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## California Legislature

The California Legislature is scheduled to begin its interim recess upon adjournment of session on September 10, 2021. Work on legislative bills and “clean-up” budget trailer bills continue.

A “clean-up” bill specific to some of the independent study provisions in AB 130 is anticipated. There are many questions and confusion regarding independent study (IS) provisions contained in Assembly Bill 130 (Chapter 44, Statutes of 2021).



Independent study is the fallback for school districts to provide an education outside of in-person instruction. AB130 makes changes to the independent study law. The bill lays out the requirements for independent study (IS). It is an alternative education program that addresses individual student needs and learning styles. The model allows students to complete their academics outside the traditional classroom setting. For the **2021–22 school year only**, school districts and COEs are required to offer IS as an educational option (Education Code [EC] Section 51745).



Independent study is open to any student in transitional kindergarten through 12th grade. IS programs traditionally have served child actors in the TV or film industry, aspiring Olympic athletes, exceptional students who want to accelerate faster than their districts can provide, or students who have been bullied. Students continuing their studies while traveling have also used independent study for credit. AB 130 allows participation in independent study for students in fragile health and students affected by school closures for unanticipated events or natural disasters. Students are not required to provide a medical statement.

California offers two types of IS programs, traditional IS programs and course-based IS programs. Currently, student attendance is measured by “seat time”, the number of instructional minutes per day, week, and year that students are required to be in school. The typical minimum number of instructional minutes per day varies by grade: 200 for kindergarten, 280 for grades one to three, 300 for grades four to eight, and 360 for high school. The traditional independent study programs count attendance based on how long it would take to complete a lesson





or assignment and not by daily contact with a teacher. Course-based independent study counts attendance based on whether students make satisfactory progress in those courses.

Specific requirements for independent study, that must be followed by LEAs, are provided for in AB 130. The requirements include but are not limited to the following:

- School Districts and County Offices of Education (COEs) must notify parents and guardians of their options to enroll their pupil in in-person instruction or IS during the 2021–22 school year (EC Section 51747). This notice shall include written information on the LEA’s internet website, including, but not limited to, the right to request a pupil-parent-educator conference meeting prior to enrollment, pupil rights regarding procedures for enrolling, disenrolling, and reenrolling in IS, and the synchronous and asynchronous instructional time that a pupil will have access to as part of IS.
- All LEAs offering IS must hold a pupil-parent-educator conference or school meeting via phone, videoconference, or in-person (EC Section 51747). At a minimum, this conference or meeting must involve all of the people who sign the pupil’s written agreement for IS. During the conference or school meeting, attendees may ask questions about the educational options, curriculum offerings, and nonacademic supports available to the pupil.
- In order to generate apportionment for IS, LEAs must have adopted and implemented board policies and written agreements that meet specific criteria (EC Section 51747). AB 130 added new elements to be included in board policies and written agreements.

In **addition to** requirements in effect prior to the enactment of AB 130, **board policies** need to be updated as follows:

- Satisfactory progress for the purposes of evaluating continued IS participation and placement.
- IS content must be standards and substantially equivalent to the quality and “intellectual challenge” of in-person instruction.
- A provision for high schools that students will have access to all courses offered by the LEA for graduation and approved by the University of California or the California State University as creditable under the A–G admissions criteria.
- Procedures for tiered reengagement strategies.
- A plan to provide opportunities for synchronous instruction for all grade levels, and live interaction for grades four through eight.
- A plan to expeditiously transition pupils whose families wish to return to in-person instruction from IS and not later than five instructional days.



**Written agreements must be updated** to also include the following:

- The manner, time, frequency, and place for communicating with a pupil’s parent or guardian regarding academic progress.
- The inclusion of confirming or providing access to all pupils to the connectivity and devices adequate for participation and completion of work in the specific resources made available to the pupil.
- The level of satisfactory educational progress that would trigger an evaluation of whether or not the pupil should be allowed to continue in IS.

- A detailed statement of academic and other supports provided to address the needs of pupils not performing at grade level or needed 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 504 plan, pupils in foster care, pupils experiencing homelessness, and pupils requiring mental health supports.
- A provision for electronic signatures if a LEA chooses to make use of electronic signatures for written agreements.



