction in other educational programs operated by the school district, unless a new higher or lower average daily attendance ratio for all other educational programs offered is negotiated in a collective bargaining agreement or a memorandum of understanding is entered into that indicates an existing collective bargaining agreement contains an alternative average daily attendance ratio.

(2) The ratio of average daily attendance for independent study pupils 18 years of age or less to county office of education full-time equivalent certificated employees responsible for independent study, to be calculated in a manner prescribed by the department, shall not exceed the equivalent prior year ratio of average daily attendance to full-time equivalent certificated employees for all other educational programs operated by the high school or unified school district with the largest average daily attendance of pupils in that county or the collectively bargained alternative ratio used by that high school or unified school district in the prior year, unless a new higher or lower average daily attendance ratio for all other educational programs offered is negotiated in a collective bargaining agreement or a memorandum of understanding is entered into that indicates an existing collective bargaining agreement contains an alternative average daily attendance ratio. The computation of the ratios shall be performed annually by the reporting agency at the time of, and in connection with, the second principal apportionment report to the Superintendent.

(b) Only those units of average daily attendance for independent study that reflect a pupil-teacher ratio that does not exceed the ratios described in subdivision (a) shall be eligible for apportionment pursuant to Section 2575, for county offices of education, and Section 42238.05, for school districts. Nothing in this section shall prevent a school district or county office of education from serving additional units of average daily attendance greater than the ratios described in subdivision (a), except that those additional units shall not be funded pursuant to Section 2575 or 42238.05, as applicable. If a school district, charter school, or county office of education has a memorandum of understanding to provide instruction in coordination with the school district, charter school, or county office of education at which a pupil is enrolled, the ratios that shall apply for purposes of this paragraph are the ratios for the local educational agency providing the independent study program to the pupil pursuant to Section 51749.5.

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

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

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

(d) The applicable average-daily-attendance-to-certificated-employee ratios described in subdivision (a) may, in a charter school, be calculated by using a fixed average-daily-attendance-to-certificated-employee ratio of 25 to 1, or by using a ratio of less than 25 pupils per certificated employee. A new higher or lower ratio for all other educational programs offered by a charter school may be negotiated in a collective bargaining agreement, or a memorandum of understanding indicating that an existing collective bargaining agreement contains an alternative average daily attendance ratio may be entered into by a charter school. All charter school pupils, regardless of age, shall be included in the applicable average-daily-attendance-to-certificate-employee ratio calculations.
(Amended by Stats. 2015, Ch. 13, Sec. 30. Effective June 24, 2015.)

§51746. Services and Resources

It is the intent of the Legislature that school districts and county offices of education offering independent study shall provide appropriate existing services and resources to enable pupils to complete their independent study successfully and shall ensure the same access to all existing services and resources in the school in which the pupil is enrolled pursuant to Section 51748 as is available to all other pupils in the school. In addition, the services and resources may include, but need not be limited to, any of the following:

(a) A designated learning center or study area staffed by appropriately trained personnel.

(b) The services of qualified personnel to assess the achievement, abilities, interests, aptitudes, and needs of participating pupils to determine each of the following:

(1) Whether full-time independent study is the most appropriate alternative for the pupil being referred.

(2) If the answer to paragraph (1) is affirmative, the determination of the most appropriate individualized plan and resources to be made available to pupils enrolled in full-time independent study.

§51747. Apportionment for Independent Study Pupils

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

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

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

(c) A requirement that a current written agreement for each independent study pupil shall be maintained on file including, but not limited to, all of the following:

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

(2) The objectives and methods of study for the pupil's work, and the methods utilized to evaluate that work.

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

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

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

(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 pupil upon completion.

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

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

(B) A signed written agreement may be maintained on file electronically.

§51747.3. Restrictions on Funding Claims for Independent Study

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

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

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

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

(e) For purposes of this section, “virtual or online charter school” means a charter school in which at least 80 percent of teaching and pupil interaction occurs via the Internet.

(f) This section shall remain in effect only until January 1, 2018, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2018, deletes or extends that date.

§51747.5. Supervision and Evaluation of Independent Study by Qualified Personnel

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

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

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

§51748. Written Records for Apportionments

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

§51749.5. FY 2015/16 Independent Study Changes—The “NEW” Course-Based Independent Study Program

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

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

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

(3) Courses are taught under the general supervision of certificated employees who hold the appropriate subject matter credential pursuant to Section 44300 or 44865, or subdivision (l) of Section 47605, meet the requirements for highly qualified teachers pursuant to the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), and are employed by the school district, charter school, or county office of education at which the pupil is enrolled, or by a school district, charter school, or county office of education that has a memorandum of understanding to provide the instruction in coordination with the school district, charter school, or county office of education at which the pupil is enrolled.

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

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

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

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

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

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

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

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

(8) A proctor shall administer examinations.

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

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

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

(11) The pupil-to-certificated-employee ratio limitations established pursuant to Section 51745.6 are applicable to courses authorized by this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Nothing in this section shall be deemed to prohibit the right to collectively bargain any subject within the scope of representation pursuant to Section 3543.2 of the Government Code.

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

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

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

(Amended by Stats 2014, Ch. 687, Sec. 6. Effective September 23, 2014.)

§51749.6. FY 2015/16 Independent Study Changes—The "NEW" Course-Based I/S Learning Agreement

(a) Before enrolling a pupil in a course authorized by Section 51749.5, each school district, charter school, or county office of education shall provide the pupil and, if the pupil is less than 18 ye(1) A summary of the policies and procedures adopted by the governing board or body of the school district, charter school, or county office of education pursuant to Section 51749.5, as applicable.
(2) The duration of the enrolled course or courses, the duration of the learning agreement, and the number of course credits for each enrolled course consistent with the certifications adopted by the governing board or body of the school district, charter school, or county office of education pursuant to Section 51749.5. The duration of a learning agreement shall not exceed a school year or span multiple school years.
(3) The learning objectives and expectations for each course, including, but not limited to, a description of how satisfactory educational progress is measured and when a pupil evaluation is required to determine whether the pupil should remain in the course or be referred to an alternative program, which may include, but is not limited to, a regular school program.
(4) The specific resources, including materials and personnel, that will be made available to the pupil.
(5) A statement that the pupil is not required to enroll in courses authorized pursuant to Section 51749.5.

(b) (1) The learning agreement shall be signed by the pupil and, if the pupil is less than 18 years of age, the pupil's parent or legal guardian, and all certificated employees providing instruction before instruction may commence.
(2) The signed learning agreement constitutes permission from a pupil's parent or legal guardian, if the pupil is less than 18 years of age, for the pupil to receive instruction through independent study.
(3) A physical or electronic copy of the signed learning agreement shall be retained by the school district, county office of education, or charter school for at least three years and as appropriate for auditing purposes.
(4) For purposes of this section, an electronic copy includes a computer or electronic stored image of an original document, including, but not limited to, portable document format, JPEG, or other digital image file type, that may be sent via fax machine, email, or other electronic means.

California Code of Regulations, Title 5 sections

§11700. Definitions

(a) "Full-time equivalent certificated employees" means any combination of full-time certificated employees and part-time certificated employee assignments that aggregate to the amount of instructional time specified in the contract of a full-time certificated classroom teacher of the district or county office of education.
(b) "General supervision" means the supervising teacher's
(1) continuing oversight of the study design, implementation plan, allocation of resources, and evaluation of pupil or adult education student progress for any pupil's or adult education student's independent study; and
(2) personal determination or personal review of the determination made by another certificated teacher of the time values for apportionment purposes of each pupil's or adult education student's work products.
(c) "Independent study" means an alternative to classroom instruction consistent with the district's course of study.
(d) "Independent study is an optional educational alternative in which no public may be required to participate" means
(1) with regard to school districts or county offices of education, that
(A) they are not required to offer independent study, and
(B) school districts or county offices of education that do offer independent study are not obliged to permit a pupil or adult education student to engage in independent study if school officials given responsibility for the decision determine that independent study is not an appropriate alternative for the pupil or adult education student; and,
(2) with regard to pupils or adult education students,
(A) a pupil's or an adult education student's choice to commence, or to continue in, independent study must not be coerced, and
(B) in the case of a pupil who is referred or assigned to any school, class, or program pursuant to Education Code sections 48915 or 48917, and to the extent that independent study is not prohibited, instruction may be provided to the pupil through independent study only if the pupil has the continuing option of classroom instruction.
(e) "Method utilized to evaluate" means any specified procedure through which a certificated teacher personally assesses the extent to which achievement of the pupil or adult education student meets the objectives of an assignment.
(f) "Methods of study" means the pupil or adult education student activities selected by the supervising teacher as the means to reach the educational objectives set forth in the written agreement.
(g) "Missed assignment" means any specified independent study assignment that has not been turned in, or evidenced as completed, by a pupil or adult education student by the due date for the assignment.
(h) "Regular school program" means the classroom-based instructional program or its equivalent that a pupil or adult education student would have attended had the pupil or adult education student not elected independent study.
(i) "Specific resources" include all resources, including materials and services, reasonably necessary to the achievement of the objectives in the written agreement, and shall not be construed to exclude resources normally available to all pupils or adult education students on the same terms as the terms on which they are normally available to all pupils or adult education students.
(j) "Supervising teacher" means the certificated teacher employed by the school district or county office of education and assigned, as noted in the written agreement, the responsibility for coordinating, evaluating, and providing general supervision of a pupil's or adult education student's independent study pursuant to Education Code section 51747.5(a).
(k) "Type of program" means statutory program category for purposes of attendance accounting.
(*l*) "Work product" means that which results from a pupil's or adult education student's efforts and actions to complete or perform the assignments given and which is subsequently evaluated by a certificated teacher.

§11701. District Responsibilities

In setting policy pursuant to subdivisions (a) and (b) of Education Code section 51747, the local governing board shall consider, in a public hearing, 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 pupils or adult education students. Adopted policies shall reflect an awareness that excessive leniency in their terms can result in pupils falling so far behind their age peers as to increase, rather than decrease, the risk of their dropping out of school.

§11701.5. Equitable Provision of Resources and Services

Consistent with the statutory authorization to offer independent study as an alternative instructional strategy to meet the educational needs of pupils or adult education students,
(a) the independent study option is to be substantially equivalent in quality and in quantity to classroom instruction, thereby

ensuring that a pupil or adult education student who engages in independent study on a full-time basis, or on a part-time basis in conjunction with part- or full-time classroom study, will be enabled to complete the district or county office of education adopted course of study within the customary time frame for completion of that course of study;
(b) pupils or adult education students who choose to engage in independent study are to have the same access to existing services and resources as the other pupils or adult education students of the school in which the independent study pupil or adult education student is enrolled; and
(c) pupils or adult education students who choose to engage in independent study are to have equality of rights and privileges with the pupils or adult education students of the district or county office of education who choose to continue in the regular school program.

§11702. Requirements for Agreements

(a) Each signature required for an independent study agreement shall be dated. An agreement is not in effect until it is complete as to all terms, signed and dated.
(b) The curriculum and methods of study specified in an independent study agreement shall be consistent with the district or county office of education policies and procedures for curriculum and instruction as adopted by the governing board.

§11703. Records

(a) Maintaining records to meet audit requirements is the responsibility of the local district or county superintendent's office. These records may be on site).
(b) Records shall include but not be limited to:
(1) A copy of adopted governing board policy and procedures.
(2) A separate listing of the pupils and adult education students, by grade level, program and school, who have engaged in independent study, identifying units of the curriculum undertaken and units of the curriculum completed by each of those pupils in kindergarten and grades 1 to 8, inclusive, and identifying course credits attempted by and awarded to each of those pupils in grades 9 to 12 inclusive and each of those students in adult education, as specified in their written agreements.
(3) A file of all agreements, including representative samples of each pupil's or adult education student's work products.
(4) A daily or hourly attendance credit register, as appropriate to the program in which the pupils or adult education students are enrolled, separate from classroom attendance records, and maintained on a current basis as time values of pupil or adult education student work products are personally judged by a certificated teacher, and reviewed by the supervising teacher if they are two different persons.

§11704. Pupil-Teacher Ratios (UNIQUE TO CHARTER SCHOOLS ONLY)

In a charter school, for the purposes of Education Code section 51745.6, the ratio of average daily attendance for independent study pupils to full-time equivalent (FTE) certificated employees responsible for independent study shall not exceed a pupil-teacher ratio of 25:1 or the ratio of pupils to full-time equivalent certificated employees for all other educational programs operated by the largest unified school district, as measured by average daily attendance, as reported at the second principal apportionment in the prior year, in the county or counties in which the charter school operates. Units of average daily attendance for independent study that are ineligible for apportionment as provided in subdivision (b) of Education Code section 51745.6 shall also be ineligible for funding pursuant to Chapter 6 (commencing with section 47630) of Part 26.8 of the Education Code. For purposes of this section, a "full-time certificated employee" means an employee who is required to work a minimum six-hour day and 175 days per fiscal year. Part-time positions shall generate a partial FTE on a proportional basis.

§11960. Regular Average Daily Attendance for Charter Schools

(a) As used in Education Code section 47612, "attendance" means the attendance of charter school pupils while engaged in educational activities required of them by their charter schools, on days when school is actually taught in their charter schools. "Regular average daily attendance" shall be computed by dividing a charter school's total number of pupil-days of attendance by the number of calendar days on which school was actually taught in the charter school. For purposes of determining a charter school's total number of pupil-days of attendance, no pupil may generate more than one day of attendance in a calendar day.
(b) The State Superintendent of Public Instruction shall proportionately reduce the amount of funding that would otherwise

have been apportioned to a charter school on the basis of average daily attendance for a fiscal year, if school was actually taught in the charter school on fewer than 175 calendar days during that fiscal year.
(c)(1) Beginning in 2004-05, a pupil who is over the age of 19 years may generate attendance for apportionment purposes in a charter school only if both of the following conditions are met:
(A) The pupil was enrolled in a public school in pursuit of a high school diploma (or, if a student in special education, an individualized education program) while 19 years of age and, without a break in public school enrollment since that time, is enrolled in the charter school and is making satisfactory progress towards award of a high school diploma (or, if a student in special education, satisfactory progress in keeping with an individualized education program) consistent with the definition of satisfactory progress set forth in subdivision (b) of Section 11965.
(B) The pupil is not over the age of 22 years.
(2) This subdivision shall not apply to a charter school program specified in Education Code section 47612.1. A charter school program as specified in Education Code section 47612.1 may be either:
(A) the whole of a charter school, if the school has an exclusive partnership agreement with one or more of the programs specified in Education Code section 47612.1 and serves no other pupils; or
(B) an instructional program operated by a charter school that is exclusively dedicated to pupils who are also participating in one of the programs specified in Education Code section 47612.1, provided that arrangement is set forth in an exclusive partnership agreement between the charter school and one or more of the programs specified in Education Code section 47612.1.
(d) No individual who is ineligible to generate attendance for apportionment purposes in a charter school pursuant to subdivision (c) may be claimed as regular attendance for apportionment purposes by a local education agency that is authorized by law to grant charters. This subdivision shall not apply to claims other than claims for regular attendance for apportionment purposes.

§11963. Definition of Classroom-Based Instruction

(a) In accordance with the definition of classroom-based instruction specified in Education Code section 47612.5(e)(1), and for purposes of identifying and reporting that portion of a charter school's average daily attendance that is generated through non-classroom-based instruction pursuant to Education Code sections 47634.2(c) and 47612.5(e)(2), classroom-based instruction in a charter school occurs only when all four of the following conditions are met.
(1) The charter school's pupils are engaged in educational activities required of those pupils, and the pupils are under the immediate supervision and control of an employee of the charter school who is authorized to provide instruction to the pupils within the meaning of Education Code section 47605(*l*).
(2) At least 80 percent of the instructional time offered at the charter school is at the school site.
(3) The charter school's school site is a facility that is used principally for classroom instruction.
(4) The charter school requires its pupils to be in attendance at the school site at least 80 percent of the minimum instructional time required pursuant to Education Code section 47612.5(a)(1).
(b) The requirement to be "at the school site" is satisfied if either of the following conditions is met.
(1) The facility in which the pupils receive instruction is:
(A) Owned, rented, or leased by the charter school principally for classroom instruction;
(B) Provided to the charter school by a school district pursuant to Education Code section 47614 principally for classroom instruction; or
(C) Provided to the charter school free-of-charge principally for classroom instruction pursuant to a written agreement.
When not being used by the charter school for classroom instruction, the facility may be rented, leased, or allowed to be used for other purposes (e.g., for evening adult classes not offered by the charter school, local theater productions, or community meetings) and still be deemed to be principally for classroom instruction.
(2) The charter school facility meets the criteria in paragraph (1) of subdivision (b) and the pupils are on a field trip during which the pupils remain under the immediate supervision and control of the employee of the charter school and are carrying out an educational activity required of the pupils.
(c) The requirement to be "at the school site" is not satisfied if the pupils are in a personal residence (i.e., a dwelling), even if space in the residence is set aside and dedicated to instructional purposes and/or the charter school rents or leases space in the residence for the provision of instruction. As used in this subdivision, a personal residence shall not include a facility that is licensed by a state or local government agency to operate as a facility in which pupils not related to the facility's owners are provided custodial care and supervision (e.g., a licensed children's institution or a boarding school).
(d) The definitions in this section are solely for the purpose of determining if a charter school must submit a determination of funding request pursuant to Education Code section 47634.2.

§16020. Definition of Records.

(a) As used in this article, "records" means all records, maps, books, papers, and documents of a school district required by law to be prepared or retained or which are prepared or retained as necessary or convenient to the discharge of official duty.

§16022. Classification of Records.

(a) Prior Year Records. Before January 1, the district superintendent (or a person designated by the district not employing a superintendent) shall review documents and papers originating during the prior school year and classify them as Class 1--Permanent, Class 2--Optional, or Class 3--Disposable.
(b) Continuing Records. Records of a continuing nature, i.e., active and useful for administrative, legal, fiscal, or other purposes over a period of years, shall not be classified until such usefulness has ceased. A pupil's cumulative record, if not transferred, is a continuing record until the pupil ceases to be enrolled in the district.
(c) Microfilm Copy. Whenever an original record is photographed, micro photographed, or otherwise reproduced on film, the copy thus made is hereby classified as Class 1--Permanent. The original record, unless classified as Class 2--Optional, may be classified as Class 3--Disposable and may then be destroyed in accordance with this chapter if the following conditions have been met:
(1) The reproduction was accurate in detail and on film of a type approved for permanent, photographic records by the United States Bureau of Standards.
(2) The superintendent has attached to or incorporated in the microfilm copy his signed and dated certification of compliance with the provisions of Section 1531 of the Evidence Code.
(3) The microfilm copy was placed in a conveniently accessible file, and provision was made for preserving permanently, examining and using same.
(d) Any "historical inventory of equipment" shall be a continuing record as provided in subdivision (b) and shall not be subject to classification for retention or destruction until the inventory is superseded or until the equipment is removed from district ownership.

§16023. Class 1--Permanent Records.

