

# Frequently Asked Questions

Frequently asked questions and answers pertaining to independent study.

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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
- 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?](#)

Generally, success in independent study requires motivation and a strong commitment on the part of the student and, especially for a young student, his or her parents/guardians/caregivers. It also requires sufficient academic preparation to enable the student to work independently. Some schools require the student's academic performance to be at or close to grade level, while other schools work with students who have fallen behind by providing additional individualized support necessary for success.

- State law requires students with special needs who wish to participate in independent study to have an individualized education program (IEP) that provides for independent study. For more information regarding IEPs, contact the Special Education Parents Help Line at 1-800-926-0648.

As with other types of education, independent study may vary greatly from school to school. In deciding whether the independent study offered in a particular school or program would be appropriate for your student, it will be important to consider the characteristics of that school and whether the characteristics meet your student's needs. Below are some of the ways in which schools offering independent study may vary:

- **Size:** Schools offering independent study may vary in size from a few dozen students to 1,000 or more. Very small schools may provide a more personalized setting while larger schools may offer additional options such as labs and classes in various subjects.
- **Meetings:** In some schools, independent study students (and parents/guardians/caregivers of elementary students) meet with their teacher one-on-one (typically weekly) to turn in completed work, ask questions, and receive new assignments. In other schools, students meet with their teachers more frequently—in small groups, labs, or classes—in addition to working on assignments independently.
- **Online Schools:** In some schools, classes are offered online and student-teacher and student-to-student interactions occur over the Internet using message boards and e-mail. In some cases, the classes are conducted in real time.
- **Structure and Organization:** Schools vary as to structure (i.e., one teacher for all subjects or, especially at the secondary level, different subject matter specialist teachers for different subjects) and organization. In some schools and programs, students take fewer subjects on a more intense basis, covering a year-long course in one semester or less. In other schools, students take a full range of courses at any given time.
- **Students Served:** Independent study can serve students with a range of academic abilities. Some schools are designed as “college prep” and either offer all the courses to meet University of California entrance requirements or arrange for students to have access to some required classes at a community college, a comprehensive high school, or online. Other schools are designed to assist students who have not been successful in traditional schools. These schools may offer diagnostic assessments and interventions to help students catch up where they have fallen behind academically and may provide counseling and extra support to enable these students to be successful.
- **Academic Achievement:** Schools also vary regarding academic achievement. The Academic Performance Index and state ranking information for individual schools are available from [DataQuest](#).
- **Program or Stand-Alone School:** Independent study may be offered as a program option within a traditional school. It is also offered in [alternative schools of choice](#) or [charter schools](#) that are primarily or entirely independent study.

It is important to learn about the characteristics of the independent study options available to your student to consider whether they will meet your student's needs and interests. Here are some ways to locate information about an independent study school:

- Use the information provided in [How to Find Independent Study](#) to locate independent study in your area.

- Access school information from the [California School Directory](#). Many schools have a Web site. If the school's Web site is not listed, you may find it on the district's Web site.
- Review the [School Accountability Report Card](#) for additional information about individual schools.
- Talk with school officials and teachers and visit the school with your student to help you determine if the school and independent study offered meet your needs.

Independent study can be a great option for some students; however, it may not be the right option for every student who is not thriving at a traditional school. Some students might be better served in an educational option that is classroom-based and offers a smaller learning environment and more individualization. Many [charter schools](#), [alternative schools of choice](#), or [magnet schools](#) meet this description; these schools may also offer a particular academic focus or approach that would engage an individual student's interests and best meet the student's learning style.

### 3. [How do I find an independent study program?](#)

#### Do All Districts Offer Independent Study?

No. Independent study is an option for districts. Although offering independent study is not required by law, districts may offer independent study for students in kindergarten through grade twelve and in adult schools.

#### How Can I Find Independent Study For My Student?

Independent study may be offered by a school in your district, a charter school, a school in another district, or county office of education.

1. To find out if your **district, county office of education, or other districts in your area** offer independent study, please call the appropriate office.

**Note:** Access to independent study in another district **may** require an interdistrict transfer agreement.

2. To find a **charter school** with independent study that serves your area, go to [Charter Schools in California Counties](#), locate your county on the map, and then click on the county. You may also select neighboring counties for additional charter school options, since independent study charter schools chartered in a neighboring county may serve students in your area. Charter schools offering independent study are in pink boxes.

**Note:** An interdistrict transfer agreement is **not** required for attendance at a charter school.

#### How to Find A Particular School's Contact Information

Contact information about a particular school is available from the [California School Directory](#):

1. Type the name of the school in the "Name" field.
2. Select the "Search" button.
3. Choose the school you are looking for from the "Select School name below for details" column.

## 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:

- o [Attendance Accounting for On-Line Classes](#) (non-charter)
- o [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:

- o 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)*
- o 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:

- o [Legal Requirements for Independent Study](#)
- o 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](mailto: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* sections 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 and 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 and 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 (Record-Keeping)

### 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](mailto:speceducation@cde.ca.gov).

## Summer Session

### 53. [Are there rules for establishing independent study for summer sessions?](#)

- 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.
- 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:

- o Review the information on the [Federal Teacher Requirements for Independent Study](#).
- o 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](mailto: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.

## University of California A-G Policy for Nonclassroom-Based Independent Study Schools

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).

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