Written agreements, for the 2021-22 school year only, must be signed no later than 30 days after the first day of instruction. However, please note that all other IS requirements must be met upon starting instruction. For any other school year, written agreements must be signed prior to starting IS.

LEAs may seek a waiver from their County Office of Education if they can meet two conditions: 1) Prove that offering independent study will impose an unreasonable financial burden and 2) they are unable to enter into an inter-district transfer agreement or contract with a COE. Please note that a COE may not grant a waiver permitting a district to limit independent study due to a lack of staff.

Issues requiring attention by the California Legislature and the State Superintendent of Instruction include the increasing number of students denied access to instruction when they are quarantined due to COVID in spite of the mandate to provide IS, EL students not provided Designated and Integrated English Language Development as required by law, how to provide independent study when teachers themselves are sick from COVID and quarantined, clarifying how much interaction and instruction students must receive in an IS program, and ensuring parents receive the required written procedures and notices, especially those with limited internet access and parents who are monolingual/non-English speaking.

Due to surging COVID-Delta Variant cases, parents have chosen independent study for their children rather than in-person classes. However, school districts are struggling to provide independent study for all students who want it.

With the shortage of teachers experienced by school districts, students have had to wait for weeks to get assigned to a teacher and to be given an IS program.

Superintendents of suburban school districts assert that AB 130 (specifically sections 66 and 70) significantly limits their ability to continue to serve students placed in a COVID quarantine. They are calling for, among other proposed changes, limited-term distance learning as a reasonable solution to the problem of massive numbers of quarantined students, which neither the Legislature, nor the Governor, anticipated when deliberating AB 130 before it became law. School districts in general are also struggling to implement short-term independent study programs for students in quarantine.

How much instruction, live-interaction and synchronous instruction for high school students needs further defining. Does live interaction mean contact between a student and a teacher (such as on-line check-ins) and does it include instruction? It is also unclear as to whether parents have a right of return to their school of record when they wish to return their child from IS. AB 130 does not address this.



In meeting the state-mandated student-to-teacher ratios, some schools may not be able to accommodate students wishing to return to their school of record.

It is obvious that clarification on these and other issues are clearly needed, and advocates and other stakeholders have been working on possible changes to AB 130 that hopefully will be reflected in any “clean-up” bill of AB 130.

Before I close, I would like to provide information to parents as to the next steps they should be taking, if they haven’t already, regarding independent study for their child/children.

Parents, please be aware that your school board should have approved an independent study program for 2021-22 school year and posted on its website, its plan for independent study. Read and become familiar with the district’s IS program. If you are interested in IS for your child, request a meeting with the teacher or teachers to be involved with your child. Ask about services to be provided, especially if your child is an English Learner or a child with special needs.



A contract must be signed by you, the parent, student, and supervising teacher, and include the following elements:

- A plan for submitting assignments and reporting academic progress
- Objectives and methods of study
- Available resources, including textbooks and access to computers and internet connectivity
- The number of course credits or other measures of academic accomplishment for elementary-age students.
- The provision of Designated and Integrated English Language Development, assessment of English language proficiency, support to access curriculum and if applicable, support for dual language learning.

As a parent, you may choose to have your child leave IS if IS is not working out. Districts must arrange for a student’s return to in-person instruction within 5 days of a request.

CDE provides information on independent study as well as a guide, for those who seek further information. Please refer to this link: <https://www.cde.ca.gov/sp/eo/is/index.asp>.

For questions regarding the implementation of an IS Program, please contact [independentstudy@cde.ca.gov](mailto:independentstudy@cde.ca.gov).

For questions regarding meeting attendance accounting, apportionment, and instructional time requirements in implementing the IS provisions of AB 130, please contact [attendanceaccounting@cde.ca.gov](mailto:attendanceaccounting@cde.ca.gov).

For those of you interested in reading the text of AB 130 please refer to this link: <https://leginfo.legislature.ca.gov/> and type AB 130 under the “Quick Bill Search” tab.

**Please stay tuned for further updates on AB 130 and independent study!**