The original of each of the records listed in this section, or one exact copy thereof when the original is required by law to be filed with another agency, is a Class 1--Permanent record and shall be retained indefinitely, unless microfilmed in accordance with Section 16022(c).
(a) Annual Reports.
(1) Official budget.
(2) Financial report of all funds, including cafeteria and student body funds.
(3) Audit of all funds.
(4) Average daily attendance, including Period 1 and Period 2 reports.
(5) Other major annual reports, including:
(A) Those containing information relating to property, activities, financial condition, or transactions.
(B) Those declared by board minutes to be permanent.
(b) Official Actions.
(1) Minutes of the Board or Committees Thereof, including the text of a rule, regulation, policy, or resolution not set forth verbatim in the minutes but included therein by reference only.
(2) Elections, including the call, if any, for and the result (but not including detail documents, such as ballots) of an election called, conducted or canvassed by the governing board for a board member, his recall, issuance of bonds incurring any long-term liability, change in maximum tax rates, reorganization, or any other purpose.
(3) Records transmitted by another agency that pertain to that agency's action with respect to district reorganization.
(c) Personnel Records.
(1) Employees.
(A) All detail records relating to employment, assignment, amounts and dates of service rendered, termination or dismissal of an employee in any position, sick leave record, rate of compensation, salaries or wages paid, deductions or withholdings made and the person or agency to whom such amounts were paid. In lieu of the detail records, a complete proven summary payroll record for every employee of the school district containing the same data may be classified as Class 1--Permanent, and the detail records may then be classified as Class 3--Disposable.
(B) Information of a derogatory nature as defined in Education Code Section 44031 shall be Class 1--Permanent only after it becomes final. This information becomes final when:
1. The time for filing a grievance has lapsed, or
2. The document has been sustained by the grievance process.
(C) Information of a derogatory nature as defined in Education Code Section 44031 shall be Class 3--Disposable if prior to the effective date of this section the document was subject of grievance process and was not sustained.
(2) Pupils.
(A) The records of enrollment and scholarship for each pupil required by Section 432.
(B) All records pertaining to any accident or injury involving a minor for which a claim for damages has been filed as required by law, including any policy of liability insurance relating thereto, except that these records cease to be Class 1--Permanent records one year after the claim has been settled or the statute of limitations has run.
(d) Property Records. All detail records relating to land, buildings, and equipment. In lieu of such detail records, a complete

property ledger may be classified as Class 1--Permanent, and the detail records may then be classified as Class 3--Disposable, if the property ledger includes:
(1) All fixed assets.
(2) An equipment inventory.
(3) For each unit of property, the date of acquisition or augmentation, the person from whom acquired, an adequate description or identification, and the amount paid, and comparable data if the unit is disposed of by sale, loss, or otherwise.

§16024. Class 2--Optional Records.

Any record worthy of temporary preservation but not classified as Class 1-Permanent may be classified as Class 2-Optional and shall then be retained until reclassified as Class 3-Disposable. If the superintendent and governing board agree that classification should not be made by the time specified in section 16022, all records of the prior year may be classified as Class 2-Optional pending further review and classification within one year.

§16025. Class 3--Disposable Records.

All records not classified as Class 1--Permanent or Class 2--Optional shall be classified as Class 3--Disposable, including but not limited to detail records relating to:
(a) Records Basic to Audit, including those relating to attendance, average daily attendance, or a business or financial transaction (purchase orders, invoices, warrants, ledger sheets, cancelled checks and stubs, student body and cafeteria fund records, etc.), and detail records used in the preparation of any other report. Teachers' registers may be classified as Class 3--Disposable only if all information required in Section 432 is retained in other records or if the General Record pages are removed from the register and are classified as Class 1--Permanent.
(b) Periodic Reports, including daily, weekly, and monthly reports, bulletins and instructions.

§16026. Retention Period.

A Class 3--Disposable record shall not be destroyed until after the third July 1 succeeding the completion of the audit required by Education Code Section 41020 or of any other legally required audit, or after the ending date of any retention period required by any agency other than the State of California, whichever date is later. A continuing record shall not be destroyed until the fourth year after it has been classified as Class 3--Disposable.

§16027. Destruction of Records.

Unless otherwise specified in this chapter, all Class 3--Disposable records shall be destroyed during the third school year after the school year in which they originated (e.g., 1976-77 records may be destroyed after July 1, 1980).

APPENDIX A

Appendix A:

Sample Board Policies and Administrative Regulations

The board policy and administrative regulations contained in this manual are simply guidelines. Each school agency is advised to develop policy and regulations that are specific to them. If your district operates an adult education program and/or charter school and will/are offering independent study to pupils enrolled in these educational settings, then board policy and administrative regulations must encompass the new regulations pertaining to these.

CSBA Sample

Board Policy

Independent Study

BP 6158
Instruction

***Note: Education Code 51745-51749.6 authorize districts to establish independent study programs to meet the educational needs of students. Independent study may be offered as a program within a school, as a charter school, or as an alternative school of choice pursuant to Education Code 58500-58512; see AR 0420.4 - Charter School Authorization, BP 6146.11 - Alternative Credits Toward Graduation, and BP/AR 6181 - Alternative Schools/Programs of Choice. ***

***Note: Education Code 51747 mandates that the Governing Board adopt a policy with specified components as a condition of receiving state apportionments for independent study students. In addition, Education Code 51749.5, as added by SB 858 (Ch. 32, Statutes of 2014), mandates that the Board adopt policy with specified components as a condition of offering a program of course-based independent study beginning in the 2015-16 school year. The mandated components are reflected throughout this policy and the accompanying administrative regulation. ***

***Note: When developing policy on independent study, 5 CCR 11701 requires the Board to consider, in a public hearing, (1) the scope of its existing or prospective use of independent study as an instructional strategy, (2) its purposes in authorizing independent study, and (3) factors bearing specifically on the maximum realistic lengths of assignments and acceptable number of missed assignments for specific populations of students or adult students. ***

The Governing Board authorizes independent study as an optional alternative instructional strategy for eligible 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 on a full-time basis or on a part-time basis in conjunction with part- or

full-time classroom study.

(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 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, a home-based format, 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. Students participating in independent study shall have the right, at any time, to enter or return to the regular classroom mode of instruction. (Education Code 51747; 5 CCR 11700)

Parents/guardians of students who are interested in independent study shall contact the Superintendent or designee. The Superintendent or designee shall approve independent study for an individual student only upon determining that the student is prepared to meet the district's requirements for independent study and is likely to succeed in independent study as well as or better than he/she would in the regular classroom setting.

***Note: Pursuant to Education Code 46300, the attendance of students participating in independent study for five or more consecutive school days will be included in computing average daily attendance for apportionment purposes. The following optional paragraph is for use by districts that wish to limit independent study to periods of five or more consecutive school days. ***

The minimum period of time for any independent study option shall be five consecutive school days.

Written Agreements

***Note: Education Code 51747 mandates that the Board adopt a policy providing that a current written agreement (i.e., the "master agreement") will be maintained for each student who participates in independent study for five or more consecutive school days. As amended by SB 858 (Ch. 32, Statutes of 2014), Education Code 51747 provides that no independent study agreement can be valid for longer than one school year. ***

***Note: In addition, Education Code 51749.5, as added by SB 858, mandates that the Board adopt a policy providing that a "learning agreement" be maintained for each student participating in course-based independent study. ***

***Note: See the accompanying administrative regulation for required content of these agreements. ***

The Superintendent or designee shall ensure that a written master agreement and, as appropriate, a learning agreement for students participating in course-based independent study exist for each participating student as prescribed by law. (Education Code 51747, 51749.5)

***Note: Education Code 51747 mandates that the Board, in a public hearing, adopt a policy on the maximum length of time, by grade level and type of program, which may elapse between the time an independent study assignment is made and the date by which the student must complete the assignment. 5 CCR 11700 defines "type of program" as the statutory program category for purposes of attendance accounting, such as adult education or continuation high school. In addition, 5 CCR 11701 mandates that Board policy reflect an awareness that excessive leniency in the duration of independent study assignments can result in a student falling so far behind his/her peers as to increase, rather than decrease, the risk of dropping out of school. ***

***Note: The following paragraph sets one week, for all grade levels and types of programs, as the maximum length of time an independent study assignment should be completed. This paragraph should be revised to reflect the length of time determined by the Board. In order to ensure that apportionments are received, the district's written agreement should also be revised to reflect the length of time determined by the Board in its policy. ***

The master agreement shall specify the length of time in which each independent study assignment must be completed. Because excessive leniency in the duration of independent study assignments may result in a student falling behind his/her peers and increase the risk of dropping out of school, independent study assignments shall be no more than one week for all grade levels and types of program. However, when necessary based on the specific circumstances of the student's approved program, the Superintendent or designee may allow for a longer period of time between the date an assignment is made and when it is due, up to the termination date of the agreement.

***Note: Education Code 51747 mandates that the Board, in a public hearing, adopt a policy which specifies the number of missed assignments allowed before an evaluation would be required to determine whether it is in a student's best interest to remain in independent study. The following paragraph specifies a maximum of three assignments and should be revised to reflect the Board's determination of the number of missed assignments that will trigger an evaluation. ***

***Note: The number of missed assignments that will trigger an evaluation must be included in the student's written agreement; see the accompanying administrative regulation. In order to ensure that apportionments are received, the district's written agreement should also be revised to reflect the number of assignments determined by the Board in its policy. ***

An evaluation shall be conducted to determine whether it is in a student's best interest to remain in independent study whenever the student misses three assignments, unless the student's written agreement specifies a lower or higher number of missed assignments based on the nature of the assignments, the total number of assignments, and/or other unique circumstances.

Student-Teacher Conferences

***Note: The following optional section may be revised to reflect district practice. ***

Supervising teachers should establish an appropriate schedule for student-teacher conferences in order to help identify students falling behind in their work or in danger of failing or dropping out of school. Teachers are expected to monitor student progress and work closely with each student to determine the amount and type of contact needed for the student to be successful in the program.

Missing appointments with the supervising teacher without valid reasons may trigger an evaluation to determine whether the student should remain in independent study.

Home-Based Independent Study

***Note: The following section is optional. ***

The Superintendent or designee shall encourage parents/guardians desiring to teach their children at home to have their children participate in independent study. Such participation allows continued contact and cooperation between the school system and the home-based student and ensures that the student will be offered a standards-based education substantially equivalent in quality and quantity to the district's classroom instruction.

Program Evaluation

***Note: The following optional section may be revised to reflect district practice. ***

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)
(cf. 6162.51 - State Academic Achievement Tests)
(cf. 6162.52 - High School Exit Examination)

Legal Reference:
EDUCATION CODE
17289 Exemption for facilities
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
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
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 Authorization affidavits
CODE OF REGULATIONS, TITLE 5
11700-11703 Independent study
19819 State audit compliance
UNITED STATES CODE, TITLE 20
6301 Highly qualified teachers
COURT DECISIONS
Modesto City Schools v. Education Audits Appeal Panel, (2004) 123 Cal.App.4th 1365
EDUCATION AUDIT APPEALS PANEL DECISIONS
Lucerne Valley Unified School District, Case No. 03-02 (2005)

Management Resources:
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Elements of Exemplary Independent Study
Approaches to Satisfying No Child Left Behind Act of 2001 Teacher Requirements for Independent Study in Secondary Schools, January 28, 2010
WEB SITES
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

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CSBA Sample
Administrative Regulation
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Educational Opportunities

***Note: The following section is optional. Education Code 51745 lists educational opportunities that may be provided through independent study. The district may revise or expand items #1-5 below to reflect district practice. ***

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

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

(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

4. Continuing and special study during travel

(cf. 5112.3 - Student Leave of Absence)

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

(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, vacation, or illness, independent study may be used on a short-term basis to ensure that the student is able to maintain academic progress in his/her regular classes.

(cf. 5113 - Absences and Excuses)

***Note: The following paragraph is for use by districts maintaining high schools. ***

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

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. (Education Code 46300.6, 51747.3)

Eligibility for Independent Study

***Note: The following optional paragraph may be revised to reflect district practice. ***

Provided that experienced certificated staff are available to effectively supervise students in independent study, 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. 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.

***Note: The following paragraph limits eligibility for independent study to those students for whom state apportionments can be claimed. Education Code 46300.2 provides that districts will receive state funding for independent study for students who are residents of the county or an adjacent county. Pursuant to Education Code 51747.3, students whose residency status is based on parent/guardian employment within district boundaries (Education Code 48204(b)) are not eligible for funds apportioned for average daily attendance (ADA). ***

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

(cf. 5111.12 - Residency Based on Parent/Guardian Employment)

For a student with disabilities, as defined in Education Code 56026, participation in independent study shall be approved only if his/her individualized education program specifically provides for such participation. (Education Code 51745)

(cf. 6159 - Individualized Education Program)

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

(cf. 6183 - Home and Hospital Instruction)

***Note: Education Code 46300.1 provides that the district may not receive apportionments pursuant to Education Code 42238 for independent study for students age 21 or older, or for students 19 or older who have not been continuously enrolled in grades K-12 since their 18th birthday. However, pursuant to Education Code 46300.4, these students may be eligible for independent study through the adult education program for courses required for high school graduation; see BP/AR 6200 - Adult Education. ***

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

(cf. 6200 - Adult Education)

***Note: The following paragraph limits enrollment in independent study to those students for whom state apportionments can be claimed. Pursuant to Education Code 51745, no more than 10 percent of the students enrolled in a continuation high school or opportunity school or program are eligible for apportionment credit for independent study. A pregnant student or a parenting student who is the primary caregiver for his/her child(ren) are not included in this cap. ***

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 51745)

(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 6184 - Continuation Education)

Master Agreement

***Note: Education Code 51747 mandates that, in order for the district to receive apportionments for independent study, the district must adopt and implement policy providing for a signed written independent study agreement which contains the components listed in the following section. Because apportionments are provided only for independent study of five or more consecutive school days pursuant to Education Code 46300, written agreements are required only in such instances. ***

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

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 not be limited to, all of the following: (Education Code 51747; 5 CCR 11700, 11702)

1. The manner, time, frequency, and place for submitting the student's assignments and for reporting his/her 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, including materials and personnel, that will be made available to the student

***Note: Pursuant to Education Code 51747, the written agreement must contain statements reflecting Board policy pertaining to (1) the maximum length of time, by grade level and type of program, which may elapse between the time an independent study assignment is made and the date by which the student must complete the assignment and (2) the number of missed assignments allowed before an evaluation would be required to determine whether it is in a student's best interest to remain in independent study. See the accompanying Board policy. ***

4. A statement of the Board's policy detailing the maximum length of time allowed between an assignment and its completion and the number of missed assignments, by grade level and type of program, which will trigger an evaluation of whether the student should be allowed to continue in independent study

***Note: SB 858 (Ch. 32, Statutes of 2014) amended Education Code 51747 to change the maximum duration of the agreement from one semester to one school year. ***

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 an elementary student, other measures of academic accomplishment appropriate to the agreement, to be earned by the student upon completion

7. A statement that independent study is an optional educational alternative in which no student may be required to participate

8. In the case of a suspended or expelled student who is referred or assigned to any school, class, or program pursuant to Education Code 48915 or 48917, a statement that instruction may be provided through independent study only if the student is offered the alternative of classroom instruction

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

***Note: Education Code 46300.7 states that apportionments shall be received for a student in independent study only if the district receives written permission from the parent/guardian, before the independent study begins, specifying the actual dates of participation, methods of study and evaluation, and resources to be made available for the student's independent study. Since all these components are included in the written agreement which the parent/guardian must sign, the parent/guardian's signature on the agreement satisfies the requirement to obtain his/her written permission. ***

9. Signatures of the student, the parent/guardian or caregiver of the student if the student is under age 18 years, the certificated employee responsible for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the student

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

***Note: Education Code 51747, as amended by SB 858 (Ch. 32, Statutes of 2014), provides that the agreement may be maintained on file electronically. ***

The signed, dated agreement may be maintained on file electronically. (Education Code 51747)

Course-Based Independent Study

***Note: Education Code 51749.5-51749.6, as added by SB 858 (Ch. 32, Statutes of 2014), establish a course-based independent study option that may be offered beginning with the 2015-16 school year if certain requirements are met, as described below. As a condition of offering this option, Education Code 51749.5 mandates that the district adopt policy or regulations that comply with the legal requirements listed in the following section and any applicable regulations adopted by the State Board of Education. ***

***Note: The following paragraph may be revised to reflect the grade levels offered by the district. ***

The district shall offer a course-based independent study program for students in grades K-12 subject to the following requirements: (Education Code 51749.5)

1. Courses shall be taught under the general supervision of certificated employees who hold the appropriate subject matter credential, meet the requirements for highly qualified teachers pursuant to 20 USC 6301, 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)
(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)

2. Courses shall be annually certified by Board resolution to be of the same rigor and educational quality as equivalent classroom-based courses and shall be aligned to all relevant local and state

content standards. This 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.

3. Students enrolled in these courses shall meet the applicable age requirements established pursuant to Education Code 46300.1 and 46300.4 and the applicable residency and enrollment requirements established pursuant to Education Code 46300.2, 48204, and 51747.3.

4. Teachers shall communicate with each student in person, by telephone, or by any other live visual or audio connection at least twice per calendar month to assess whether the student is making satisfactory educational progress. For this purpose, satisfactory educational progress includes, but is not limited to, applicable statewide accountability measures and the completion of assignments, examinations, or other indicators that the student is working on assignments, learning required concepts, and progressing toward successful completion of the course, as determined by the teacher providing instruction.

Written or computer-based evidence of satisfactory educational progress shall be retained for each course and student, including, at a minimum, a grade book or summary document that lists all assignments, examinations, and associated grades for each course.

If satisfactory educational progress is not being made, the teacher shall notify the student and, if the student is under age 18 years, his/her 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 he/she 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 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.

(cf. 5125 - Student Records)

5. Examinations shall be administered by a proctor.

6. 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)

7. A student shall not be required to enroll in courses included in this program.

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

9. 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 46200-46208.

(cf. 6111 - School Calendar)
(cf. 6112 - School Day)

10. 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.

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

(cf. 3260 - Fees and Charges)

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

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

1. A summary of the district's policies and procedures related to this program

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 #2 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, including materials and personnel, that will be made available to the student

6. A statement that the student is not required to enroll in courses in this program

7. Signatures of the student, the student's parent/guardian if the student is under age 18 years, and all teachers providing instruction

The student's or parent/guardian's signature shall constitute permission for the student to receive instruction through 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 51749.6)

Monitoring Student Progress

***Note: The following optional section may be revised to reflect district practice. ***

The independent study administrator and/or supervising teacher shall promptly and directly address any failure by the student to meet the terms of his/her 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 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 the student. This evaluation may result in termination of the independent study agreement and the student's return to the regular classroom program or other alternative program.

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 51747)

***Note: The CDE, in its Frequently Asked Questions available on its web site, clarifies that students in independent study are not subject to truancy laws. The determination of excused and unexcused absences is irrelevant because independent study students may complete assignments at any time and attendance is not the basis for credit. ***

Independent study students who are late, miss scheduled conferences, or do not submit assigned work on time shall not be reported as tardy or truant.

