

Berkeley USD

Board Policy

Independent Study

BP 6158

Instruction

The Governing Board of the district, recognizing its responsibility for educating all students in its school system, authorizes the Superintendent to establish independent study as an optional alternative instructional strategy by which all students enrolled in its TK-12 or adult schools may achieve curriculum objectives and fulfill graduation requirements outside of the regular classroom setting. Students enrolling in independent study must also meet all enrollment and residency criteria as other students or those prescribed by law.

The primary purpose for Independent Study (9-12), **Virtual Academy (K-5)**, and Assisted Home School (K-8) (referred to herein collectively as "Independent Study") is to offer a means of individualizing the educational plan for students whose needs may be met best through study outside of the regular classroom or school. The district's independent study option shall be substantially equivalent in quality and quantity to classroom instruction, thus enabling students enrolled in independent study to complete the district's adopted course of study within the customary time frame.

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

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

Upon the request of the parent/guardian of a student, before making a decision about enrolling or disenrolling in independent study and entering into a written agreement to do so, the district shall conduct a telephone, videoconference, or in-person student-parent-educator conference or other meeting during which the student, parent/guardian, or their advocate may ask questions about the educational options, including which curriculum offerings and nonacademic supports will be available to the student in independent study. (Education Code 51747)

Written Agreement

The Superintendent or designee shall ensure that each participant student has an executed written independent study agreement with the district as prescribed by law. (Education Code 51747.) **For the 2021-22 school year, the district shall obtain a signed agreement for independent study no later than 30 days after the first day of instruction.**

~~Before beginning independent study, e~~**Each written agreement must be signed by the student, the student's parent/guardian/caregiver if the student is less than 18 years old, the certificated employee who has responsibility for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the student. (Education Code 51747.) The agreement must state that the parent/guardian/caregiver's signature confers his/her permission for the student's independent study as specified in the agreement. Written agreements may be signed using an electronic signature that complies with state and federal standards, as determined by the California Department of Education (CDE).**

Individual independent study agreements and any subordinate student contracts and assignments must be consistent with the district's adopted course of study.

The Superintendent or designee shall establish appropriate screening procedures to ensure that the necessary level of understanding and preparation exists to meet the conditions of the independent study agreement prior to its approval.

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

1. The frequency, time, place, and manner for submitting the student's assignments, reporting the student's academic progress, and communicating with a student's parent/guardian regarding the student's academic progress
2. The objectives and methods of study for the student's work and the methods used to evaluate that work
3. The specific resources that will be made available to the student, including materials and personnel, and access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work
4. A statement of the Board's policy detailing the maximum length of time allowed between an assignment (21 days in BUSD) and its completion, the level of satisfactory educational progress, and the number of missed assignments which will trigger an evaluation of whether the student should be allowed to continue in independent study
5. The duration of the independent study agreement, including the beginning and end dates for the student's participation in independent study under the agreement, with a maximum of one school year
6. A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the agreement, to be earned by the student upon completion
7. A statement detailing the academic and other supports that will be provided to address the needs of students who are not performing at grade level, or need support in other areas, such as English learners, students with disabilities with an individualized education program or a Section 504 plan in order to be consistent with their program or plan, students in foster care or experiencing homelessness, and students requiring mental health supports.
8. A statement that independent study is an optional educational alternative in which no student may be required to participate
9. In the case of a suspended or expelled student who is referred or assigned to any school, class, or program pursuant to Education Code 48915 or 48917, a statement that instruction may be provided through independent study only if the student is offered the alternative of classroom instruction

Assignments

The Board recognizes that independent study may be used as an option to encourage students to remain in school. Teachers should carefully set the duration of independent study assignments within the limits specified by the Board in order to help identify students falling behind in their work or in danger of failing or dropping out of school.

For all enrolled independent study students in grades kindergarten through adult, the maximum length of time which may elapse between the time an assignment is made and the date by which the student must complete the assignment is three weeks or 21 calendar days. However, when special or extenuating circumstances justify a longer time, a period not to exceed eight weeks may be approved by Superintendent or designee pursuant to a written request with justification for individual students.

