

# Guidelines for Developing Administrative Rules and Regulations for Independent Study School Districts and County Offices of Education

The legal requirements listed below are MANDATORY for legally compliant independent study. Not all of these requirements are required to be in writing. LEAs may choose to put these legal requirements in the Board Policy, Administrative Rules and Regulations, and/or other written policies, pursuant to rules and regulations.

Again, these Guidelines are only meant to be used as an example. Districts/COEs should draft Administrative Rules and Regulations which match the processes and procedures of the District/COE and should consult the District's/COE's legal counsel and/or auditors before enacting them.

EC Section 51747 states that a school District/COE shall not be eligible to receive apportionments for I.S. by pupils, regardless of age, unless it has adopted written policies, pursuant to rules and regulations adopted by the Superintendent of Public Instruction.

## A. Administration of Independent Study

*Each District/COE will determine specific duties for administrators. The following are meant only as examples of possible duties, which might be performed. This section should be tailored to reflect the duties in a specific District/COE.*

The Superintendent or designee assigned to administer independent study shall:

1. ensure its quality and legal compliance with Federal and State law and District/COE policies and regulations.
2. approve the participation of students in independent study.
3. establish, review and monitor all I.S. procedures and practices, forms, records, and reports to ensure all meet Federal and State law and District/COE Rules and Regulations.
4. develop, review, and manage a balanced budget for I.S.
5. select, supervise, and evaluate I.S. staff.
6. develop and participate in staff development with all I.S. staff.
7. approve all academic credits and attendance earned through I.S.
8. perform other duties as assigned.

## B. Independent Study Teacher

*The Name of District/COE recognizes that one of the most important factors in the success of the student in independent study is the appropriate selection of*

teachers. An independent study teacher may:

1. have the human relations skills to effectively deal with a wide variety of students and students' needs, as well as the parent/guardian/caregiver and other staff members.
2. incorporate a variety of strategies to ensure student achievement.
3. assign, coordinate, evaluate, and oversee the student's completion of courses that meet grade level and District and State content standards.
4. complete and accurately maintain required documents for the audit trail.
5. have the ability to act as teacher, counselor, coach, mentor, student advocate.
6. keep the student and parents/guardians/caregivers informed of the student's progress or lack of progress.
7. participate in curriculum development, materials selection, staff development and professional growth activities.

In addition, I.S. teachers must have:

1. a valid teaching credential issued by the State Board of Education or the Commission for Teaching Preparation.
2. student teaching.
3. a special fitness to perform.
4. consented to teach I.S.
5. certified Highly Qualified except for a teacher working with adults in Adult Education.

### **C. Supervising Teacher**

Each independent study student shall have only one supervising teacher whose duties are to:

1. continually oversee the student's educational plan, allocate resources and evaluate student progress.
2. generally, supervise, coordinate and evaluate the work of each student.
3. personally determine or review a determination made by another certificated teacher of the time value of the student's completed work.
4. complete, verify, and sign attendance documents.
5. complete, verify, and submit all records for audit trail.

### **D. Independent Study Students**

*The District/COE is not required to offer Independent Study. If a District or COE does offer I.S., it is not obligated to permit a student to participate in I.S. if school officials given responsibility for that decision determine that I.S. is not an appropriate alternative for the student. Independent Study must be an educational option in which no student is required to participate. Justification for these statements is found in Title 5 Code of Regulations 11700(d).*

The following list will vary from District to District or COE to COE. It has Education Code references for the reader's clarification. These should not be

included in the actual Administrative Rules and Regulations.

A student who may be enrolled in Independent Study includes, but is not limited to a student who:

1. student cannot be coerced into independent study and may not be required to participate. or **(EC 51747(c)(7)) 5CCR section 11700 (d) (2) (A)**
2. if he/she is a Special Education student as defined in Education Code Section 56026 shall not participate in I.S. unless his/her IEP specifically provides for that participation. **(EC 51745(c))**
3. is a resident of the local or adjacent county unless an adult education student. **(EC 46300.2 and 51747.3(b))**
4. is not in the District based solely on the parent/guardian/caregiver's employment within District boundaries. **(EC 48204(b) and 51747.3(c))**
5. must be enrolled in a school in the District/COE. **(EC 51748)**
6. is not enrolled in Home/Hospital Instruction. **(EC 48206.3, 51745 (d))**
7. may participate in a full program of courses which are equivalent to that which he/she would have been assigned in a classroom. **(EC 46117)**
8. may complete an extra, unique, and/or remedial district approved course outside of the regular school day.
9. may be absent from school for five or more consecutive school days. **(EC 46300 (e) (1))**

#### **E. Admittance into Independent Study**

*The process for admittance into independent study will vary from District to District/COE to COE. The process below is just an example of the steps a student might take for admittance. This should be modified to reflect a specific District/COE process for in-take.*

Admittance to independent study shall be accomplished through a standardized District/COE application. The student may:

1. meet with the appropriate school personnel to determine if independent study is the best educational alternative for him/her. (Consider defining who will be involved in this initial intake process.)
2. complete the independent study application process.
3. meet with the supervising teacher at the appointed time to begin independent study.