Responsibilities of Independent Study Administrator

***Note: The following optional section may be revised to reflect district practice. ***

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

1. Recommending certificated staff to be assigned as independent study teachers 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

***Note: The federal No Child Left Behind Act (20 USC 6319, 7801; 34 CFR 200.55-200.57; 5 CCR 6100-6126) requires teachers to demonstrate subject matter competency for each core academic subject they teach. Thus, middle and high school independent study programs may choose to assign subject matter specialists to oversee student work related to their subject, while assigning supervising teachers to oversee matters of student attendance, work samples, parent/guardian communications, and other duties of "homeroom" teachers. Districts that implement such a model may revise the following section to specify the duties of both supervising teachers and subject matter specialists assigned to work with independent study students. ***

Each student's independent study shall be coordinated, evaluated, and carried out under the general supervision of a certificated employee who consents to the assignment. (Education Code 44865, 51747.5; 5 CCR 11700)

***Note: Pursuant to Education Code 51745.6, the equivalency of teacher-student ratios as described below is a necessary condition for the district to receive apportionments for independent study. The district may exceed these ratios, but those additional units of independent study ADA would not be funded. ***

***Note: SB 858 (Ch. 32, Statutes of 2014) amended Education Code 51745.6 to clarify that the teacher-student ratio must be equivalent with that of all other educational programs at the applicable grade span (i.e., K-3, 4-6, 7-8, 9-12), unless a new higher or lower grade span ratio is negotiated as described below. ***

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 at the applicable grade span in the district, unless a new higher or lower grade span ratio for all other educational programs offered within the grade span 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 grade span ratio. (Education Code 51745.6)

***Note: The remainder of this section is optional and may be revised to reflect district practice. ***

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

1. Completing designated portions of the written independent study 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" below

5. Providing direct instruction and counsel as necessary for individual student success

6. Regularly meeting with the student to discuss the student's progress

***Note: Pursuant to Education Code 51747.5, the district may only claim apportionment credit for independent study based on the time value of student work products as personally judged in each instance by a certificated teacher. SB 858 (Ch. 32, Statutes of 2014) amended Education Code 51747.5 to clarify that the teacher is not required to sign and date the work products. ***

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

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)

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 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 notations indicating that he/she has personally evaluated the work or that he/she has 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

(cf. 3580 - District Records)

The Superintendent or designee also shall maintain a record of grades and other evaluations issued to each student for independent study assignments.

(3/05 7/10) 12/14

APPENDIX B

Appendix B:

Education Audit Appeals Panel
K-12 Audit Guide

The following pages are from the 2019-20 *Education Audit Appeals Panel Audit Guide*. This guide is available on the website at http://www.eaap.ca.gov/. It is highly recommended that the compliance requirements and suggested audit procedures be used in conjunction with the internal audit function.

D. INDEPENDENT STUDY

1. If the LEA reported ADA generated through independent study, perform the following procedures at the agency level:

a. Reconcile the LEA's independent study attendance records to ADA generated through full-time independent study reported to the CDE.

b. From the independent study attendance records, select a representative sample of pupils for whom ADA generated through independent study was claimed, including pupils on intermittent or "short term" independent study if the LEA offered that option, and confirm that every pupil in the sample is identified in the written records of the district or county board by grade level, by program placement, and by the school in which the pupil is enrolled.

c. If, pursuant to the foregoing audit procedure, any pupils are found that were not identified in the written records of the district or county board by any one or more of grade level, program placement, and the school in which the pupil was enrolled, calculate and state in a finding the number(s) of units of ADA, by grade span, that were inappropriately reported for apportionment and an estimate of their dollar value. If there are any ungraded units of ADA, then proportionately allocate the disallowance among the grade spans.

d. Verify the LEA's independent study ratio calculation, made pursuant to subdivision (a) of Education Code section 51745.6, of ineligible ADA, if any, generated through independent study by pupils 18 years of age or less.

e. Interview LEA administrative personnel and school counselors to determine if the LEA had policies and procedures to ensure that any pupil terminating an independent study agreement was permitted to immediately recommence classroom study.

f. Interview LEA administrative personnel as well as a sample of independent study teachers and review written agreements to determine whether it was the LEA's policy or practice to provide independent study pupils or their parents/guardians with monetary funding or any other things of value such as equipment or paid private instruction. If so, determine whether classroom pupils or their parents/guardians had the same access to funding or things of value. Read program materials provided to all parents/guardians to determine that

opportunities were equal and that pupils engaged in independent study were neither offered nor given incentives or special benefits.

2. Select a sample of schools that is representative of the LEA and sufficient in size to allow the auditor to draw a reasonable conclusion with respect to the LEA's compliance with independent study requirements. Verify that the monthly site summaries used for summarizing attendance provide accurate information by performing the following procedures:

a. At each sampled school, examine the attendance accounting records to verify that the attendance of pupils while engaged in independent study was maintained on separate registers or the LEA had another mechanism in place to track ADA generated through independent study separately from other ADA.

b. Determine the total number of days of attendance reported for each sampled school that resulted from attendance by pupils while engaged in independent study. Reconcile the monthly totals (days of apportionment attendance) on the site's attendance summary to the summary maintained by the LEA for the P2 and Annual attendance reports.

c. Select a test month in the P2 or Annual attendance reporting period. Verify the mathematical accuracy of the monthly report and trace the totals to the school's attendance summary.

d. Verify that a certificated employee of the LEA coordinated, evaluated, and provided general supervision (as that term is defined in title 5, California Code of Regulations, section 11700(b)), of each pupil's independent study, as required by subdivision (a) of Education Code section 51747.5.

e. Select a representative sample of teachers. Verify the mathematical accuracy of the teachers' attendance records of pupil attendance. Trace the monthly totals from the monthly report to the attendance records.

f. If 100% apportionment attendance was recorded for all independent study pupils, ensure that the teacher did not accrue more days of apportionment credit for any assignment than there were school days in that assignment ("banking"); or accrue days of attendance for work submitted subsequent to the specified due date for the assignment ("make-up").

g. For programs in which hourly attendance accounting is not required pursuant to title 5, California Code of Regulations, section 406, verify that attendance credit was recorded in whole days based on the supervising teacher’s personal review, evaluation, and assignment of time value to the pupil’s work product, or the supervising teacher’s review of the evaluation and assignment of time value made by another certificated teacher.

3. From the attendance records, select a representative sample of pupils for whom ADA generated through independent study was claimed, including pupils on intermittent (“short term”) independent study if the LEA offered that option, and perform the following procedures:

a. Verify that no pupil was enrolled in the LEA pursuant to subdivision (b) of Education Code section 48204 while engaged in full-time independent study.

b. Determine each selected pupil’s county of residence at the time of commencing independent study and verify that it is the county in which the apportionment claim is reported or a contiguous county within California.

c. Determine whether mailing addresses or other evidence of residency changed during the time the pupils were in independent study and, if so, whether each pupil remained resident of the same or a contiguous county within California.

d. Verify that a total of not more than one day of attendance generated through independent study was recorded for each pupil, including pupils enrolled in more than one program, for any calendar day on which school was in session.

e. Verify that a written agreement exists for each pupil selected.

f. Verify that every pupil whose independent study attendance was claimed for apportionment was participating under an agreement for a minimum of five consecutive school days.

g. Verify that pupils enrolled in independent study met the applicable age requirements established pursuant to Education Code sections 46300.1 and 46300.4.

h. Verify that every written agreement contained all the required elements:

(1) The manner, time, frequency, and place for submitting a pupil's assignments and for reporting his or her progress

(2) The objectives and methods of study (pupil activities selected by the supervising teacher as the means to reach the educational objectives set forth in the written agreement) for the pupil's work

(3) The methods utilized to evaluate that work (any specified procedure through which a certificated teacher personally assesses the extent to which the pupils achieved the objectives set forth in the written assignment)

(4) The specific resources, including materials and personnel, to be made available to the pupils (resources reasonably necessary to the achievement of the objectives in the written agreement, not to exclude resources normally available to all pupils on the same terms as the terms on which they are normally available to all pupils)

(5) A statement of the policies adopted pursuant to subdivisions (a) and (b) of Education Code section 51747:

(A) The maximum length of time allowed between the assignment and the completion of a pupil's assigned work; and

(B) The number of assignments a pupil may miss before there must be an evaluation of whether it is in the pupil's best interests to continue in independent study.

(6) The duration of the independent study agreement, including the beginning and ending dates for the pupil's participation in independent study under the agreement, with no agreement being for longer than one school year

(7) A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the agreement, to be earned by the pupil upon completion

(8) A statement in each independent study agreement that independent study is an optional educational alternative in which no pupil may be required to participate (in the case of a pupil who is referred or assigned to

any school, class or program pursuant to Education Code section 48915 or 48917, the agreement also shall include the statement that instruction may be provided to the pupil through independent study only if the pupil is offered the alternative of classroom instruction)

(9) Signatures, affixed prior to the commencement of independent study, by:

(A) The pupil;

(B) The pupil's parent, legal guardian, or caregiver as that term is used in Family Code section 6550 and following, if the pupil is less than 18 years old;

(C) The certificated employee who has been designated as having responsibility for the general supervision of independent study; and

(D) All other persons, if any, who had direct responsibility for providing assistance to the pupil.

i. Verify that no days of attendance were reported for dates prior to the signing of the agreement by all parties.

j. Trace each pupil's attendance from the attendance records to the teacher's register, record of the pupil's work completed, and the corresponding work assignment record. Verify that pupil work samples have been retained in the file.

k. Verify that the pupil work product samples are related to the assignment pursuant to which the work was undertaken and reflect the curriculum adopted by the local governing board and not an alternative curriculum.

l. Review records and other relevant documentation to verify that each pupil's choice to commence or to continue in independent study was entirely voluntary and uncoerced.

4. State in a finding the number(s) of inappropriately reported units of ADA, by grade span, identified through the foregoing audit procedures and an estimate of their dollar value. If there are any ungraded units of ADA, then proportionately allocate the disallowance among the grade spans.

Y. INDEPENDENT STUDY-COURSE BASED

NOTE: An LEA must be audited for two consecutive years when operating an independent study – course based program. Thereafter, the program must be audited if the number of units of ADA reported is material as shown in the materiality level table.

1. If an LEA reported ADA pursuant to Education Code section 51749.5, then verify the following:

a. The governing board or body of the participating school district, county office of education, or charter school ("LEA") adopted policies, at a public meeting, that comply with the requirements of Education Code section 51749.5 and any applicable regulations adopted by the state board

b. There is a signed learning agreement, which may be a physical or electronic copy, on file for each pupil participating that contains all the following information:

(1) A summary of the policies and procedures adopted by the governing board or body of the LEA pursuant to Education Code section 51749.5, as applicable;

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

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

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

(5) A statement that the pupil is not required to enroll in courses authorized pursuant to Education Code section 51749.5; and

(6) The signature of the pupil and, if the pupil is less than 18 years of age, the pupil's parent or legal guardian, and all certificated employees providing instruction, with each signature dated before instruction may commence.

c. Courses are taught under the general supervision of a certificated employee who is employed by the LEA at which the pupil is enrolled, or by an LEA that has a memorandum of understanding to provide the instruction in coordination with the LEA at which the pupil is enrolled.

d. Courses are annually certified by a resolution of the governing board or body of the LEA providing the instruction, to be of the same rigor and educational quality as equivalent classroom-based courses, and aligned to all relevant local and state content standards.

e. The course certification shall, at the minimum, include the duration, number of equivalent daily instructional minutes for each school day that a pupil is enrolled, number of equivalent total instructional minutes and the number of course credits for each course.

f. It was the LEA's policy or practice to ensure that pupils were not assessed a fee prohibited by Education Code section 49011 (ascertain, e.g., by interviewing LEA administrative personnel).

g. It was the LEA's policy or practice to ensure no pupil was prohibited from participating in independent study solely on the basis that he or she does not have the materials, equipment or internet access that are necessary to participate in the independent study course (ascertain, e.g., by interviewing LEA administrative personnel).

h. Statewide testing results for pupils were reported and assigned to the school at which the pupil was enrolled and to any LEA within which that school's testing results were aggregated.

i. Pupils enrolled in courses were offered the minimum annual instructional minutes pursuant to Education Code sections 46200 to 46208 inclusive, or, for charter schools, Education Code section 47612.5:

2. From the course-based independent study attendance records, select a representative sample of pupils and perform the following procedures:

a. Verify that pupils enrolled in courses met the applicable age requirements established pursuant to Education

Code sections 46300.1, 46300.4, 47612 and 47612.1.

b. Verify that pupils enrolled in courses met the applicable residency and enrollment requirements of Education Code sections 46300.2, 47612, 48204, and 51747.3:

c. Verify that certificated employees communicated with each pupil in-person, by telephone, or by any other live visual or audio connection no less than twice per calendar month to assess whether each pupil is making satisfactory educational progress.

d. Verify that written or computer-based evidence of satisfactory educational progress was retained for each course and pupil. At a minimum, this evidence shall include a grade book or summary document that, for each course, lists all assignments, examinations, and associated grades.

e. If satisfactory educational progress was not being made, verify that certificated employees providing instruction notified the pupil and, if the pupil was less than 18 years of age, the pupil's parent or legal guardian, and conducted an evaluation to determine whether it was in the bests interest of the pupil to remain in the course or whether he or she should be referred to an alternative program, which may include, but is not limited to, a regular school program.

f. For pupils tested, verify that the combined equivalent daily instructional minutes for enrolled courses authorized by all other laws and regulations met the minimum instructional day requirements applicable to the LEA.

3. For each pupil enrolled in one or more courses authorized pursuant to Education Code section 51749.5(b), verify that attendance was separately computed and recorded as average daily attendance earned pursuant to Education Code section 51749.5(b).

4. If more than 10 percent of total average daily attendance of a LEA is claimed pursuant to Education Code section 51749.5, verify that the amount of average daily attendance for the LEA reported from course-based independent study was reduced by either the statewide average rate of absence for elementary school districts for kindergarten and grades 1 to 8 inclusive, or (b) the statewide average rate of absence for high school districts for grades 9 to 12, inclusive, as applicable, as calculated by the department for the prior fiscal year.

5. Verify that the LEA calculated its independent study ratio consistent with Education Code section 51745.6(a).

6. State in a finding the number(s) of inappropriately reported units of ADA, by grade span, identified through the foregoing audit procedures, and an estimate of the dollar value. If there are any ungraded units of ADA, then proportionately allocate the disallowance among the grade spans.

APPENDIX C

Appendix C:

_____ **(Suggestion A)**

INDEPENDENT STUDY WRITTEN AGREEMENT

(Must be adapted to match local Board Policy and Administrative Rules and Regulations.)

Student name: **(1a)**	Student #: **(Suggestion B)**	Grade level: **(1b)**
Address: **(1c)**	Age: **(Suggestion C)**	Birth date: **(1d)**
City: **(1c)**	Zip code: **(1c)**	Phone #: **(Suggestion D)** 2nd Phone #
School of enrollment/program placement: **(1e)**		
Duration of agreement: **(2)**	Beginning date: **(3)**	Ending date: **(3)**

Objectives, Methods of Study, Methods of Evaluation, and Resources: We understand that the student is to complete the subjects/courses listed below, and that subject/course objectives reflect the curriculum adopted by the district's or charter school's governing board and are consistent with district or charter school standards, as outlined in the district's or charter school's subject/course descriptions. **(Suggestion E)** The specific objectives, methods of study, methods of evaluation, and resources for each assignment covered by this agreement will be described in _____, which are part of this agreement, and any subsidiary agreements are also part of this agreement. **(4, 5, 6, 7) (Suggestion F).**

Subjects/Courses (8)	**Course Value/Credits (8)**	**Subjects/Courses**	**Course Value/Credits**
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Additional Classes: If the student satisfactorily completes all of the above subjects/courses before the ending date of the agreement, one or more courses/subjects may be added to the agreement if the agreement is re-signed and re-dated by the teacher and the student. **(Suggestion G)**

Reporting: We understand that students are required to report to their teacher(s) as scheduled.

Manner of reporting:_____ **(9)** Frequency:_____ **(10)**

Day:_____ **(11)** Time:_____ **(11)** Place: _____ **(12)**

Assignments: We understand that according to the district or charter school policy for grades _____ through _____, the maximum length of time allowed between the assignment and the date the assignment is due is _____ (**13).** After _____missed assignments, an evaluation will be made to determine whether independent study is an appropriate strategy for this student. **(14)**

Voluntary Statement: We understand that independent study is an optional educational alternative that students voluntarily select, including students covered under California *Education Code* sections 48915 and 48917. All students who choose independent study must be offered the alternative of classroom instruction, and they must have the continuing option of returning to the classroom. **(15, 16)**

Quality and Quantity; Rights and Privileges; Resources and Services: The independent study option is to be substantially equivalent in quality and quantity to classroom instruction. Students who choose to engage in independent study are to have equality of rights and privileges with the same access to existing services and resources as students in the regular school program. **(Suggestion H)**

Signatures and Dates: We have read and understand the terms of this agreement, and agree to all the provisions. **(17)**

Student **(17a)**: _____ Date: _____

Parent/Guardian/Caregiver **(17b)**: _____ Date: _____

Supervising Teacher **(17c)**: _____ Date: _____

Other Assisting Person(s) **(17d)**: _____ Date: _____

_____ Date: _____

A Key to California Statutes and Regulations Related to the

Sample Independent Study Written Agreement

The legal requirements for the Independent Study (IS) Written Agreement include:

- Notwithstanding any other provision of law, no school district or county office of education shall receive apportionments for any pupil in independent study unless that entity receives **written permission** from the parent or guardian of the pupil prior to the commencement of independent study by that pupil. The written permission shall specify the actual dates of participation, the methods of study and evaluation, and the resources to be made available for the independent study program for the pupil. California ***Education Code* (*EC*) Section 46300.7**

- A requirement that a current written agreement for each independent study pupil shall be maintained on file including, but not limited to, all of the following components of ***EC* Section 51747(c).**

- Each written agreement **shall be signed**, **prior to the commencement of independent study**, by the pupil, the pupil's parent, legal guardian, or caregiver, if the pupil is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the pupil. For purposes of this paragraph "caregiver" means a person who has met the requirements of Part 1.5 (commencing with Section 6550) of the Family Code. ***EC* Section 51747(c)(8)**

- Each signature required for an independent study agreement shall be dated. **An agreement is not in effect until it is complete as to all terms, signed and dated**. ***California Code of Regulations*, Title 5 (5 *CCR*) Section 11702(a)**

The following chart cites *EC* and 5 *CCR* references for the IS Written Agreement required elements. The chart also contains suggestions (labeled accordingly) to distinguish them from legal requirements.

Other elements may be required by your board's adopted policy and/or administrative rules and regulations. This sample agreement should be adapted to meet those requirements and the needs of your school/program, students, and staff. Additional expected student, parent/guardian/caregiver, and/or school responsibilities could be incorporated in your IS Agreement, student handbook, or other documents referenced in the IS Agreement.

Item Number	Item Description	Comments and Suggestions	*EC*/5 *CCR* Reference
Suggestion A	District, Charter School, or COE Name	It is **suggested** that the district, direct-funded charter school, or COE name be provided. The school name also could be provided here.	
1a	Student's Name		*EC* 51748
Suggestion B	Student's Number	To eliminate the possibility of confusing student records, it is **suggested** that the Agreement contain a student identification number (for kindergarten through grade 12, the student's Statewide Student Identifier [SSID]).	
1b	Student's Grade Level		*EC* 51748
1c	Student's Complete Address		*EC* 51747.3(b)
Suggestion C	Student's Age	For easy reference, it is **suggested** that the student's actual age be on the agreement.	
1d	Student's Birth Date		*EC* 46300.1
Suggestion D	Student's Telephone Number(s)	It is **suggested** that the home and parents'/student's work or cell phone number be added so it is readily available for staff in case there is an emergency, or a need to contact the parent/guardian/caregiver or student.	
1e	Student's School of Enrollment and (if applicable) Program Placement	Students **must** be enrolled in a school—not just a program. Program placement does not replace the school of enrollment.	*EC* 51748
2	Duration, i.e., Length of the Agreement (e.g., number of days or weeks,	The length of time must agree with the district or charter school board-approved calendar.	