The Superintendent or designee shall ensure that students participating in independent study are provided with content aligned to grade level standards at a level of quality and intellectual challenge substantially equivalent to in-person instruction. For high schools, this shall include access to all courses offered by the district for graduation and approved by the University of California or the California State University as creditable under the A-G admissions criteria. (Education Code 51747)

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

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

The Superintendent or designee shall ensure that procedures for tiered re-engagement strategies are used for all students who are not generating attendance for more than three school days or 60 percent of the instructional days in a school week, or who are in violation of their written agreement. This requirement only applies to students participating in an independent study program for 15 school days or more. The procedures shall include but are not necessarily limited to, all of the following: (Education Code 51747)

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

Evaluations

When a student fails to complete three consecutive independent study assignments in any subject during any period of 60 school days, the Superintendent or designee must conduct an evaluation to determine if it is in the student's best interest to remain on independent study. (Education Code 51747(b).) If the evaluation is negative, the student may be transferred from independent study. Evaluation findings will be kept in the student's permanent file.

At the end of each semester, including summer school if the student attends, the Superintendent or designee must conduct an evaluation to determine whether it is in the student's best interest to remain on independent study. If the evaluation is negative, the student may be transferred from independent study. Evaluation findings will be kept in the student's permanent file.

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

The Superintendent or designee must annually report to the Board the number of students in independent study by typical categories of study and time in the program, the ADA generated, a description of their performance based on such indicators of quality as the Board may specify, and the number and proportion of students by typical categories who graduate or successfully complete their studies.

Student-Parent-Educator Conferences

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

An individual with **exceptional needs shall not participate** in independent study, unless the pupil's individualized education plan specifically provides for that participation

Records for Audit Purposes

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

1. A copy of the Board policy, administrative regulation, and other procedures related to independent study
2. A listing of the students, by grade level, program, and school, who have participated in independent study, along with the units of the curriculum attempted and completed by students in grades K-8 and the course credits attempted by and awarded to students in grades 9-12 and adult education
3. A file of all agreements, with representative samples of each student's work products bearing the supervising teacher's notations indicating that the teacher has personally evaluated the work or personally reviewed the evaluations made by another certificated teacher
4. As appropriate to the program in which the students are participating, a daily or hourly attendance register that is separate from classroom attendance records, maintained on a current basis as time values of student work products judged by a certificated teacher, and reviewed by the supervising teacher if they are two different persons
5. Appropriate documentation of compliance with the teacher-student ratios required by Education Code 51745.6 and 51749.5 (Education Code 51745.6 and 51749.5)
6. Appropriate documentation of compliance with the requirements pursuant to Education Code 51747.5 to ensure the coordination, evaluation, and supervision of the independent study of each student by a district employee who possesses a valid certification document pursuant to Education Code 44865 or an emergency credential pursuant to Education Code 44300 (Education Code 51747.5)

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

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

The signed, dated agreement, any supplemental agreement, assignment records, work samples, and attendance records may be maintained on file electronically. (Education Code 51747)

Legal Reference:

EDUCATION CODE

17289 Exemption for facilities

42238 Revenue limits

44865 Qualifications for home teachers and teachers in special classes and schools; consent to assignment

46300-46300.6 Methods of computing ADA

47612.5 Independent study in charter schools

48204 Residency based on parent employment

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

51225.3 Requirements for high school graduation

51745-51749.3 Independent study programs

56026 Individuals with exceptional needs

FAMILY CODE

6550 Authorization affidavits

CODE OF REGULATIONS, TITLE 5

11700-11703 Independent study

COURT DECISIONS

Modesto City Schools v. Education Audits Appeal Panel, (2004) 123 Cal.App.4th 1365

Management Resources:

CDE PUBLICATIONS

Independent Study Operations Manual, 2000 edition

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>

Policy BERKELEY UNIFIED SCHOOL DISTRICT

Adopted: December 7, 2005 Berkeley, California