#### **F. Student Exit From Independent Study**

*This process also will vary from District to District/COE to COE; therefore, it should be amended to reflect District/COE practice. Personnel to be involved in any evaluation proceedings should be specified.*

An independent study student and/or his/her parent/guardian/caregiver may request a transfer from the independent study program into a classroom at any time. At that time, the student, parent/guardian/caregiver and administrator will

meet to discuss the most appropriate placement for the student.

The supervising teacher, school/program administrator, or other personnel may request a student's transfer from independent study because the student is not:

1. meeting the obligations of the I.S. Agreement.
2. following District/school rules.

If a student fails to meet the obligations of the I.S. Agreement, the following may occur:

1. A letter may be sent to the student and/or parent/guardian/caregiver reminding all concerned of the student's obligations to complete all I.S. assignments on time and to meet at the designated time with his/her supervising teacher.
2. A face-to-face or telephone conference may be held to discuss whether it is in the best interest of the student to continue in I.S.
3. A written record of the outcome of this evaluation will be considered a mandatory interim student record and shall be maintained for three years, excluding the current fiscal year.
  - a. All persons who participated in the evaluation meeting will be noted as well as the date of the meeting.
  - b. If the student transfers to another California public school, the record of the evaluation meeting shall be forwarded to that school.

### **G. Student Rights and Responsibilities**

*This section is an example of student rights and responsibilities. It is not required by law to be in the I.S. Administrative Rules and Regulations, but is recommended. These rights and responsibilities will vary from District to District/COE to COE. Many Districts/COEs have standard policies regarding student rights and responsibilities, which cover all students regardless of which District/COE school/program they are enrolled in. These rights and responsibilities are NOT required to be listed on the I.S. Agreement. Schools/programs may compile these in a student handbook or hand out copies of the District's/COE's standard policies.*

The Governing Board of District/COE Name ensures that:

1. independent study is substantially equivalent in quality and quantity to classroom instruction.
2. independent study students have the same access to existing services and resources as are available to all other students in the school in which the independent study students are enrolled.
3. students who engage in independent study have equal rights and privileges as the classroom-based students.

Once enrolled in I.S., the student agrees to:

1. read and abide by the conditions of enrollment as outlined in the Independent Study Student Handbook.

2. complete the intake process and all required independent study enrollment forms.
3. sign the I.S. Agreement and subsidiary agreements.
4. complete and submit work assignment by the due date.
5. deal with incomplete or unsatisfactory work assignments as the teacher(s) require(s).
6. recognize that there are no excused absences in I.S., contact the teacher(s) when unable to meet the regularly scheduled appointment, and make arrangements to turn in completed work.
7. contact the teacher(s) when assistance is needed.
8. ask for a classroom placement whenever it seems independent study is not the appropriate personal education option.

#### **H. Parent(s)/Guardian(s)/Caregiver Rights and Responsibilities**

*As stated in Section F, this section is not required by law but is recommended. The Parent/Guardian/Caregiver Rights and Responsibilities may vary from District to District, COE to COE. Many Districts/COEs have standard policies for the parent/guardian/caregivers' rights and responsibilities regardless of the school/program in which their child(ren) is/are enrolled. These rights and responsibilities are NOT required to be on the I.S. Agreement and may be included in an independent study handbook or given as handouts. The rights and responsibilities listed below are just possible examples.*

The parent/guardian/caregiver agrees to:

1. read and abide by the conditions for enrollment outlined in the Independent Study Student Handbook.
2. support and provide guidance to his/her independent study student.
3. voluntarily sign the I.S. Agreement.
4. ensure that the student will complete and turn in completed work assignments by the date due and keep all teacher appointments.
5. notify the school in advance when the student cannot meet the regularly scheduled appointment time.
6. ensure that the student participates in District/COE and State mandated testing.
7. furnish transportation to school when needed.
8. request to visit the school/program, to meet with the teacher to discuss student progress and to review instructional materials and/or student work.
9. request a classroom setting for the student at any time when it appears I.S. is not the appropriate educational strategy.

#### **I. Instruction**

*To assist the reader in reviewing the sample Administrative Rules and Regulations, the California Education Code number is cited beside the item. The information included in this section is set up as a chart and the EC numbers are provided only for clarification in this sample and need not be listed in a similar manner in the District's/COE's Policy or Administrative Rules and Regulations.*

Independent study instruction shall be defined as the delivery of District and State Content Standards, Common Core-aligned curriculum. Independent study teachers shall use Board approved texts and curriculum based upon Board approved course outlines, which meet District/COE/State Content Standards. Sectarian materials are not to be used per California Constitution Article IX, Section VIII. The District/COE guarantees that there is a sufficient supply of approved texts, instructional materials, and aids available for independent study students and teachers.