Item Number	Item Description	Comments and Suggestions	*EC*/5 *CCR* Reference
	quarter, semester, half year)	**Minimum:** Apportionment may be claimed for students participating in independent study for five or more consecutive school days. (This does not apply to charter schools.) **Maximum:** No independent study agreement shall be valid for any period longer than one school year (SB 858 signed into law June 20, 2014)	*EC* 46300(e)(1) *EC* 47610 *EC* 51747(c)(5)
3	Beginning and Ending Dates of Agreement	No apportionment for the specific student can be taken before or after these dates.	*EC* 51747(c)(5)
Suggestion E	Consistent With District or Charter School Standards	*EC* and 5 *CCR* provide that independent study shall not be offered as an alternative curriculum. It is **suggested** that this language be included in the agreement. **Comment:** It is important that the district or charter school subject/course descriptions containing subject/course objectives be readily available to all parties to the agreement. For example, schools may wish to attach a copy of the relevant documents to the agreement so that the student may refer to them while studying independently.	*EC* 51745(a)(3) 5 *CCR* 11702(b)
4	Objectives—i.e., the subject/	State where the assignment-specific objectives will be listed (on assignment sheets, assignment and work record forms, etc.) Any additional documents should be referenced on the agreement. See Suggestion F.	*EC* 51747(c)(2)

Item Number	Item Description	Comments and Suggestions	*EC*/5 *CCR* Reference
	course objectives for each of the assignments under the agreement		
5	Method(s) of Study—i.e., the student activities selected by the supervising teacher that the student will complete in order to meet the subject/ course objectives (e.g., read, define, etc.)	State where the assignment-specific methods of study will be listed—on assignment sheets, assignment and work record forms, etc. Any additional documents should be referenced on the agreement. See Suggestion F.	*EC* 51747(c)(2) 5 *CCR* 11700(f) 5 *CCR* 11702(b)
6	Methods of evaluation that will be used to determine if the student met the subject/course objectives	State where assignment-specific methods of evaluation will be listed (i.e., on assignment sheets, assignment and work record forms, etc.) Any additional documents should be referenced on the agreement. See Suggestion F.	*EC* 51747(c)(2) 5 *CCR* 11700(e)
7	Resources (both instructional materials and personnel) that will be available to the student to accomplish the subject/course objectives	State where assignment-specific resources will be listed (i.e., on assignment sheets, assignment and work record forms, etc.) Any additional documents should be referenced on the agreement. See Suggestion F. Resources include those reasonably necessary to the achievement of the objectives and those that are normally available to **all** students.	*EC* 51747(c)(3) *EC* 51746 5 *CCR* 11700(i) 5 *CCR* 11701.5
Suggestion F	Assignment Sheets, Assignment and Work Record Forms, etc.	Specific forms are not required by the *EC* or the *CCR*, but it is **suggested** that such forms be adopted and utilized as a means of providing the required objectives, methods of study, methods of evaluation, and resources.	

Item Number	Item Description	Comments and Suggestions	*EC*/5 *CCR* Reference
		If using Subsidiary Agreements for specific course(s), a statement that the Subsidiary Agreements are part of the IS Written Agreement must be included in the IS Written Agreement.	
8	Subject(s) and Course Value • Course credits or units, or • Other measures (for elementary grades), or • "Complete the Assignment" (for short term)	**Elementary students.** At the elementary level the "number of course credits to be earned" means the grade level curricular units with which the student will be credited on completion of the agreement. For example, "English" and "first semester of grade one." **High school students.** The agreement must clearly identify the course and how many course credits will be earned by the student on attaining the objectives.	*EC* 51747(c)(6) 5 *CCR* 11703 (b)(2)
Suggestion G	Additional Subjects/ courses	The law is silent on adding courses. However, if a student adds a new class taught by a teacher who **has not signed** the agreement, that teacher must sign the agreement. It is **suggested** that the agreement include the Suggestion G statement to allow for needed flexibility. If this statement is included, the district's or charter school's adopted board policy/administrative regulations should provide for this process. It is **suggested** that LEAs develop a procedure or paper trail for students who are dropping a class. It is **suggested** that LEAs consider how to inform the parent/guardian.	

Item Number	Item Description	Comments and Suggestions	*EC*/5 *CCR* Reference
9	Manner of Reporting to the Teacher (one-on-one meetings, small groups, e-mails, faxes, etc.)	It is important for the teacher to know it is the student who is actually completing the work and attaining the objectives identified in the agreement. Therefore, student-teacher interaction is essential. Face-to-face meetings are not required by law. Interaction may be through one-on-one meetings, small groups, e-mails, faxes, online communication, etc. One hour per week is not required except for University of California (UC) a-g approved courses. See the UC-approved Policy.	*EC* 51747(c)(1)
10	Frequency of Student's Reporting to the Teacher (e.g., once a week, twice a week, every two weeks, etc.)	This must be based on the board policy regarding the maximum length of time that may elapse between the time an assignment is made and the date the work is due. It is **suggested** that the frequency also should be based on student need.	*EC* 51747(a) *EC* 51747(c)(1);
11	Day and Time for Student to Report to the Teacher		*EC* 51747(c)(1)
12	Location/place for Meetings	The place could be "online."	*EC* 51747(c)(1)
13	Maximum length of time between when the assignment is made and the due date.	The length of time must match that stated in the board policy and must be specific to the grade level/program. The law is silent about extending the maximum length of time for an assignment.	*EC* 51747(a) *EC* 51747(c)(4)

Item Number	Item Description	Comments and Suggestions	*EC*/5 *CCR* Reference
14	Number of missed assignments leading to an evaluation of whether independent study is an appropriate strategy for this student.	This number must match the number in the board policy. A written record of the findings of the evaluation shall be treated as a mandatory interim pupil record. The record shall be maintained for a period of three years from the date of the evaluation. If the student transfers to another California public school, the record shall be forwarded to that school. It is **suggested** that schools identify persons involved in the evaluation process and date the report.	*EC* 51747(b) *EC* 51747(c)(4)
15	**For any student,** independent study is a continuously voluntary placement**.**	The option of classroom instruction always must be available.	*EC* 51747(c)(7) 5 *CCR* 11700(d)(2)(A)
16	Independent study for students who were expelled (*EC* 48915) or whose expulsions have been suspended. (*EC* 48917)	Students whose expulsions have been suspended may be offered independent study only if the student also is offered the alternative of classroom instruction, and the student has the continuing option of classroom instruction. Students who have been expelled may be offered independent study at a county community school or a juvenile court school only if the student also is offered the alternative of classroom instruction, and the student has the continuing option of classroom instruction. Apportionment can be claimed for a student using independent study only if that student is enrolled in a school.	*EC* 51747(c)(7) *5 CCR* 11700 (d)(2)(B)

Item Number	Item Description	Comments and Suggestions	*EC*/5 *CCR* Reference
			EC 51748
Suggestion H	Quality and Quantity; Rights and Privileges; Services and Resources	It is **suggested** that this language be inserted as a reminder that: • The independent study option is to be equal in quality and quantity to education offered in the classroom. • Students who choose independent study have the same rights and privileges as classroom-based students. • Students who choose independent study are to have the same access to services and resources as classroom-based students.	*EC* 51746 5 *CCR* 11700(i) 5 *CCR* 11701.5
17	Dated Signatures for Each Item (17a-d):	No apportionment can be taken until these dated signatures are on the agreement. The law is silent on electronic or faxed signatures.	*EC* 51747(c)(8) 5 *CCR* 11702(a)
17a	Student (regardless of age)		*EC* 51747(c)(8) 5 *CCR* 11702(a)

Item Number	Item Description	Comments and Suggestions	*EC*/5 *CCR* Reference
17b	Parent/ guardian/ caregiver	Parent/guardian/caregiver • Caregiver Affidavit on file • Not applicable for adults or emancipated minors (married, active military, court directed, etc.)	*EC* 51747(c)(8) 5 *CCR* 11702(a) *EC* 46300.7
17c	Supervising Teacher	Supervising teacher • Only one supervising teacher • If other teachers are instructing students, they sign as "other assisting person." **Note:** If a new teacher takes over in mid-semester, he/she should sign and date the agreement when he/she takes over as the teacher, or he/she may sign a duplicate copy of the agreement which then would be stapled to the original.	*EC* 51747(c)(8) 5 *CCR* 11702(a)
17d	Other assisting person(s) with direct responsibility for providing assistance to the student	Other assisting person(s) include: • Other teachers working with student • Paraprofessionals • Counselors, volunteers, grandparents, mentors, tutors, etc.	*EC* 51747(c)(8) 5 *CCR* 11702(a)

The comments and suggestions above for this sample Independent Study Written Agreement are not binding on local educational agencies or other entities. Except for the statutes and regulations referenced above, this sample Written Agreement is an example, and compliance with it is not mandatory.

APPENDIX D

Appendix D:

Independent Study

http://www.cde.ca.gov/sp/eo/is/

Independent study is a different way of learning. In independent study, a student is guided by a teacher but usually does not take classes with other students every day. The student works independently.

Independent study is available to children and adults. Many school districts offer this type of education, but some do not. Students who participate in independent study take the same courses as students in regular classes.

School districts cannot force students into independent study programs; students and parents choose this type of study on their own. Independent study programs are designed to help students who have health problems, are parents, are gifted, are working, or who find that regular classroom settings do not meet their needs.

The California Department of Education works to improve independent study programs in school districts.

- For more information about independent study in your area, contact your local school district.
- The Independent Study - *CalEdFacts* page provides a more detailed overview of independent study.
- The links and information below were developed for educators and others who operate independent study programs.

Program Summary
Provides information on the purpose, services, outcomes, funding, and students served for independent study.

Resources & Publications

- Frequently Asked Questions
- Quick Guide to Independent Study
  An overview of independent study describing the types of programs, key legal requirements, written or master agreements, local board policy, funding, and attendance.
- Additional Resources
  Links to additional information about independent study.

Requirements

Federal Teacher Requirements
Information on meeting federal requirements for highly qualified teachers in independent study.

- Legal Requirements
  A comprehensive list of basic requirements for operating a legally compliant independent study program.

- Ratio Calculations Instructions
  Complete guidelines on how to calculate teacher-to-average daily attendance ratios for independent study, with examples.

Exemplary Independent Study

For many students, independent study is the educational option that enables them to most fully realize their potential. This alternative instructional strategy offers the flexibility to meet individual student needs, interests, and styles of learning. Independent study, however, is not an alternative curriculum and independent study students are expected to meet the same educational objectives as all other students. By law, independent study education is to be equal in quality and quantity to classroom instruction.

- Elements of Exemplary Independent Study
  Outlines fundamental elements and indicators of the characteristics of exemplary independent study practice.

Questions: Yvonne Evans | yevans@cde.ca.gov | 916-323-2562

Last Reviewed: Friday, November 22, 2019

APPENDIX E

Appendix E:

Frequently Asked Questions

Frequently asked questions and answers pertaining to independent study.

Below are common questions and answers relating to independent study, as outlined in California *Education Code* (*EC*) sections 51745–51749.3 and *California Code of Regulations,* Title 5 (5 *CCR*) sections 11700–11705.

Admission

1. Can all students participate in independent study?
    A. Districts and county offices of education are not required to provide independent study, so this alternative instructional strategy is not always available in a local school. *EC* Section 51745(a)
    If a district does not provide independent study, options may include:
        - An interdistrict transfer
        - Charter schools
        - A school in an adjacent county

    See How To Find Independent Study.

    B. The option to take courses via independent study must be continuously voluntary. *EC* Section 51747(c)(7); 5 *CCR* 11700(d)(2)(A)
    C. Independent study students must be enrolled in a local school as a condition of apportionment. *EC* Section 51748
    D. Special education students may not participate in independent study unless it is specified as an instructional method in their individualized education program (IEP). *EC* Section 51745(c)
    E. Independent study charter schools must enroll all students who meet the enrollment requirements set in their charter. *EC* Section 47605(d)(2)(A)
        - For a student who has an IEP and wants to participate in independent study, a determination as to whether independent study is appropriate must be made within 30 days and written into the IEP.
    F. Community day schools may not claim average daily attendance (a.d.a.) apportionment for any student receiving instruction through independent study. *EC* Section 48663(d)
    G. Not more than 10 percent of the students participating in a continuation high school or opportunity school are eligible for apportionment credit for independent study. Students who are pregnant or are the primary care-giving parent of a child are **not** counted toward the 10 percent limit. *EC* Section 51745(b)
        - The ratio is based on P-2 a.d.a. reporting. See Instructions for Ratio Calculations.
    H. *EC* Section 48206.3 gives a student who is temporarily disabled the right to home and hospital instruction. *EC* Section 51745(d) states “No temporarily disabled student may receive individual instruction pursuant to *EC* 48206.3 through independent study.” Per *EC* Section 47610, this does not apply to charter schools.
    I. Students in independent study need to have the ability to work independently and schools typically assess an applicant’s likelihood of success in independent study. *EC* Section 51746(b)(1); 5 *CCR* 11700(d)(1)(B)
    A school may determine that independent study is not an appropriate educational option if a student is far behind in credits. However, a school may allow a student who is significantly behind in credits to participate in independent study if the school personnel believe that the

student has the ability to be successful working independently. The student's success may depend not only on the student's motivation, commitment, and academic abilities, but also on the school's ability to provide the program, supports, and interventions necessary for that success.

2. Is independent study right for my student?

See Is Independent Study Right for my Student?

3. How do I find an independent study program?

See How to Find Independent Study.

Adults

4. Can adults choose to participate in independent study?
    A. Adult education is covered in *EC* sections 52500–52523. Independent study within adult education is allowed in *EC* Section 41976.2.
    B. In adult education, independent study may be used only for high school diploma courses. *EC* Section 46300.4
    C. An adult who has been continuously enrolled in kindergarten through twelfth grade (K–12) education since his/her eighteenth birthday may remain engaged in K–12 independent study and the district can claim K–12 apportionment for that adult until his/her twenty-first birthday. *EC* Section 46300.1.
5. Can a minor take high school make-up courses by concurrently enrolling in adult education and in high school independent study?

Yes. For more information, see question 23: Can high school students choose the option of adult education independent study for credit recovery?

6. What resources explain adult education and independent study?
    A. Adult Education provides many helpful resources.
    B. The Adult Education Handbook for California 2005 Edition (PDF) contains a chapter on independent study beginning on page 22.

For more information about adult education and independent study, contact the Adult Education Office at 916 322-2175.

Assigned Work

7. What is the course content in independent study?
    A. Independent study is established by local governing boards as an alternative delivery method for providing instruction in the core curriculum. *EC* Section 51745(a)(1–5)
        - It is an instructional strategy for delivering California's standards-based, grade-level content; not an alternative curriculum, and is expected to be equal in quality to classroom instruction. *EC* Section 51745(a)(3)
    B. The Independent Study Written Agreement (also known as the Master Agreement) outlines the course of study for each independent study student. *EC* Section 51747(c)
        - Additional details that will help the parent/guardian/caregiver and student understand the learning goals are provided on subsidiary agreements such as course contracts, assignment and work record forms, and curriculum guides.

8. Can a student study religious materials as a part of the independent study curriculum?

The California Constitution, Article IX, Section 8 states:

- No public money **SHALL** ever be appropriated for the support of any sectarian or denominational school, or any school not under the exclusive control of the officers of the public schools; nor **SHALL** any sectarian or denominational doctrine be taught, or instruction thereon be permitted, directly or indirectly, in any of the common schools of this State.
- Therefore, no religious materials may be assigned as a part of independent study, and students cannot use religious materials to complete independent study assignments. Attendance cannot be taken and the LEA cannot claim apportionment credit for work using religious materials, with the following **exception:**
  - The study of religion—and a comparison of materials from various religions—may be appropriate in some English and history-social science units. For additional guidance on this topic, see Appendix C of the History–Social Science Framework for California Public Schools (PDF).
- However, parents/guardians/caregivers can have their students read and use religious materials to supplement independent study assignments, as long as no apportionment credit is claimed.

Do students need to do as much work in independent study as they would in traditional school?

Yes. 5 *CCR* 11701.5 provides that independent study is to be substantially equivalent in quality and quantity to classroom instruction. *EC* Section 51745(a)(3) provides that independent study shall not be offered as an alternative curriculum. It is important to make sure that independent study students understand the commitment they are making when they sign the Independent Study Written Agreement. It is important for parents/guardians/caregivers, teachers, and students to understand that students should expect to spend at least as much time on independent study assignments as they would for courses in the comprehensive school. However, the flexibility of independent study allows students to complete courses at their own pace—either accelerated (for advanced students) or with additional support and practice for those who struggle. The *EC* Section 51747.5(b) and 5 *CCR* 11703(b)(4) provide that the time value of a student's work is personally judged by a certificated teacher.

For independent study students in K–12 classes, it is important to avoid references to a minimum day program. The Independent Study Written Agreement **should not** list the minimum hours per week needed to complete assignments. All students at grade level should be assigned a full day's worth of work that is comparable to the core curriculum assignments in the school that they would attend. To do otherwise will put students at a disadvantage with regard to their readiness for future schooling and careers. High school students routinely given minimum day assignments cannot earn enough academic credit in four years to qualify for graduation.

Are independent study students required to complete their assigned work?

Yes. In order to earn credit and continue participating in independent study, a student must complete assignments within the guidelines established by the Board Policy and dates listed on the Independent Study Written Agreement. If a student does not complete an established number of assignments within the required time period, the student will be evaluated to determine if independent study is the correct option for the student. *EC* sections 51747(b) and 51747(c)(4).

Attendance

11. What is the minimum length of time for an Independent Study Written Agreement?

EC Section 46300(e)(1) provides that districts can claim a.d.a. credit for students participating in independent study for five or more consecutive school days. A credentialed teacher determines the time value of the completed student work. If a student has an Independent Study Written Agreement for five days, and participates in independent study for five days, but does only four days of work as determined by the supervising teacher, the district could only claim apportionment for four days. This *EC* section does not apply to charter schools as they do not have to follow the five or more consecutive school days requirement.

12. Are schools required to maintain separate attendance records for independent study coursework?

Yes. Schools must keep a separate listing of the pupils and adult education students by grade level, program and school, who have engaged in independent study, identifying units of the curriculum undertaken and units of the curriculum completed by each of those pupils in kindergarten and grades one to eight, inclusive, and identifying course credits attempted by and awarded to each of those pupils in grades nine to twelve, inclusive, and each of those students in adult education, as specified in their written agreements. 5 *CCR* 11703(b)(2)

Attendance accounting varies depending on the student's instructional program.

- Non-charter students completing a minimum day through a classroom-based program and then taking additional courses via independent study are counted, for apportionment purposes, based on the classroom-based courses.
- Non-charter students completing a minimum day through independent study and taking a few classroom-based courses are counted for apportionment purposes via independent study, which requires separate attendance records from the classroom attendance records.
- If students take all of their courses via independent study, their attendance must be recorded separately from the students in classroom-based programs in the school. 5 *CCR* 11703(b)(4)

13. How is independent study attendance determined and reported?

In California, attendance credit is reported by the school district or county office in a.d.a. units or, for some programs, in hours, and generates an apportionment of revenue for that district or county office. Independent study attendance is based on a teacher's evaluation of the time value of a student's work.

Teachers make assignments in increments consistent with the program that the student is enrolled in (i.e., "full days" for traditional K–12 and opportunity education, "hours" for continuation and adult education). Student work must be turned in as specified in the work agreement. Teachers evaluate completed assignments and award attendance credit based on their determination of the time value of the work. For example, if there were five school days in a particular week, and a comprehensive high school student did at least five minimum days worth of work, the supervising teacher could record attendance for five days. .

Completed assignments representing more attendance days for the assignment period may not be "banked" for future use or applied to earlier assignment periods. Late independent study work may not be credited against earlier assignment periods.

Schools report attendance for students on independent study using the district's attendance system as they would for students in classroom-based programs. However, there will be a delay in reporting independent study attendance since the attendance cannot be reported until the student submits the completed assignments and the teacher determines the time value of that work.

