

Board Policy

Tulare, California

Instruction

BP 6158.1

Independent Study for 2021-2022 and Subsequent School Years

The Board of Trustees has previously authorized 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. (cf. 6158 – Independent Study.) With the enactment of Assembly Bill No. 130 (Ch. 44, Stats. 2021, hereafter “AB 130”), school districts and county offices of education are required to offer independent study for the 2021-2022 school year, with limited exceptions.

Education Code section 51747, as it read prior to July 8, 2021, provided that a local educational agency shall not be eligible to receive apportionments for independent study unless it has adopted and implemented written policies as specified in that statute. AB 130 continues the requirement for local educational agencies to adopt and implement written policies, and adds additional content required to be included in such policies. This policy is intended to supplement Board Policy (BP) and Administrative Regulation (AR) No. 6158 to include the additional requirements of AB 130. To the extent that there is any conflict between this policy and BP and AR No. 6158, the provisions of this policy shall govern.

The District shall comply with the requirements of AB 130 by either providing an independent study option to all students or contracting with the County Office of Education or through an interdistrict transfer agreement with another school district to provide independent study to students.

The Administration shall adopt Regulations implementing this policy in compliance with AB 130.

Adopted: July 27, 2021

Administrative Regulation

Adopted: July 27, 2021

Tulare, California

Instruction

AR 6158.1

Independent Study for 2021-2022 and Subsequent School Years

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

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

1. Monitoring Student Progress

In addition to the number of missed assignments permitted by BP 6158 or AR 6158 before an evaluation is conducted to determine whether it is in the best interests of a pupil to remain in independent study, or whether the pupil should return to the regular school program, the pupil's level of satisfactory progress shall be considered. Satisfactory educational progress shall be determined based on all of the following indicators:

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

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

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

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

2. Content Standards

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

3. Re-engagement Strategies

The District will take measures to re-engage pupils who are not generating attendance for more than three schooldays or 60 percent of the instructional days in a school week, or who are in violation of their written agreement pursuant to Education Code section 51747(g), BP/AR 6158 and this policy. Procedures for tiered reengagement strategies shall include all of the following:

(A) Verification of the pupil’s current contact information.

(B) Notification to parents or guardians of lack of participation within one school day of the absence or lack of participation.

(C) A plan for outreach to determine pupil needs, including connection with health and social services as necessary.

(D) A clear standard for requiring a pupil-parent-educator conference to review a pupil’s written agreement and reconsider the independent study program’s impact on the pupil’s achievement and well-being, consistent with the provisions of BP/AR 6158 and this policy regarding missed assignments and satisfactory educational progress.

“Pupil-parent-educator conference” means a meeting involving, at a minimum, all parties who signed the pupil’s written independent study agreement pursuant to subdivision (g) of Section 51747 or the written learning agreement pursuant to subdivision (b) of Section 51749.6.

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

4. Instructional Delivery Methods

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

(A) For pupils in transitional kindergarten, kindergarten, and grades 1 to 3, inclusive, opportunities for daily synchronous instruction shall be provided for all pupils throughout the school year.

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

(C) Pupils in grades 9 to 12, inclusive, will be provided opportunities for at least weekly synchronous instruction for all pupils throughout the school year.

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

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

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

5. Returning to In-Person Instruction

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

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

6. Master Agreement

Each pupil’s written agreement for independent study shall include, in addition to those provisions required by BP/AR 6158 the following:

(A) The manner, time, frequency, and place for reporting the pupil’s academic progress, and for communicating with a pupil’s parent or guardian regarding the pupil’s academic progress.

(B) The specific resources, including materials and personnel, that will be made available to the pupil. These resources shall include confirming or providing access to all pupils to the connectivity and devices adequate to participate in the educational program and complete assigned work.

(C) A statement of the level of satisfactory educational progress allowed before an evaluation of whether or not the pupil should be allowed to continue in independent study.

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

Signed written agreements, supplemental agreements, assignment records, work samples, and attendance records assessing time value of work or evidence that an instructional activity occurred may be maintained as an electronic file. An electronic file includes a computer or electronic stored image of an original document, including, but not limited to, portable document format, JPEG, or other digital image file type, that may be sent via fax machine, email, or other electronic means. Either an original document or an electronic file of the original document is allowable for auditing purposes.

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

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

7. Independent Study Enrollment and Notice

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

Upon the request of the parent or guardian of a pupil, and before signing a written agreement with the pupil's parent or guardian, the District shall conduct a phone, videoconference, or in-person pupil-parent-educator conference or other school meeting during which the pupil,

parent or guardian, and, if requested by the pupil or parent, an education advocate, may ask questions about the educational options, including which curriculum offerings and nonacademic supports will be available to the pupil in independent study, before making the decision about enrollment or disenrollment in the various options for learning.

Legal Reference:

EDUCATION CODE 51745 – 51749 Independent Study Programs

Assembly Bill No. 130 (Ch. 44, Stats. 2021)