Non-charter School Attendance Reporting:

- Schools must use the time value method of attendance accounting. *EC* Section 51747.5(b)
- A district can claim a full day's attendance for completed independent study student work if a credentialed teacher determines the time value of that work is equal to at least a "minimum day." See the Independent Study Operations Manual (ISOM), Chapter 8, especially "Beyond Minimum Day Requirements" on pages 8-2 and 8-3, and the third paragraph in the section "Computation of Attendance Credit" on page 8-4.
- A minimum day depends on grade level per *EC* sections 46147 and 46201 See question 38: What are the required instructional minutes and required length of the school year for independent study?
- For continuation education, independent study is assigned in hours, not minimum day values, and it is not necessary for a student to complete the full three hours for the district to claim apportionment. If the student is assigned 15 hours of work for a five-day week, and completes two-thirds of the work, the district can claim 10 hours.
    - Schools must keep a daily or hourly attendance credit register, as appropriate to the program in which the pupils or adult education students are enrolled, separate from classroom attendance records, and maintained on a current basis as time values of pupil or adult education student work products are personally judged by a certificated teacher, and reviewed by the supervising teacher if they are two different persons. 5 *CCR* 11703(b)(4)

Charter School Attendance Reporting:

- Charter schools must use the time value method of attendance accounting. *EC* Section 51747.5(b)
- There is no minimum day for charter schools, but charter schools must meet the requirements for annual instructional minutes as required by *EC* sections 46201 and 47612.5(a)(1)(A-D).
- The minimum **amount** of work necessary to constitute a charter school day of nonclassroom-based independent study attendance is within the charter school's and teacher's discretion to determine. Nonetheless, whatever that minimum amount of work is, it **must** be done **on** the scheduled school day for which it is claimed as attendance for a.d.a. purposes.
- Charter schools must comply with independent study laws and regulations. *EC* Section 47612.5(b)
- Charter schools must keep a daily or hourly attendance credit register, as appropriate to the program in which the pupils or adult education students are enrolled, separate from classroom attendance records, and maintained on a current basis as time values of pupil or adult education student work products are personally judged by a certificated teacher, and reviewed by the supervising teacher if they are two different persons. 5 *CCR* 11703(b)(4)
- *EC* Section 47612.5(a)(2) states that charter schools must "Maintain written contemporaneous records that document all pupil attendance and make these records available for audit and inspection." A "daily engagement log" (tracking each student's daily engagement in educational activities for each day school is in session) is required by 5 *CCR* 11960.

14. What is the difference between attendance credit and academic credit in independent study?

Attendance credit generates funding for the district based on the a.d.a. of all students in district schools. Attendance credit is based on the teacher's determination of the time value of a student's work. A student receives full attendance credit as long as he or she completes the time value of a minimum day. See question 35: What are the required instructional minutes and required length of the school year for independent study?

Academic credit is based on the teacher's determination of the student's mastery of course content and leads to a record of progress or promotion toward high school graduation requirements. Completed assignments representing more attendance days for the assignment period may receive academic credit. It is possible for a student to lose attendance credit due to missed work and still receive full academic credit at the end of the semester once the course content is successfully mastered, either through make-up work or some other acceleration to meet course learning goals.

NOTE: Attainment of full attendance credit based on a minimum day will not prepare a student to graduate from high school. For students in grades nine through twelve, the minimum day for attendance credit is equivalent to four hours of classroom instruction. However, for academic credit, a high school student must be assigned work equivalent to the work that classroom-based students are assigned—a full day's worth of work or the equivalent of six hours of classroom instruction. ISOM*,* Chapter 8, page 8-3.

15. How do schools keep attendance records for online courses?

For more information, see the following:

- Attendance Accounting for On-Line Classes (non-charter)
- Attendance Accounting for Charter School Nonclassroom-Based Independent Study

16. Can someone other than the supervising teacher enroll a new student and assign work for the first assignment period?

(For example, can the school counselor or administrator enroll a student on Day X and give the "first week" assignment, and then, when the student arrives with all work completed a week later, can the supervising teacher claim five days of attendance credit after reviewing the work?)

No. The following codes and regulations guide schools in claiming attendance credit:

- Each written agreement **shall** be signed, **prior to the commencement** of independent study, by the pupil, the pupil's parent/guardian/caregiver, if the pupil is less than eighteen years of age, the certificated employee **who has been designated as having responsibility for the general supervision of independent study**, and all persons who have direct responsibility for providing assistance to the pupil. For purposes of this paragraph "caregiver" means a person who has met the requirements of Part 1.5 (commencing with Section 6550) of the Family Code. *EC* Section 51747(c)(8)
- The independent study by each pupil or student **shall** be coordinated, evaluated, and, notwithstanding subdivision (a) of Section 46300, **shall** be under the general supervision of an employee of the school district or county office of education who possesses a valid certification document pursuant to Section 44865 or an emergency credential pursuant to Section 44300, registered as required by law. *EC* Section 51747.5(a)
    - "General supervision" means the supervising teacher's:

1. Continuing oversight of the study design, implementation plan, allocation of resources, and evaluation of pupil or adult education student progress for any pupil's or adult education student's independent study; and
2. Personal determination or personal review of the determination made by another certificated teacher of the time values for apportionment purposes of each pupil's or adult education student's work products. *5 CCR* 11700(b)

In the example given, the first week of work is not assigned by the supervising teacher.

Audits

17. What does an independent study school or program need to do to prepare for an audit?

The best way to prepare is to follow all the laws and regulations concerning a legally compliant independent study program or school. Several resources are available:

- Legal Requirements for Independent Study
- The *Standards and Procedures for Audits of California K–12 Local Education Agencies* is available from the Education Audit Appeals Panel.
  - Provisions related to independent study are in the Audit Guide, section 19819.
  - Provisions for charter schools using nonclassroom-based instruction (independent study) are in the Audit Guide sections 19850, 19852, and 19853.

Best Practices

18. Are there any examples of best practices in independent study?

Yes, see Award-Winning Exemplary Independent Study Schools.

Charter Schools

19. Are the rules and regulations for charter school independent study the same as for regular public schools?

There are many *EC* sections that are different for charter school operations. Also see Charter Schools.

Classroom Sessions

20. Can independent study students be required to attend labs, classes, and other on-site classroom sessions?

Due to the federal requirements to use “highly qualified” teachers, there is a trend toward grouping independent study students for on-site labs, classes, and small group sessions.

As a result, an independent study student may be scheduled and required to come to group sessions or labs that are specified in his or her written agreement. However, independent study attendance is never based on student presence at “seat-based” sessions. It is based only on the time value of student work. *EC* Section 51747.5(b)

If a student fails to attend group sessions or labs, he or she cannot be reported truant since independent study attendance is based only on student work. However, according to *EC* Section 51747(b), a student who misses a specified number of assignments must be evaluated to determine whether he or she should remain in independent study or return to the regular school program.

Concurrent (Dual) Enrollment

21. Can a public school student have concurrent enrollment in a private school?

For non-charter schools, this is a local decision that should be established in Administrative Regulations or policies. There are a number of attendance and accountability considerations.

A. Article IX, section 8, of the California Constitution prohibits public money from being appropriated for the support of "... any sectarian or denomination school, or any school not under the exclusive control of the officers of the public schools…" Since public schools cannot collect revenue for a student participating only on a part-time basis, a district would be advised to seek legal counsel before providing public school services (i.e., single class or extra-curricular program) to a non-enrolled student. While a district usually has discretion under *EC* Section 35160, that discretion is limited by the Constitution where the district or charter school concludes that it would be providing a benefit to a private school.
B. For attendance and accountability purposes, if the student is enrolled for at least the minimum day at the public school, the student is a student of the district and school. As such, the public school will be accountable for all attendance records, student testing, and grades. If the school and district agree to accept credits from a private school, there should be a mechanism for verifying that the instruction will help to prepare the student to attain proficiency in grade-level courses. Since the public school receives the a.d.a. for the minimum day offered at that school, there is no additional a.d.a. generated by taking a course at a private school.
C. If the student is enrolled for at least the minimum day at the private school, then that student should be considered a private school student, and no public monies would be generated to support the education of that student.
D. For high school students taking online courses outside the public school, the student always should check first with the high school principal to ensure that the online credits will be accepted by the high school and that the online course is comparable to other college preparatory courses offered at the high school. The University of California (UC) Online Learning provides information about the UC online policy, as well as about online courses, providers, and schools.
E. If the concurrent enrollment in private courses does not in any way affect regular school enrollment, it is the family's decision whether the student enrolls in the private school course(s) in addition to public school. All parties should be mindful of the effect of additional homework, time demands, or stress levels that might occur as a result of private after-school or weekend classes.

22. Can students take both independent study and regular classroom-based courses at the same time?

The option to take regular classes should be readily available to students in an independent study program in a comprehensive high school. Districts are encouraged to have policies and procedures in place that enable independent study students in other district schools to take courses in district comprehensive high schools. For example, students may need to take laboratory, performing arts, or other courses for graduation. Likewise, districts are encouraged to have procedures in place that enable classroom-based students to take one or more needed courses via independent study. No course included among the courses required for high school graduation under *EC* Section 51225.3 shall be offered exclusively through independent study. *EC* Section 51745(e).

23. Can high school students choose the option of adult education independent study for credit recovery?

High school students may enroll concurrently in adult education secondary classes to make up credits needed for graduation. However, the following restrictions apply:

A. The adult education program shall not be used to supplant the regular high school curriculum for high school students enrolled in adult education classes. *EC* Section 52523
B. "No course required by the school district for high school graduation or necessary for pupils to maintain satisfactory academic progress shall be offered exclusively through the adult education program." *EC* Section 52523(a)
C. Adult schools may receive apportionment credit for independent study only if the independent study students are seeking a high school diploma. *EC* Section 46300.4
D. Certain documentation is required. See details on page 16 of the Adult Education Handbook for California 2005 Edition (PDF).
E. See Adult Education for other questions about adult independent study.

24. Can independent study high school students elect to concurrently enroll in community college courses?

Concurrent enrollment in community college classes is one of the ways high school students can access courses their school does not offer. *EC* Section 48800 provides that local governing boards may authorize students who would benefit from "advanced scholastic or vocational work" to attend classes at a community college as "special part-time students." Students also must have their principal's recommendation and parent/guardian/caregiver consent. The school district and community college district governing boards determine the appropriate credit that these students receive for their community college classes. With the repeal of 5 *CCR* 1630, it is now possible for students to receive "dual credit"—both high school and community college credit—for community college courses.

A student may not be enrolled as a full-time student in both the high school and the community college. Consequently, they only may take a maximum of the equivalent of 11 semester credits at the community college, since the equivalent of 12 semester credits constitutes full-time enrollment.

A high school student who is concurrently enrolled in a community college or a state college or university has a compulsory education requirement of 180 instructional minutes (instead of 240 instructional minutes in the high school). **However**, if the student is enrolled for 180 instructional minutes, the student generates only .75 a.d.a. for every day of attendance. The student would have to be enrolled and in attendance for 240 instructional minutes to generate a full day of attendance. Being enrolled for 180 instructional minutes generates **no** attendance credit unless the student is also enrolled in a public higher education institution.

Early College High School and Middle College High School give details about their schools that offer concurrent enrollment in community college. Many of those schools offer their coursework through independent study.

Credits

25. Is it permissible to grant or accept partial credits?

Schools **must** accept the partial credit of satisfactorily completed coursework. *EC* Section 48645.5 states:

Each public school district and county office of education **shall** accept for credit full or partial coursework satisfactorily completed by a pupil while attending a public school, juvenile court school, or nonpublic, nonsectarian school or agency. The coursework **shall** be transferred by means of the standard state transcript. If a pupil completes the graduation requirements of his or her school district of residence while being detained, the school district of residence **shall** issue to the pupil a diploma from the school the pupil last attended before detention or in the alternative, the county superintendent of schools may issue the diploma.

A 2007 letter Granting and Transferring of Partial Course Credit from former Superintendent of Public Instruction Jack O'Connell, outlines this decision on the Partial Course Credit Letter.

26. Is there any law that allows or disallows students to "test out" of courses and be awarded credit?

It appears that *EC* Section 51225.3(b) allows districts to adopt alternative "means for pupils to complete the prescribed course of study which may include practical demonstration of skills and competencies," which might include testing.

Data Management Systems

27. Are there programs that help independent study staff keep track of attendance, grades, and other records?

Yes. There are many programs that can track student growth and can be integrated with attendance accounting systems used by districts. For examples of data management programs used by successful independent study schools, contact one of the EISRA recipients (see Award-Winning Exemplary Independent Study Schools), or attend one of the workshops offered by the California Consortium for Independent Study (CCIS).

Emancipated Minors

28. Do legally emancipated minors need parent/guardian signatures on the Independent Study Written Agreement?

No. The signature of a parent/guardian/caregiver is not required for adults or legally emancipated minors. The Independent Study Written Agreement should clearly indicate that the signature is absent for this reason.

Expelled or Suspended Students

29. Can expelled or suspended students be served via independent study?

EC Section 48916.1(a) states, "At the time an expulsion of a pupil is ordered, the governing board of the **school district shall ensure that an educational program is provided to the pupil who is subject to the expulsion order for the period of the expulsion**."

Districts should be aware of the following:

- The district is responsible for providing the educational program.

- The district may refer students to educational services provided by county office of education program.
- The mandated education program should be responsive to the abilities and needs of the student. For independent study to meet this criterion, the student should be considered capable of learning independently. Also, the student's instructional program should be able to address needs for learning related to the behavioral issues that led to the expulsion.

Suspended Students:

Suspended students may take courses via independent study **only if the student is offered the alternative of classroom instruction** [*EC* Section 51747(c)(7)]. Since independent study must be continuously voluntary [*EC* Section 51747(c)(7); 5 *CCR* Section 11700(d)(2)], **schools may not assign suspended students** to take courses via independent study.

Instead, students can be assigned to a supervised suspension classroom*,* also known as "in-school suspension." Students in supervised suspension classrooms are enrolled in their regular schools, just as all suspended students are enrolled in their regular schools, if they pose no imminent danger or threat to the campus, students, or staff, or if an action to expel the student has not been initiated.

The supervised suspension classroom is similar to independent study in that the teacher promotes the independent completion of work and tests missed by the student because the student is not in a regular classroom. Students in supervised suspension classrooms must have access to appropriate counseling services. Districts can claim a.d.a. credit for students in supervised suspension classrooms. The law for supervised suspension classrooms is *EC* Section 48911.1.

Suspended Expulsions:

If the district **suspends the enforcement of an expulsion order** [*EC* Section 48917], the district may enroll the student in independent study if the student has the option of classroom instruction. If the parent/guardian/caregiver insists on classroom instruction, the district must provide it.

The option for classroom instruction must be noted in the Independent Study Written Agreement. Independent study may be deemed appropriate for the rehabilitation of the student, and the parent's/guardian's/caregiver's involvement in the rehabilitation program may be specified in the student's rehabilitation program. If the parent/guardian/caregiver insists on classroom instruction for a student whose expulsion order has been suspended, the district must provide it. The law regarding suspended orders of expulsion is *EC* Section 48917.

Students who were not expelled for offenses listed in *EC* Section 48915 may be served via independent study.

Other expelled students whose expulsions are suspended and who continue to be enrolled by the district may be enrolled in other types of schools that may legally provide instruction through independent study.

Fully Expelled Students:

Students who are **fully expelled** from a district **may not earn apportionment** for any district program, including independent study. [*EC* Section 48925(b)]

A full expulsion is defined in *EC* Section 48925(b) as "removal of a pupil from (1) the immediate supervision and control, or (2) the general supervision, of school personnel, as those terms are used in

Section 46300." *EC* Section 46300 defines the method of computing a.d.a. and specifically prohibits districts from collecting apportionment for fully expelled pupils in independent study. Districts may refer such students to county programs for expelled students if programs are available.

Independent study may not be used in a community day school per *EC* Section 48663(d). Students who were fully expelled for violations per *EC* Section 48915(a) or (c) are limited to community day school enrollment within a school district, and therefore cannot participate in independent study.

Students who were not expelled for offenses listed in *EC* Section 48915 may be served via independent study.

Students expelled for any reason who are enrolled in a county community school may be provided instruction through independent study, so long as it is voluntary.

For charter schools, the procedures for suspending or expelling students must be described in a charter petition per *EC* Section 47605(b)(5)(J).

For more information about expulsions and suspensions, please contact David Kopperud, Education Programs Consultant, by phone at 916-323-1028 or by e-mail at dkopperud@cde.ca.gov.

Frequency of Required Meetings

30. Is there a requirement for how often students and teachers should meet face-to-face (or online) in independent study?

A. *EC* Section 51747(a) states that adopted Board Policy must stipulate the maximum length of time between the date the assignment is given and when it is due, by grade level and type of program. This typically translates into a written agreement that identifies the classes the student must complete, and when and how to turn in assignments to teachers. However, the law is silent about "meetings."
B. The timing/frequency of student-teacher interactions should be determined by the teacher, based on student need.
C. There is, however, an issue of what auditors consider a "reasonable" amount of time between student work completed and teachers verifying the work—an issue that is reinforced by the educational need for frequent, formative assessments to ensure that students are making adequate progress.

Homeless Students

31. Can homeless students take classes via independent study?

Yes. Homeless students have the right to enroll in and attend school. As such, homeless students have the same rights as all other students to choose independent study as an alternative to classroom-based instruction. In addition, they have different criteria to meet for evidence of residency in the district.

For more information about education for homeless students, see Homeless Children & Youth Education.

Independent Study Written Agreements (Also Known as Master Agreements)

32. What are the required components of an Independent Study Written Agreement?

A. The Independent Study Written Agreement (also known as Master Agreement) covers up to one semester or one-half year in a year-round school. (Short-term agreements are discussed below.)

B. The *EC* requires that Independent Study Written Agreements contain all of the following elements:

1. General student data including the name, address, grade level, school of enrollment, and program placement. (The birth date and statewide student identifier [SSID] number of student should be added, but are not required). *EC* sections 51748, 51747.3(b), and 46300.1
2. List of the number of course credits or other measures of academic accomplishment to be earned by the student upon completion. *EC* Section 51747(c)(6); 5 *CCR* 11703(b)(2)
3. The learning objectives for the course(s). *EC* Section 51747(c)(2); 5 *CCR* 11702(b)
4. Methods of study. *EC* Section 51747(c)(2); 5 *CCR* 11700(f) and 11702(b)
5. Specific resources, including instructional materials and personnel, which will be made available to the student. *EC* sections 51746 and 51747(c)(3); 5 *CCR* 11700(i) and 11701.5
6. Methods of evaluation that will be used to determine if the student met the learning objective(s). *EC* Section 51747(c)(2); 5 *CCR* 11700(e); see also the ISOM Chapter 7 page 7-6; and Chapter 11 page 11-8
7. Manner of reporting, how and when the student will present his or her work product to the supervising teacher, including:
    a. Time
    b. Frequency
    c. Location (may be a combination of labs, classrooms, face-to-face, and/or online) *EC* Section 51747(c)(1)
8. Beginning and end dates of the agreement. *EC* Section 51747(c)(5)
9. Duration, or maximum length, of the agreement. *EC* Section 51747(c)(5)
10. Dated signatures. *EC* sections 51747(c)(8) and 46300.7; 5 *CCR* 11702(a)
    a. Student
    b. Parent/guardian/caregiver
    c. Supervising certificated teacher
    d. All other persons with a direct responsibility for providing assistance to the student
11. Number of missed assignments that will lead to an evaluation to determine if independent study is appropriate for the student. *EC s*ections 51747(b) and 51747(c)(4)
12. Maximum length of time between the date of the assignment and when it is due, by grade level and type of program (pursuant to Board Policy). *EC* Section 51747(a)
13. Statement that independent study is a continuously optional educational alternative in which no student is required to participate. *EC* Section 51747(c)(7); 5 *CCR* 11700(d)(2)(A)
14. Statement that instruction may be provided for a Section 48915 (expulsion) or 48917 (suspended expulsion) student through independent study only if the student has the continuous choice of classroom instruction. *EC* Section 51747(c)(7); 5 *CCR* 11700(d)(2)(B)

C. Refer to the Sample Independent Study Written Agreement (DOC) or an example of a legally compliant written agreement.

D. The CCIS offers Compliance Workshops and copies of the CCIS *Self-Assessment Compliance Guide*. The guide includes a model Independent Study Written Agreement.

33. What are subsidiary/supplemental agreements and independent study assignment work records?

Since the Independent Study Written Agreement is like a curriculum plan, any required elements not in the written agreement should be in one or more documents that are referenced in the written agreement as "subsidiary agreements" and become part of the agreement. These subsidiary documents help the student and family to understand the course of study, and commonly include assignment and work records, but may also take different forms such as course outlines and curriculum guides. Such subsidiary agreements would provide a more detailed description of the learning objectives, resources, methods of study, and evaluation methods. The ISOM has sample Assignment and Work Record forms in Chapter 8 (see pages 8-23, 8-24, and 8-29).

34. Whose signatures are required on an Independent Study Written Agreement?

A. *EC* Section 51747(c)(8) and 5 *CCR* 11702(a) require that each Independent Study Written Agreement must be signed, prior to the commencement of independent study, by the student, parent/guardian/caregiver, supervising teacher, and all persons who have direct responsibility for providing assistance to the student.
B. To meet federal highly qualified teacher requirements at the high school level, an independent study student may have several subject matter expert (highly qualified) teachers in addition to his or her supervising teacher. Usually these other teachers sign the written agreement as "other" or sign a course contract that is incorporated by written reference into the Independent Study Written Agreement. If not all of the subject matter expert teachers have signed the written agreement, the student may still begin work on the subjects for which the teacher(s) have signed.

35. Is it permissible for some of the required signatures to be provided by fax?

Faxed signatures are routinely used for business and legal documents—in court documents and settlement agreements, for instance. In light of this practice, there is no known prohibition to using faxed signatures for the signatures on Independent Study Written Agreements required by *EC* Section 51747(c)(8). In some instances, such as in online courses, it may be necessary to have different parties signing different copies. All copies are then faxed to the school and attached to the student's main written agreement, which is retained in the student records.

36. If a teacher leaves during the middle of a semester, how is the Independent Study Written Agreement amended to reflect the new teacher?

There is no law or regulation on this issue. When such situations do occur, it is suggested that the school retain a written record of the change in the file with the written agreement and have a written record to make it clear for the auditor what was done and why. For example, having Teacher B sign as Supervising Teacher on the existing agreement with a new date and a simple note of explanation such as "replacing Teacher A who is on leave" should suffice.

Instructional Minutes, Days

37. What are the required instructional minutes and required length of the school year for independent study?

Independent study is not an alternative curriculum; students must meet the same required number of instructional minutes as their peers in any school. To claim apportionment, schools must offer at least a "minimum day." In independent study, a "minimum day" is based on the teacher's determination of the time value of that work. Schools are to offer the following numbers of minutes per grade level:

- Kindergarten: 180 minutes (*EC* Section 46117)
- Grades one through three: 230 minutes (*EC* Section 46112)
- Grades four through eight: 240 minutes (*EC* Section 46113)
- High school: 240 minutes (*EC* Section 46141)
- Adult education: 180 minutes (*EC* Section 46190)
- Opportunity education: 180 minutes (*EC* Section 46180)

Continuation education is assigned in hours, not by minimum day. "… a day of attendance is 180 minutes of attendance but no pupil shall be credited with more than 15 hours of attendance per school week, proportionately reduced for those school weeks having weekday holidays on which classes are not held." *EC* Section 46170

Charter schools must meet annual instructional minutes requirements. *EC* Section 47612.5(a)(1)

Schools are to offer the following number of physical education minutes per grade level:

- Students in grades one through six must be provided with at least 200 minutes of physical education instruction each 10 school days. *EC* Section 33352(b)(1)
- Students in grades seven through twelve must be provided with at least 400 minutes of physical education instruction each 10 school days. *EC* Section 33352(b)(2)

Online Courses

38. Can an independent study student take online courses?

Online courses provide an option for accessing classes that an independent study school or program cannot offer with existing staff.

- A number of districts are now offering online courses, and if a course is offered at another school within the district, an independent study student's ability to access the course should be straightforward.
- It may also be possible, on a fee basis, for a student to take a course offered by an online provider outside the local school district. The district must pre-approve credit for the course and there should be a clear agreement on who is responsible to pay the fee. In some cases access to outside courses will need to be arranged with district-level agreements.
- In all cases, the principal at the student's primary school should determine whether or not the student's grade and credit for an outside course will be accepted to meet graduation requirements, and students should receive approval prior to beginning any outside course.

39. Are there any program examples or resources for online education via independent study?

For information about online courses that satisfy the UC/California State University (CSU) entrance requirements, see Online Learning.

Participation in Graduation, Sports, or Other School Events

40. Do students in independent study have the right to participate in school events, particularly graduation ceremonies?

- According to California law, 5 *CCR* 11701.5. Equitable Provision of Resources and Services:
  - (c) pupils or adult education students who choose to engage in independent study are to have equality of rights and privileges with the pupils or adult education students of the district or county office of education who choose to continue in the regular school program.

- District policy and practice may not prevent students from participating in a graduation ceremony or from participating in sports or any other social activities for the school in which they are enrolled simply because the students have taken or are taking their classes in independent study. Any denial of that right or privilege to independent study students is a prohibited form of discrimination. Whenever possible, it is recommended that districts make services and resources equally available to all district independent study students. 5 *CCR* 11701.5(b).

- The California Interscholastic Federation (CIF) Bylaws (PDF), Section 306 governs participation of independent study programs and schools:

  The CIF defines independent/home study programs under the jurisdiction of a CIF-member school or school district as those independent/home study programs in which the curriculum is approved, the program administered and the students evaluated by that school/school district's governing body's designees.

  - A student enrolled in an Independent Study Program is eligible at the public school in whose attendance area his/her parent(s)/guardian(s)/caregiver(s) reside, or where the student most recently established his/her residential eligibility provided that:
    - A student's registration is accepted by the local school board; and
    - The courses taken by the student meet the standards adopted by the local school board and Education Code Section 51745 et seq.; and
    - The administrative responsibility for the student involved in athletics would rest with the principal of the school for which the student is competing; and
    - The student meets all other eligibility requirements of the CIF and its member sections; and
    - For the purposes of determining dues, legal and liability assessments, realignment issues and CIF State and Section divisional placement, the enrollment figures for non-CIF-member school/program students residing in the CIF-member school's attendance area must be included in the CIF-member school's California Basic Educational Data System (CBEDS) enrollment figures.

Physical Education

41. Can a school offer physical education via independent study?

Yes, Physical education offered via independent study should meet the statutory physical education requirements listed below:

A. Students in grades one through six must be provided with at least 200 minutes of physical education instruction each 10 school days. *EC* Section 51210(g)
B. Students in grades seven through twelve must be provided with at least 400 minutes of physical education instruction each 10 school days. *EC* Section 51222(b)
C. Students in grades five, seven, and nine must take the statewide physical fitness test as required by *EC* Section 60800. See Physical Fitness Testing (PFT).
D. For students in grades nine through twelve, *EC* sections 51220(d) and 33352(b)(7) together require that an LEA offer a course of study in physical education that includes instruction in eight areas, taught over the span of the physical education classes offered as part of the school's course of study. The law does not specify that every class must include instruction in all eight areas, but that the course of study over grades nine through twelve includes all eight areas.

5 *CCR* 10060 states:

Each school district shall appraise the quality of the physical education program in each senior or four-year high school of the district by the following criteria:

a. The course of study provides for instruction in a developmental sequence in each of the following areas:
    1. Effects of physical activity upon dynamic health
    2. Mechanics of body movement
    3. Aquatics
    4. Gymnastics and tumbling
    5. Individual and dual sports
    6. Rhythms and dance
    7. Team sports
    8. Combatives for boys

One source of information for providing the course of study is the Physical Education Model Content Standards for California Public Schools (PDF; 2MB), High School Courses 1 and 2, which convey a course model that includes the topics listed above.

E. For additional information, see Physical Education FAQs.

42. How can a school meet the required number of minutes of instruction for physical education through independent study?

A. The accounting for the minutes of instruction (see question 38) can be met in the usual independent study way, as provided by *EC* Section 51747.5(a), under the general supervision of a credentialed teacher. This teacher determines the time value of the student's work product, as provided in 5 *CCR* 11700(b)(2).
B. Both "book work" (the concepts, principals, and strategies of physical education) and physical activity are recommended in the Physical Education Model Content Standards for California Public Schools (PDF; 2MB) and the Physical Education Framework for California Public Schools (PDF; 4MB), and count toward the required minutes of physical education instructional time.

- For the “book work” part of physical education via independent study, the teacher would assign grade-level work comparable to assignments given to students at that grade level in other district schools.
- For the physical activity part, the teacher would assign the physical activity (such as participating in 30 minutes of moderate to vigorous physical activity a minimum of four days each week). The student (and/or the student’s parent[s]/guardian[s]/caregiver[s], depending on the student's age) would keep a physical education activity log(s). This log would be signed by the parent/guardian/caregiver (in elementary school) or responsible adult involved with the physical activity, such as a parks and recreation director or team coach. Any such log is for the teacher’s use and record and is not for apportionment or the audit file. The independent study teacher can require substantiation of the physical activity. For example, a student could record his or her heart rate while using a heart monitor, or could calculate calories burned while using a pedometer. In addition, students could keep a record of striking an object consistently so that the object travels in the intended direction at the desired height.

43. What is the valid teaching credential for physical education instruction via independent study?

EC Section 44865 states:

A valid teaching credential issued by the State Board or the Commission on Teacher Credentialing, based on a bachelor's degree, student teaching, and special fitness to perform, shall be deemed qualifying for assignment as a teacher in the following assignments, provided that the assignment of a teacher to a position for which qualifications are prescribed by this section shall be made only with the consent of the teacher: … (k) Independent study.

This allows independent study teachers to teach any subject with any credential, including physical education. It should be noted that the California Department of Education (CDE) encourages schools to have teachers with a physical education credential teach or provide general supervision for physical education via independent study whenever possible.

44. For apportionment purposes, what are valid courses for physical education via independent study? For example, can a school collect apportionment for a yoga class taught on campus by a credentialed teacher for independent study students?

Each district should define a process for approving courses for which credit can be awarded. A district-approved physical education course should be valid for independent study students, as long as it meets the usual conditions of apportionment for independent study (covered by a written agreement, assignments completed by due dates, and supervising teacher determination of the time value of completed work).

District-approved physical education courses provided via independent study may generate both academic and apportionment credit.

Policies & Procedures

45. What policies and procedures are required for compliance in offering independent study?

The following resources will help in ensuring that the independent study option meets all of the California laws and regulations:

A. Refer to the *Standards and Procedures for Audits of California K–12 Local Education Agencies,* which is available from the Education Audit Appeals Panel.
   - Provisions related to independent study are in Section 19819.
   - Provisions for charter schools using nonclassroom-based instruction (independent study) are in Sections 19850, 19852, and 19853.

B. Review the ISOM for guidelines, sample agreements, and an overview of how to provide independent study.

C. Review the Legal Requirements in Independent Study for a complete listing of statutes and regulations relating to independent study.

D. Access more information at legal compliance workshops and CCIS conferences.

Pregnant/Expectant & Parenting Students

46. How should independent study teachers give assignments and track attendance for pregnant students, particularly when the students are in the hospital giving birth, or when the students are dealing with a newborn?

Student parents may need additional flexibility in the months following the birth of a child. Students may elect to carry a minimum course load during this time, as long as they meet minimum day requirements. If possible, the school can schedule additional tutoring or support. Many independent study programs partner with child care centers so that parenting teens can drop their children nearby in order to have the time for meetings with teachers and to attend labs and tutorials. Some schools offer child development classes that will assist the new parents while helping them achieve high school credits.

Program Improvement

47. If a school/district is in Program Improvement (PI), does that change how independent study is offered?

Schools/districts in PI must follow the state and federal requirements. See Program Improvement School Requirements. However, schools that offer independent study must continue to comply with the laws and regulations regarding independent study.

Records/Recordkeeping

48. How long must students' independent study records be kept?

For a detailed answer to this question, see the ISOM Chapter 8 Attendance Accounting and the Audit Trail.

Resources

49. What resources are available to help understand and/or establish independent study options?

The following resources will help in establishing and maintaining a high quality independent study option for students:el:

- CCIS
  Educators in all professional roles involved in the operation of independent study who participate in the CCIS have access to statewide conferences, legal compliance workshops, and other resources that schools must use for the time-value method of attendance accounting. *EC* Section 51747.5(b)

- CIF Constitution & Bylaws (PDF) Rules independent study students' participation in interdistrict athletics—Section 306

- Adult Education

- Charter Schools Division

- Elements of Exemplary Independent Study
  These elements are the basis for the EISRA Application.

- Resources for Educational Options Programs

- Education Audit Appeals Panel
  Standards and Procedures for Audits of California K–12 Local Education Agencies (provisions related to independent study are in Section 19819, and provisions for charter schools using nonclassroom-based instruction [independent study] are in sections 19850, 19852, and 19853).

- UC A-G Guide, Nonclassroom-based/independent study schools
  This resource outlines the UC policy governing the instructional conditions under which "non-site-based independent study schools" are eligible to establish and maintain a-g course lists for UC and CSU admissions.

Right to Classroom Option

50. Is there a requirement for students to have a right to return to their regular classroom program?

Districts may not refuse independent study students the right to return to a classroom setting. By law, independent study must be continuously voluntary, and this is a condition of apportionment. As a result, the district could lose state funding by refusing a student reentry to a classroom-based option. *EC* Section 51747(c)(7); 5 *CCR* 11700(d)(2)(A)

Auditors are specifically directed on this issue. The *Standards and Procedures for Audits of California K–12 Local Education Agencies,* available from the Education Audit Appeals Panel.

- Provisions related to independent study are in Section 19819.
- Provisions for charter schools using nonclassroom-based instruction (independent study) are in sections 19850, 19852, and 19853.

The “Audit Guide” contains the following language:

- (5) Interview administrative personnel and school counselors of the local education agency to determine if the local education agency had policies and procedures to ensure that any pupil terminating an independent study agreement was permitted to immediately recommence classroom study.

Short-term

51. Is there a limit on how many days an independent study agreement can be in effect?

EC Section 46300(e)(1) allows districts to claim apportionment for students "participating in independent study" for five or more consecutive school days. Note that this *EC* section does not apply to charter schools. However, this does not apply to charter schools, per *EC* Section 46170.

There is no distinction in law between short-term and long-term independent study— the same legal requirements must be met in either case. The phrase "short-term independent study" refers to independent study provided to a classroom-based student who needs to be away from school and on independent study for a short period of time (usually a matter of days or weeks) but who will return to the classroom. In these cases, the student’s classroom teacher often serves as the independent study supervising teacher and provides the independent study assignments (coursework the student would have covered had he or she remained in the classroom during this period).

Special Education

52. Can special education students participate in independent study?

Special education students may not participate in independent study unless it is specified as an instructional method in their IEP. *EC* Section 51745(c)

For additional information about special education:

- Special Education.
- Parents/guardians/caregivers with specific concerns about special education can review the Parents' Rights or contact the Special Education Procedural Safeguards Referral Service by phone at 800-926-0648 or by e-mail at speceducation@cde.ca.gov.

Summer Session

53. Are there rules for establishing independent study for summer sessions?

A. All of the supplemental instruction programs, including summer school, have been changed from being a “categorical” program to being part of the “flexed” funding (allowing districts flexibility in the use of funds) until the 2014–15 school year. Districts receive their apportionment for supplemental instruction based on the apportionment that the district received in the base year of 2007–08. Districts do not report their hours of supplemental instruction to the CDE during the years that the categorical program funding is flexed.
B. *EC* Section 51745(e) states: “No course included among the courses required for high school graduation under Section 51225.3 shall be offered exclusively through independent study.” However, if a course required for high school graduation is offered through independent study

summer school, it does not have to be offered in the classroom setting during summer school if the course is offered in the classroom setting during the regular school year.

C. If a district chooses to offer supplemental instruction via independent study during the summer, the time value of the student's work may be reported only for the days and times established by the local governing board's calendar and schedule for summer school, as if the student were attending summer school seat-time classes. Note that all supplemental instruction attendance is reported in hours.

54. Can students use independent study to complete work during travel?

A. Yes. State law allows the use of independent study to serve a student who is traveling. The *EC* for independent study envisions "continuing and special study during travel" as one of the educational opportunities to be offered through independent study. *EC* Section 51745(a)(4)

B. The requirements for independent study for students who are traveling are the same as for independent study in other situations, including written agreements. There is no distinction in law between independent study for traveling students and other independent study students; the same legal requirements must be met in either case.

C. Traveling out of state does not pose any special barriers. Students may return completed work by fax, e-mail, or other agreed-upon electronic method. Students also may turn work in upon their return, as long as the student meets the due date requirements established in the written agreement.

Teacher Qualifications

55. What are the credentials required for teachers providing instruction via independent study?

EC Section 44865 states:

A valid teaching credential issued by the State Board or the Commission on Teacher Credentialing, based on a bachelor's degree, student teaching, and special fitness to perform, shall be deemed qualifying for assignment as a teacher in the following assignments, provided that the assignment of a teacher to a position for which qualifications are prescribed by this section shall be made only with the consent of the teacher: … (k) Independent study.

56. Do the federal requirements for highly qualified teachers apply to those teaching via independent study?

Yes. All California teachers must meet the federal requirements to be highly qualified. In order to ensure compliance with federal requirements for highly qualified teachers in independent study:

- Review the information on the Federal Teacher Requirements for Independent Study.
- Learn case studies from Highly Qualified Teachers in Independent Study.

Transcripts

57. Should "independent study" be designated on student transcripts?

No. To designate "independent study" on the transcript suggests that it is an alternative curriculum, which is prohibited by *EC* Section 51745(3), which states that "Independent study shall not be provided as an alternative curriculum." Furthermore, 5 *CCR* 11701.5(a) states that "the independent study option is to be substantially equivalent in quality and in quantity to classroom instruction..." Both these sections make it clear that students who take courses via independent study are not to be viewed as having had a different or inferior course of study.

Truancy

58. Do truancy laws apply to students in independent study?

A. Students in K–12 independent study are not subject to truancy laws. Instead, *EC* Section 51747(b) calls for an evaluation to determine whether or not the student should remain in independent study:

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

B. Most schools have instituted a system of progressive interventions, starting when a student misses a single assignment, so that the problems that are preventing the student from completing assignments can be addressed. In the extreme case, if a student never turns in work and never comes to appointments, that student would rapidly accumulate missed assignments. Once the specified number of missed assignments is reached, the student's continuance in independent study must be evaluated and his or her return to the regular classroom or another appropriate educational option considered.

C. If the student is referred back to the regular classroom program and fails to attend, truancy laws would come into play. As soon as the pupil has accumulated three unexcused absences of more than 30 minutes in the regular program, the student should be deemed a truant pursuant to *EC* Section 48260, and the school attendance review board (SARB) process should begin with the parental notice of truancy (*EC* Section 48260.5).

For more information about truancy laws, please contact David Kopperud, Education Programs Consultant, by phone at 916-323-1028 or by e-mail at dkopperud@cde.ca.gov.

59. How can schools ensure that independent study students are not picked up by local police for loitering or truancy?

A. Many schools have worked with local law enforcement to provide students with an accepted, semester-by-semester student identification card that verifies the student's participation in independent study. Typically these schools also educate both families and students about the importance of loitering laws and respectful ways to interact with the police.

B. Many city councils have adopted ordinances in their municipal codes pertaining to truancy. Most of these ordinances state that they are not intended to interfere with the rights of parents or legal guardians to arrange for the independent study of their children as provided for in *EC*. In addition, most local statutes note that in enforcing the provisions of the ordinance, local law enforcement professionals are to work in cooperation with the SARB established by the school district. The purpose of the ordinances is to promote and protect public safety, health, and welfare by reducing juvenile criminal activity during the daytime hours by providing local law enforcement with remedies to decrease unexcused absenteeism in schools within a city.

C. Most of the ordinances do not consider a student in violation if the student: (1) has in his/her possession a written excuse from the student's parent/guardian/caregiver or other adult having the legal care or custody of the minor which provides a reasonable explanation for the student's absence from a school; or (2) has in his/her possession identification showing he or she is exempt from attendance at a public or private full-time day school as set forth in the *EC*. Failure to have either a written excuse or appropriate identification may make the student subject to local ordinances prohibiting truancy.

60. Can schools offer UC-approved courses to high school students via independent study?

A. The UC has adopted a policy for submission of independent study courses for approval under the UC a-g subject requirements (courses required for UC/CSU admissions). The policy applies to "schools in which at least half of the students receive 80 percent of their instruction off campus (i.e., students receive less than 6 hours of instruction on campus each week)."
B. See the UC A-G Guide for nonclassroom-based independent study schools for information about online and nonclassroom-based policies, courses, and schools.
C. For purposes of meeting UC/CSU entrance requirements, UC honors non-UC approved online courses through the principal certification process. For more information, see the UC Online Courses Policy.

Waivers

61. Can a local educational agency apply for waivers of independent study rules and regulations?

A. Schools may apply for a general waiver to the State Board of Education. See the following for more information:
   - Waivers
   - Waiver Policies
   - Independent Study Average Daily Attendance-to-Teacher Ratio (DOC)
B. Schools that were established as Alternative Schools of Choice under *EC* Section 58500 may apply for State Superintendent of Public Instruction waivers under *EC* Section 58510. See the Instructions for Preparing a Waiver Request.

Work Samples

62. What are the rules about keeping samples of student work?

A. According to 5 *CCR* 11703(b)(3), records shall include …

   A file of all agreements, including representative samples of each pupil's or adult education student's work products bearing signed or initialed and dated notations by the supervising teacher indicating that he or she has personally evaluated the work, or that he or she has personally reviewed the evaluations made by another certificated teacher.
B. According to 5 *CCR* 11700(l): "'Work product' means that which results from a pupil's or adult education student's efforts and actions to complete or perform the assignments given and which is subsequently evaluated by a certificated teacher."
C. According to 5 *CCR* 11703(b)(3), the samples must be "representative," but leaves it to the district to determine what is representative. Work sample practices should be consistent among teachers within the district.
   - Independent study supervising teachers select samples of student work to be kept in the audit file as required. Local authorities should set rules for work sample selection related to frequency and the number of samples by subject or unit of work.
D. Representative samples of student work are required for the audit trail.
E. The *Standards and Procedures for Audits of California K–12 Local Education Agencies* (available from the Education Audit Appeals Panel) is silent on the number of work samples that must be kept for independent study, and auditors would not be expected to second guess

a district's determination on the number of samples that is appropriate as long as the case can be made that what is kept is a representative sample. In Section 19819(b)(10), auditors are directed to, “Verify that the pupil/adult education student work product samples are related to the assignment pursuant to which the work was undertaken and reflect the curriculum adopted by the local governing board and not an alternative curriculum.”

F. Independent study law and regulations do not specify whether or not work samples must be “original.” However, audit guidelines have established the standard that work samples be “originals.”
G. Most administrators recommend that teachers collect at least some samples early in the semester so that they will have samples for each student, in the event that some students leave before the end of the semester (and thus possibly before work samples have been collected for them).

Last Reviewed: Friday, May 5, 2017

THE SITE IS CURRENTLY UNDER REVIEW AS OF DECEMBER 2019, SO BE SURE TO CHECK BACK FOR THE LATEST GUIDANCE

APPENDIX F

Appendix F:

https://www.cde.ca.gov/sp/eo/is/calculations.asp

PLEASE REFER TO THIS WEBSITE FOR ADDITIONAL INSTRUCTIONS FOR PERFORMING RATIO CALCULATIONS FOR TRADITIONAL INDEPENDENT STUDY & COURSE BASED INDEPENDENT STUDY (CBIS) ALONG WITH SAMPLE CALCULATIONS AND TEMPLATES

Traditional IS Ratio Calculations Instructions

Pursuant to the California *Education Code* (*EC*) Section 51745.6, below are the California Department of Education's (CDE's) instructions on calculating ratios for traditional independent study for the 2018–19 fiscal year.

Highlights:

- **The traditional independent study ratio calculation is done annually by the local educational agency (LEA) at the time of, and in connection with, the second period (P-2) report of average daily attendance (ADA). The results of the ratio calculations should be reflected in the P-2 and Annual attendance data submitted to the CDE.**
- The ratio of ADA for traditional independent study pupils to full-time equivalent (FTE) certificated employees responsible for traditional independent study is not to exceed the equivalent ratio of ADA to FTE certificated employees for all other (non-independent study) educational programs (referred to as the comparative ratio).
- The comparative ratios depend on the type of LEA and are as follows:
    - School districts: The ratio for all other non-independent study educational programs in the district, or the specific independent study ratio negotiated in a collective bargaining agreement pursuant to *EC* Section 51745.6.
    - County offices of education (COE): The prior year ratio for all other non-independent study educational programs of the largest high school or unified school district (based on ADA) in that county, or the specific independent study ratio negotiated in a collective bargaining agreement pursuant to *EC* Section 51745.6.
    - Charter schools: The prior year ratio for all other non-independent study educational programs of the largest unified school district in the county or counties in which they operate, or a fixed ratio of 25 to 1 pursuant to *EC* Section 51745.6(d) and *California Code of Regulations*, Title V, Section 11704, or the specific independent study ratio negotiated in a collective bargaining agreement pursuant to *EC* Section 51745.6.

- Traditional independent study and comparative ratio calculations should be rounded to the nearest tenth of a percent.
- Traditional independent study and comparative ratio calculations should exclude the following (LEAs may want to separately track ADA and FTE employees for excluded categories):

    - ADA generated by pupils over the age of 18, except for charter schools. Charter schools should include pupils of all ages, as provided pursuant to *EC* Section 51745.6(d).

    - ADA generated by special education pupils enrolled in special day classes on a full-time basis, and the FTE certificated employees of those classes.

    - ADA and FTE certificated employees in Necessary Small Schools that in the current fiscal year meet the definitions in *EC* sections 42282 and 42283 (for elementary schools) and *EC* sections 42284 and 42285 (for high schools).

    - Course based independent study (CBIS) ADA and FTE certificated employees.

- There is a 10 percent cap on claiming independent study ADA in continuation high schools and opportunity schools and programs, pursuant to *EC* Section 51745(b) (See Continuation and Opportunity Education for further details).

Course Based IS Ratio Calculations Instructions

Pursuant to the California *Education Code* (*EC*) sections 51745.6 and 51749.5(a)(11), below are the California Department of Education's (CDE's) instructions on calculating ratios for course based independent study (CBIS) for the 2018–19 fiscal year.

Highlights:

- **The CBIS ratio calculation is done annually by the local educational agency (LEA) at the time of, and in connection with, the second period (P-2) report of average daily attendance (ADA). The results of the ratio calculations should be reflected in the P-2 and Annual attendance data submitted to the CDE.**

- The ratio of ADA for CBIS pupils to full-time equivalent (FTE) certificated employees responsible for CBIS is not to exceed the equivalent ratio of ADA to FTE certificated employees for all other (non-independent study) educational programs (referred to as the comparative ratio).

- The comparative ratios depend on the type of LEA and are as follows:

    - School districts: The ratio for all other non-independent study educational programs in the district, or the specific independent study ratio negotiated in a collective bargaining

agreement pursuant to *EC* sections 51745.6 and 51749.5(a)(11).

- County offices of education (COE): The prior year ratio for all other non-independent study educational programs of the largest high school or unified school district (based on ADA) in that county, or the specific independent study ratio negotiated in a collective bargaining agreement pursuant to *EC* sections 51745.6 and 51749.5(a)(11).

- Charter schools: The prior year ratio for all other non-independent study educational programs of the largest unified school district in the county or counties in which they operate, or a fixed ratio of 25 to 1 pursuant to *EC* sections 51745.6(d) and 51749.5(a)(11) and *California Code of Regulations*, Title V, Section 11704, or the specific independent study ratio negotiated in a collective bargaining agreement pursuant to *EC* sections 51745.6 and 51749.5(a)(11).

- CBIS and comparative ratio calculations should be rounded to the nearest tenth of a percent.

- CBIS and comparative ratio calculations should exclude the following (LEAs may want to separately track ADA and FTE employees for excluded categories):

  - ADA generated by pupils over the age of 18, except for charter schools. Charter schools should include pupils of all ages, as provided pursuant to *EC* sections 51745.6(d) & 51749.5(a)(11).

  - ADA generated by special education pupils enrolled in special day classes on a full-time basis, and the FTE certificated employees of those classes.

  - ADA and FTE certificated employees in Necessary Small Schools that in the current fiscal year meet the definitions in *EC* sections 42282 and 42283 (for elementary schools) and *EC* sections 42284 and 42285 (for high schools).

  - Traditional independent study ADA and FTE certificated employees.

- There is a 10 percent cap on claiming total independent study ADA in continuation high schools and opportunity schools and programs, pursuant to *EC* Section 51745(b) (See Continuation and Opportunity Education for further details).

- The purpose of these instructions is to provide information regarding the independent study ratio calculations used for determining excess ADA based on comparative and CBIS ratios. In addition to the ratio calculations used to determine whether or not an LEA has excess ADA, LEAs offering CBIS must determine whether or not they need to adjust their ADA by statewide absence rates. The absence rate adjustment applies to LEAs with CBIS ADA that exceeds 10 percent of their overall ADA. More information on that calculation is available in the Data Reporting Instructional Manual (DRIM) used for the Principal Apportionment Data Collection (PADC) Software at Principal Apportionment Data Collection 2018–19.

APPENDIX G

Appendix G:

	Prior Law	Traditional Independent Study	Course-Based Independent Study
Class Size Ratio Limits	Equivalent to average ratio of other educational programs in the district	Equivalent to average ratio of all other educational programs per grade span unless an alternative is collectively bargained	Equivalent to average ratio of all other educational programs per grade span unless an alternative is collectively bargained
Enrollment Limitations	No more than 10% of students in continuation HS or opportunity program	No more than 10% of students in continuation HS or opportunity program	None Except that program enrollment will be reduced, as specified, by statewide absence rates when more than 10% of local educational agency's (LEA's) average daily attendance (ADA) is enrolled in a program
District Independent Study Policy	Learning Agreement duration cannot exceed one (1) *semester* Policy must be kept on file as a *hard copy*	Learning Agreement duration cannot exceed one (1) school year Policy can be maintained electronically	Learning Agreement duration cannot exceed one (1) school year Policy may be maintained electronically
Pupil Work	As a condition of apportionment, districts must determine and report the time value of student work products and *sign and date each product*	As a condition of apportionment, districts must determine and report the time value of student work products	No requirement for districts to determine and report the time value of student work products

	Prior Law	Traditional Independent Study	Course-Based Independent Study
Learning Agreement Requirements			
(1) The manner, time, frequency, and place for submitting a pupil's assignments and for reporting his or her progress.	X	X	See (4) below
(2) The objectives and methods of study for the pupil's work and the methods utilized to evaluate that work.	X	X	X Evaluation of satisfactory student progress is used to determine, among other things, whether the student should remain in the program or be referred to an alternative program
(3) The specific resources, including materials and personnel, that will be made available to the pupil.	X	X	X
(4) A statement of the policies adopted regarding the maximum length of time allowed between the assignment and the completion of a pupil's assigned work, and the number of missed assignments allowed before an evaluation of whether or not the pupil should be allowed to continue in independent study.	X	X	X Statement need only include course learning objectives and expectations and description for evaluating satisfactory educational progress

	Prior Law	Traditional Independent Study	Course-Based Independent Study
(5) The duration of the independent study agreement, including the beginning and ending dates for the pupil's participation in independent study under the agreement.	Limited to one (1) semester	Limited to one (1) school year	Limited to one (1) school year
(6) A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the agreement, to be earned by the pupil upon completion.	X	X	X
(7) The inclusion of a statement in each independent study agreement that independent study is an optional educational alternative in which no pupil may be required to participate. In the case of a pupil who is referred or assigned to any school, class, or program as a result of suspension or expulsion, the agreement also shall include the statement that instruction may be provided to the pupil through independent study only if the pupil is offered the alternative of classroom instruction.	X	X	X

	Prior Law	Traditional Independent Study	Course-Based Independent Study
(8)(A) Each written agreement shall be signed, before the commencement of independent study, by the pupil, the pupil's parent, legal guardian, or caregiver, if the pupil is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the pupil.	X	X	X
(8)(B) A signed written agreement may be maintained on file *electronically*.	Must be maintained as a *hard copy*	X	X Must be maintained for at least three (3) years
(9) A summary of the policies and procedures adopted by the governing board or body.	None	None	Required to include any policies/procedures to comply with Course-Based Program and State Board of Education regulations, if applicable

For a full text of the law, please see Senate Bill 858 by visiting the California Legislative Information website at:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB858

Relevant Independent Study Program sections can be found in SECTIONS 35 - 39 of the bill.

POWERPOINT SLIDES

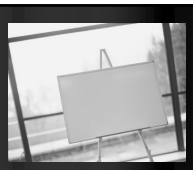
Maximizing ADA & Maintaining Compliance With Independent Study

Presented by
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1

Agenda



- Introduction
- Compliance Guidelines
- Criteria for Student Participation
- Attendance Accounting
- Audit Guidelines
- Sample Resources
- Time for questions & answers

2

Resources Provided

- PowerPoint Slides
- Manual
  - Laws
    - Education Code sections & Title 5 CCR
  - Sample Resources
    - Agreements
    - Board Policies
    - Who to Call
    - Attendance Accounting Procedures



3

Objectives

- Inform participants about legal requirements for independent study
- Provide tools to assess compliance
- Present framework to simplify common accounting and operational "headaches"
- Provide learning environment for group interaction and sharing of "best practices"

4

Introduction

Section One

5

What is Independent Study

Alternative Instructional Strategy

6

Why Independent Study

- Continuation of student's educational program
- Additional ADA when student will be gone from school for at least FIVE days

7

Successful I/S Program = ADA

1. Signed and dated Independent Study Agreement
2. Work Assignments completed and returned on time
3. Other teachers involved evaluate work
4. Supervising teacher assigns ADA earned
5. Work Samples available for audit
   1. Can be kept electronically

8

Two Types of Independent Study

- Short-Term
  - Minimum of 5 days
  - No minimum for Charter Schools
- Long-Term
  - One school year maximum time limit per individual agreement
    - Can have multiple agreements each year
  - District defines length of time for long-term
- Can be full-time

9

Page 1.1

Statutory Differences

- The rules are the same for short-term, long-term, or full-time
- Only two statutory differences, applicable to **full-time** independent study:
  - No funding for full time independent study using Inter district transfer for parent employment
    Education Code Sections 51747.3(c) & 48204(b)
  - ADA-to-teacher ratio
    Education Code Section 51745.6
    See Appendix F for link to CDE calculations

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Page 1.1

Voluntary Participation

- Optional educational alternative
  - *5 CCR* Section 11700
  - An uncoerced option to seat-based attendance
- Educational agencies do not have to permit participation to a student who
  - may not benefit from independent study
  - does not meet "participation criteria"

11

Length of Agreement

- For apportionment purposes
  - Minimum FIVE consecutive school days
    - *Education Code Se*ction 46300(e)
- Duration of Student Independent Study Agreements can be up to one full school year
  - Can be for a shorter time period
- Signed agreements may be maintained electronically

12

A student is not absent when on Independent Study

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OLD I/S=TRADITIONAL I/S
E.C. 51745 - 51749.3

NEW I/S=COURSE-BASED I/S
E.C. 51749.5 - 51749.6

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Course-Based I/S

- E.C. 51749.5-51749.6:
  - The LEA must annually certify that courses are of the same rigor and educational quality as a classroom-based equivalent course. The educational minutes and number of course credits for each course must be consistent with that of an equivalent classroom-based course.
  - Courses must be taught under the general supervision of certificated employees who hold the appropriate subject matter credential, meet the federal requirements for a highly qualified teacher, and are employed by an LEA in which the pupil is enrolled or by an LEA that has a memorandum of understanding with the LEA in which the pupil is enrolled
  - Teachers & student audio or visual communication to assess whether the student is making satisfactory educational progress cannot be less than twice per calendar month

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Legal Compliance

Section Two

16

Page 2.1

Summary of Key Components of Legal I/S Program

1. Adopted board policies and regulations
2. Credentialed teacher
3. Written, completed, and signed master agreement
4. Voluntary participation and continuous classroom option
5. Equitable provisions for resources and services
6. Compliance with state testing and graduation laws
7. Records properly retained (*5 CCR* Section 11703)

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Page 2.1

Board Policy

- First link in the audit
- Condition of funding
- Established pursuant to *5 CCR* Section 11701 & *Education Code* Section 51747 (pg 6.15)
  - Public hearing, scope, purpose
  - Define maximum length of time:
    - Allowed between assignment and date student to complete
    - By grade level and type of program
  - Define acceptable number of missed assignments
  - Require written agreement prescribed by law exists for each participating student

Adopted policies must reflect awareness that excessive leniency can result in pupils falling so far behind they fail or drop out

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Sample CSBA Board Policy

- Appendix A
- Policy to provide written agreement
- Policy describing the Maximum Length for assignments
- Authority to extend maximum length of assignments when circumstances justify a longer time
- Policy- Number of missed assignments

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Page 2.2

Administrative Regulations

- Policies and procedures must exist **to prevent** the following:
  - Participation of:
    - Any student who resides outside the local or adjoining county
    - Special needs students, unless the student's IEP specifically provides for such participation
    - Any temporarily disabled student (home/hospital)
      - May be an alternative to home & hospital & should be considered for students capable of doing 20-30 hrs/5 day school week under general supervision of teacher
  - Funds or things of value from being provided if not provided to students who attend regular classes

20

Administrative Regulations

- Policies and procedures must exist **to prevent** the following:
  - Participation of non-continuously enrolled students
  - Participation based on parent employment
  - No more than 10% of continuation/opportunity education ADA can be claimed as Independent Study ADA
    - Excludes pregnant and parenting students who are primary caregivers for one or more of their children

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Written Agreement

- Second link in the audit trail
- No ADA funding may be claimed until written agreement is completed, in effect, and maintained on file for each participating student
- May be stored electronically
- Refer to sample agreements
  - Figure 5.1, page 5.2
  - Figure 5.5, page 5.7
  - Figures 5.6 and 5.9, pages 5.8 & 5.12
  - Figure 5.10, page 5.14
- *Education Code* sections 46300.7 and 51747

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Written Agreement

- Refer to CDE sample, Appendix C
- Must minimally include:
  - Student name, grade, school enrolled
  - Program placement
    - General Education, Special Education, Continuation, or Opportunity
  - Duration, including start and end dates
    - Minimum FIVE consecutive school days
    - Maximum is one school year

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Written Agreement

- Must include a statement:
  - Independent study is an optional educational alternative in which no student is required to participate
  - Instruction through independent study may be provided to a pupil suspended or assigned to a school, class, or program as a result of a suspended expulsion order **only if the student is offered an alternative to classroom instruction**
  - Of adopted board policy regarding
    - Maximum length between when an assignment is made by the teacher and the date it is due
    - Number of missed assignments
    - ***Student Work Assignment Record*** - pages 5.3 & 5.4

24

Community Day School

Community day school does not allow independent study; therefore, this cannot be a classroom-based option for purposes of this section. (*Education Code 48663*)

25

Written Agreement

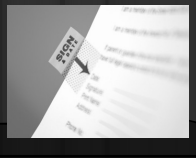
- As a condition of state apportionment, must have dated signatures of all required parties BEFORE start date (*Education Code* Section 46300.7):
  - Pupil
  - Parent/guardian/caregiver
  - Supervising teacher
  - Other persons responsible for direct assistance to student

Can't type date next to signatures or have only one date line

26

Written Agreement

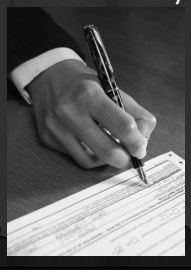
- Cannot claim ADA sooner than last signature date
- If the student signs and dates 9/3, parent signs and dates 9/10, supervising teacher signs and dates 9/23
- When is the first date you claim ADA?
- What other issues are apparent?



27

Group Question

- Can you "fill in" the date if someone forgets to enter the date after they sign the agreement?



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Page 2.5

Supervising Teacher

- *5 CCR* Section 11700 (j) defines as **certificated teacher** employed by the school district or county office assigned responsibility for
  - Coordination, evaluation, and general supervision of student's independent study
  - Must hold valid teaching or emergency credential
- Must have a teaching assignment

Under no circumstances can a noncredentialed person evaluate, coordinate, assign, or grade work products or determine apportionment credit

29

Supervising Teacher

- Academic credit is awarded separately from apportionment credit
  - Work product must be completed and reported to the assigned teacher by the due date, which cannot exceed length of time specified in board policy or agreement
  - Retro-credit or banking of apportionment attendance credit is not permitted, and only whole days may be counted, NO partial days
    - Whole hours for hourly programs, such as continuation school

30

Page 2.6

Work Assignment

- Work assignment or course agreement
  - Considered a subsidiary agreement
  - Typically weekly communication of work to be completed
- Must include:
  - The manner, time, frequency, and place for submitting a pupil's assignments and for reporting his or her progress
  - The objectives and methods of study for the pupil's work, and the methods utilized to evaluate that work

31

Work Assignment

- Work assignment must include:
  - Number of course credits or other measures of academic accomplishment to be earned by the pupil upon completion
  - Specific resources, including materials and personnel, that will be made available to the pupil
- Teachers are no longer required to sign and date each work assignment
- Refer to samples in Section Five

32

Date Due for Assignments

- Assignment due date cannot exceed:
  - Duration of agreement **or**
  - Due date **or**
  - Maximum period stated in board policy unless policy authorizes extension when justifiable circumstances **or**
  - Date student returns to class

Whichever occurs first

33

Student Work Assignments

- Must be equivalent in quality and quantity to classroom-based studies
- All course teachers should provide assignments
- Supervising teacher *may* assign coursework when regular classroom teacher(s) does not
- Coursework and method of study must follow board adopted curriculum aligned with state standards
- Cannot simply have student document their vacation

34

Shorter School Day

- What if the school day length is different? For example, each Wednesday is a minimum school day of 300 minutes (5 periods) instead of 360 minutes (6 periods)
- Work assignments must be equivalent to what the student would have been required to complete if in the classroom
- Student should be assigned 300 minutes or 5 periods for shorter school day and 360 minutes or 6 periods for regular school days

35

Page 2.6

Student Work Samples

- A representative sample of the student work products must be kept with the independent study agreement in the student's file
- Some auditors recommend 20% sample
  - Five days for one school month
  - Two days for ten school days
- Sample must be "representative" of and consistent with adopted course of study and statutory minimum day requirement

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Student Work Samples

- Effective FY 14/15, no longer required that the supervising teacher sign & date each assignment when assessing the time value of the pupil's work products for apportionment purposes (*Education Code* Section 51747.5)
- Supervising Teacher must still determine ADA credit to be given

37

Group Question

- Student is assigned six weeks of assignments
- Board policy states maximum four weeks
- Agreement states "due upon return to school"
- Student completes all assignments, which he/she gives to the supervising teacher on the first day back to school
- Teachers determines "time value" is 30 days of completed assignments
- How much ADA can be claimed?

38

Group Question

- Agreement period is for 10 consecutive school days
- Student is assigned and completes 10 days worth of assignments
- Student returns on the 4th school day
- How much ADA (apportionment days) can be claimed?
  - Public schools, excluding charter schools
  - Charter schools

39

Group Question

- Agreement period is for 10 consecutive school days
- Student is assigned 10 days of assignments
- Student returns on the 11th school day
- Teacher evaluates and determines student only completed 4 days of assignments
- How much ADA (apportionment days) can be claimed?
  - Public schools, excluding charter schools
  - Charter schools

40

Group Question

- Agreement period is for 5 consecutive school days
- Student is assigned 5 days of assignments
- Student returns on the 6th school day
- One day during week student was gone was a unscheduled "snow" day
- Teacher evaluates and determines student completed 5 days of assignments
- How much ADA (apportionment days) can be claimed?
  - Public schools, excluding charter schools
  - Charter schools

41

More Requirements

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Page 2.6

Charter Schools: Compliance with *5 CCR* Section 11960 and *Education Code* Section 47612

- Evidence of pupil engaged in educational activity
  - There must be a contemporaneous record for charter apportionment
  - CDE Charter Schools staff unofficially advised a calendar or other contemporaneous record be used to document the daily instructional activities of the student while engaged in independent study
    - Must be signed by an adult with cause to know and subsequently reviewed and approved (signed and dated) by the supervising teacher
  - See Figure 5.4 on page 5.5

43

Page 2.12 & 2.19

Continuation Education

- Maximum ADA allowed = 10% of Continuation ADA
  - Does not include pregnant or parenting teens who are the primary care givers for their child or children (Education Code 51745(b))
- No retro-credit of "surplus hours"
- Continuous classroom option available

44

Page 2.12

Independent Contractor

- The students must still be under the general supervision of a certificated teacher employed by the LEA claiming state apportionment for pupils participating in independent study
  - Signs and dates agreement as "other person"
- Assigned supervising teacher must still evaluate work products for both academic and apportionment credits in accordance with *5 CCR* Section 11700 and *Education Code* Section 51747.5
- Calculation of ADA-to-Teacher ratio for full-time independent study does not include contractors

45

Page 2.13

Enrollment

- Every independent study student must be enrolled (and identified in the written records) by grade and program placement, in a specific school site of the LEA
  - Where continuous classroom option is available
- Every independent study student must be enrolled in
  - A charter school or
  - Another public school the pupil is eligible to attend

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Page 2.14

County Residency

- *Education Code sections* 46300.2 and 51747.3 (b)
  - Refer to Legal Citations, pgs 6.7 and 6.16
- Independent study students must reside in the county or immediately adjacent county in which the apportionment claim is reported



47

Page 2.14

Pupil Age Limits

- Minimum age
  - Age 5 by September 1st
    - T-K eligible students who will turn 5 between Sept 2nd & Dec 2nd are OK (Ed Code 48000)
- Maximum age
  - K-12: Age 18, unless pupil has been continuously enrolled in the K-12 program since his/her 18th birthday, in which case maximum age is 20 (E.C. 46300.1)
  - Charter: Age 19, unless pupil has been continuously enrolled in the charter program since his/her 19th birthday, in which case maximum age is 22 (E.C. 47612)
    - Student's work becomes ineligible for charter school apportionment on 23rd birthday

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Adults in Independent Study

ADA for adults, not part of E.C. 46300.1 or 47612, is not tracked and reported on the state attendance reports and therefore does not generate Independent Study apportionment funding; however, the rules pertaining to Independent Study must still be adhered to and Independent Study may be used only for high school diploma courses (E.C. 46300.4)

49

Equitable Resources & Services

Page 2.14

- Independent study pupils must have same access to existing resources and services made available to classroom based pupils at the school site "where continuous classroom option" is made available
- Equality of rights and privileges of classroom based pupils
- I.e., pupils right to participate in school functions, extra curricular activities, graduation, etc.
- *5 CCR* Section 11701.5
  - Refer to Legal Citations, page 6.21

50

Things of Value

Page 2.14

- Can not claim state apportionment if any funds or things of value is provided to an independent study pupil or to his/her parent/ guardian/caregiver not otherwise provided to all other students enrolled in the LEA
- *Education Code* Section 51747.3 (a)

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Page 2.15

CIF Rules for Participation

- CIF website www.cifstate.org
- Bylaws Section 306 - Independent Study
- Residentially eligible in
  - School of residence or school where residentially eligible
    - Registration accepted by local board AND
    - Courses taken meet standards adopted by local board and *Education Code* Section 51745 AND
    - Administrative responsibility for athletics rest with the principal of the school for which student is competing AND
    - Student meets all other CIF eligibility requirements

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Page 2.16

ADA-to-Teacher Ratio CAP

- Ratio of independent study attendance to full-time teacher equivalent cannot exceed the calculated ratios for all other educational programs operated by the LEA (*Education Code* Section 51745.6)
  - Higher/Lower ratios can be negotiated
  - Excludes short-term independent study
  - Exclude full time special ed (SDC) pupils & their teachers
  - Exclude pupils & teachers in necessary small schools
  - Convert hourly independent study teachers' time to FTE
  - Exclude certificated teachers not providing "direct instruction"

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ADA-to-Teacher Ratio CAP

- County Office ratio shall not exceed the prior year ratio of the high school or unified school district with the largest ADA in that county. E.C. 51745.6(a)(2)

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ADA-to-Teacher Ratio CAP

- Charter schools MAY use a fixed 25:1 ratio OR the ratio for all other educational programs operated by the largest unified school district, as measured by ADA at P2 in the prior year, in county or counties in which the charter school operates
- Charter schools must include all charter school pupils, regardless of age, in the pupil-teacher ratio calculations

E.C. 51745.6(d) & California *Code of Regulations*, Title V, Section 11704

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ADA-to-Teacher Ratio CAP

- https://www.cde.ca.gov/sp/eo/is/calculations.asp
- **PLEASE REFER TO THIS WEBSITE FOR ADDITIONAL INSTRUCTIONS FOR PERFORMING RATIO CALCULATIONS FOR TRADITIONAL INDEPENDENT STUDY & COURSE BASED INDEPENDENT STUDY (CBIS) ALONG WITH SAMPLE CALCULATIONS AND TEMPLATES**

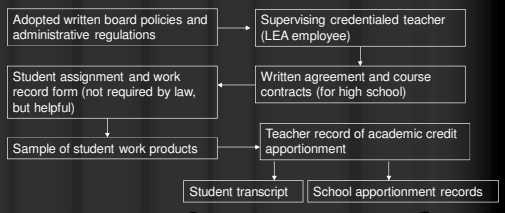
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Page 2.17

Independent Study

- Flow of Data from Audit Perspective

For each officially enrolled student, the following diagram reflects the flow of data required for school apportionments and audit files as specified by 5 *CCR* Section 11703:



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Recordkeeping/Retention

- *5 CCR* Section 11703 requires the following records be maintained to meet audit requirements:

Summary chart of required length of storage of data of audits

Document	Length of time to be kept*
Adopted written Board Policies	Class 3- 3 years
Written agreements and course contracts	Class 3- 3 years
Work assignments and work record	Class 3- 3 years
Sample of student work products	Class 3- 3 years
Teacher records (apportionment and academic)	Class 3- 3 years
Mandatory permanent pupil records (e.g. transcript)	Class 1- Permanently
School apportionment records	Class 3- 3 years

*Check district and county policy manuals for specific guidelines and see *5 CCR* sections 16023, 16026. Class 3 records must be retained until after the third July following the completion of the audit required by *Education Code* Section 41020.

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How Can You Determine if Your District's Policies, Agreements, and other Independent Study Records are Compliant?

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Checklist for Legal Compliance

Figure 2.3, pages 2.18-2.23

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Group Question

- How do you offer lab/participation classes? For example: cooking, or P.E.?
- Can you offer combination of independent study and classroom-based instruction?
- Yes! ADA based on what generates greater portion of academic. For example, four hours independent study and two hours classroom = independent study as main instruction

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Criteria for Participation

Section Three

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Page 3.1

Voluntary Participation

- Independent study is permissive on the part of the school district
  - *Education Code sections* 51745(a) and 51747(c)(7)
- District may establish guidelines or criteria for participation
  - i.e., the school administrator has the right to deny independent study when a student has a history of not completing work assigned

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Participation

- Students who have an acceptable reason such as:
  - Vacation or travel
  - Safety issues
  - Pre and post maternity
  - Parental responsibilities (teen parent)
  - Family emergency or other situation



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Student has medical condition

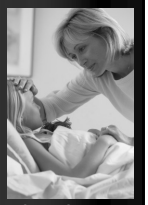
- Medical condition may extend beyond 5 consecutive school days
- Student can complete 20-30 hours of instruction per school week under general supervision of certificated teacher, i.e.,
  - Mono
  - Chicken pox
  - Asthma
  - Pneumonia, bronchitis, flu
  - Physical trauma/injury



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Student has medical condition

- Parents and pupils may be informed of their option to *voluntarily participate* in Independent Study
  - Cannot mandate/coerce
- ADA credit *may not* be earned for prior days, but can be earned for *subsequent days* when all legal requirements are met
  - Once written agreement is completed and signed and dated by all required parties



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Selection/Participation Process

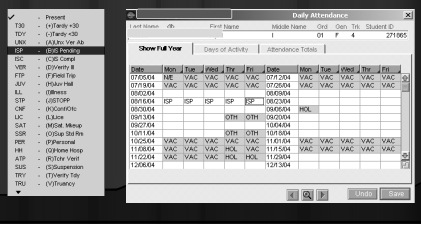
- Parent completes and submits an independent study request form
- Form sent to assigned supervising teacher with student's schedule and grades to date
- Supervising teacher:
  - Gathers assignments from subject teachers or makes assignments as appropriate
  - Schedules meeting with parents and student to review and complete independent paperwork
  - Submits copy of signed agreement to designated attendance person and maintains original in student's independent study file folder

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Attendance Personnel:

Enters Independent Study code

- Attendance clerk updates student attendance record with Independent Study (non- apportionment) code to coincide with agreement beginning and ending dates
- This code prevents student from showing on daily absence list and overstatement of apportionment attendance



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Student Returns to School

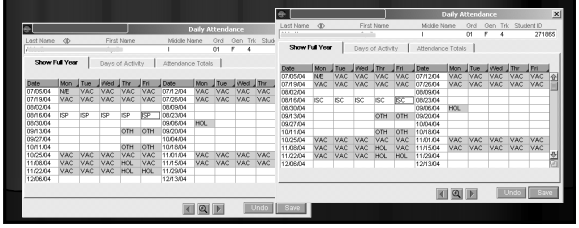
- Completes and returns assignments by due date specified in agreement
- Assignment given to supervising teacher, who may evaluate or distribute to subject teachers to grade
- Supervising teacher determines academic and apportionment value
  - Assembles work product sample
  - Full day apportionment attendance awarded if equivalent of minimum day
  - Submits ADA record to attendance personnel

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Attendance Personnel:

Record Attendance

- Attendance person records number of teacher approved ADA and non-ADA days to system
- Approved days recorded as ISC (complete)
- Non-approved days recorded as ISI (incomplete)
  - Cannot be recorded as "unexcused" subject to truancy



Remember a student is not absent when on Independent Study

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Successful ADA

1. Signed and dated Independent Study Agreement
2. Work Assignments completed and returned on time
3. Other teachers involved evaluate work
4. Supervising teacher assigns ADA earned
5. Work Samples available for audit

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Internal Audit Functions

Section Four

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Page 4.1

Non-Compliance Items Auditors Look For

- Claiming a day of apportionment attendance when the student did not complete a day's worth of assignments
- Claiming apportionment attendance prior to the signing and dating of the agreement by all required parties
- Failing to maintain original student work samples



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Internal Audit Functions

- Page 4.2 Internal Audit Checklist
  - Item 2, Facilities-earthquake standards
  - Item 12, Supervising teacher
  - Item 15, Multi-enrollment check
  - Item 29, 100% independent study ADA
  - Item 34, independent study agreements

Legend: OK = Okay, F/U = Follow up

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Other Audit Tools

- Self-Assessment Guidelines
  - www.cde.ca.gov/sp/eo/is/
- Education Audit Appeals Panel (EAAP) K-12 Audit Guide
  - Appendix B
  - www.eaap.ca.gov



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Suggested Internal Audit:
Select a Sample for Testing

- Verify district certificated employees coordinate, evaluate, and supervise each student's independent study program
- Select a representative sample of teacher records. Foot and cross-foot teachers' attendance records. Trace the monthly totals to the attendance records
- Verify a written master agreement exists for each independent study student

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Suggested Internal Audit:
Select a Sample for Testing

- Verify evaluated student work samples are retained in the student's independent study file. Ensure the work product samples are related to the assignment and reflect curriculum adopted by the governing board
- Trace each student's attendance from the attendance record to the teacher's record, student's work record, and the corresponding work assignment

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Suggested Internal Audit

- Audit record retention
- Verify district and site attendance records are maintained pursuant to statutory requirements
- Check a few completed independent study agreements and verify components
- Verify records are kept in a safe and easy to find place/method



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Resources

Section Five

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Page 5.1

Who To Call for Assistance

Programmatic Matters
Yvonne Evans, Educational Programs Consultant
(916) 323-2562
E-mail: yevans@cde.ca.gov

Attendance Accounting
E-mail: PASE@cde.ca.gov

Website Resources

- CDE Independent Study Branch- http://www.cde.ca.gov/sp/eo/is/
- California Consortium for Independent Study- http://www.ccis.org



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Other Resources

- Resources, page 5.1
- Figures 5.1-5.3: Sample agreements and forms, pages 5.2-5.4
- Figures 5.5-5.11: CDE sample agreements and forms, pages 5.7-5.16
- Figure 5.12: Sample procedure for independent study teacher, page 5.17-5.19
- Figure 5.13: School site procedures for Independent Study, pages 5.20-5.28
- CASBO World of Attendance Accounting
- CDE Independent Study Manual

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Other Resources

- Figures 5.14-5.18: Sample checklists, pages 5.29-5.33
- Figure 5.19: Process flow chart for independent study teachers, page 5.34

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Legal Citations

Section Six

84

Legal Citations

- *Education Code sections*
- *California Code of Regulations, Title 5 sections*

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Homework Assignment

- Use checklist on pages 2.18 – 2.23
- Review your policies and agreements
- List number directly on policy
- Note at top of form/policy missing elements



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Additional Questions?

Thank you for your time and attention

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