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| 1.  | Independent study students must be enrolled in a school of the District/County Office of Education. <b>(51748)</b>                                                                                                                                                                                         |
| 2.  | Special education students (EC Section 56026) shall have an IEP that allows independent study. <b>(57145(c))</b>                                                                                                                                                                                           |
| 3.  | Students who are 19 or 20 must have been continuously enrolled in school since their 18 <sup>th</sup> birthday and are enrolled in one or more Board approved courses required for a high school diploma. <b>(46300.1)</b>                                                                                 |
| 4.  | A certificated teacher of the District/COE shall be designated as the supervising teacher for each I.S. student and shall generally supervise, coordinate, and evaluate the work of that student. <b>(51747.5)</b>                                                                                         |
| 5.  | Instruction in any NCLB core academic subject shall be delivered by a NCLB (Highly Qualified) teacher.<br><b>(NCLB Teacher Requirements Resource Guide)</b>                                                                                                                                                |
| 6.  | The I.S. teacher(s) shall assign work which is substantially equivalent in quality and quantity to that of classroom instruction using curriculum that meets District/COE and State Content Standards. <b>(EC 11701.5, 51745(a)(3))</b>                                                                    |
| 7.  | The supervising teacher shall be responsible for claiming apportionment based on his/her professional assessment of the time value of completed student work. <b>(51747.5)</b>                                                                                                                             |
| 8.  | The I.S. Average Daily Attendance (ADA)-to-Teacher Ratio shall not exceed the equivalent ratio- have been amended per <b>(51745.6) (a-d)</b>                                                                                                                                                               |
| 9.  | No more than 10% of the ADA participating in continuation or opportunity education (based on the J-18/19 P2 form and excluding pregnant and/or parenting students) shall be engaged in independent study. <b>(51745(b))</b>                                                                                |
| 10. | No course required for high school graduation shall be offered exclusively through independent study; although, a student may complete an elective course through independent study, even if there is currently no classroom equivalent, as long as that course has been Board approved. <b>(51745(e))</b> |
| 11. | No funds or other things of value shall be provided to independent study students that are not provided to other students in the school of enrollment. <b>(46300.6, 51747.3(a))</b>                                                                                                                        |
| 12. | No charter school Independent Study students or their parents/guardians/caregivers are provided with funds or other things of value that a school District could not legally provide to students who attend regular classes.                                                                               |

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| 13. | Class size reduction funding shall not be available to any independent study student <b>(52123)</b> |
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**J. Independent Study Agreement**

*The elements for an Independent Study Agreement must be listed in Board Policy or Administrative Rules and Regulations (AR's). The following chart lists the elements that are required by law to be on an Independent Study Agreement. The EC sections regarding those elements are provided for easy reference for the reader and need not be included in the actual AR's.*

An I.S. Agreement shall be completed for each participating student and must be maintained on file for three consecutive years, excluding the current fiscal year. **Education Code, 51747 (c)** 1-8 requirements are listed below

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| 1. | The manner, time and frequency and place for submitting a pupil's assignments and for reporting his/her progress.                                                                                                                                                                                                                                                                                                                                                                                                           |
| 2. | The objectives and methods of study for the pupil's work, and the methods utilized to evaluate that work.                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 3. | The specific resources, including materials and personnel that will be made available to the pupil.                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 4. | A statement of the policies adopted pursuant to subdivisions (a) and (b) regarding the maximum length of time allowed between the assignment and the completion of the pupil's assigned work, and the number of missed assignments allowed prior to and evaluation of whether or not the pupil should be allowed to continue in I.S.                                                                                                                                                                                        |
| 5. | The duration of the independent study agreement, including the beginning and ending dates for the pupil's participation in <b>independent study</b> under the agreement. No independent study agreement shall be valid for any period longer than one school year.                                                                                                                                                                                                                                                          |
| 6. | A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the agreement, to be earned by the pupil upon completion.                                                                                                                                                                                                                                                                                                                               |
| 7. | The inclusion of a statement in each <b>independent study</b> agreement that <b>independent study</b> is an optional educational alternative in which no pupil may be required to participate. In the case of a pupil who is referred or assigned to any school, class, or program pursuant to Section 48915 or 48917, the agreement also shall include the statement that instruction may be provided to the pupil through <b>independent study</b> only if the pupil is offered the alternative of classroom instruction. |
| 8. | Each written agreement shall be signed, prior to the commencement of <b>independent study</b> , by the pupil, the pupil's parent, legal guardian, or caregiver, if the pupil is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of <b>independent study</b> , 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 |

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|     | of Part 1.5 (commencing with Section 6550) of the Family Code.       |
| (B) | A signed written agreement may be maintained on file electronically. |

### **K. Independent Study Agreements with Subsidiary Agreement(s)/Course Contract(s)**

*Subsidiary agreements/course contracts are not required by law but may be used. Do not insert this section in the AR's if these agreements/contracts are not used. The following section is an example of items which may be found on subsidiary agreements/course contracts and must be adapted to match items found on specific District/COE documents.*

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| <p>Subsidiary agreements/course contracts <b>may</b> include:</p> <ol style="list-style-type: none"> <li>1. specific course and assignment objectives</li> <li>2. State/District content standards/Common Core addressed</li> <li>3. specific assignment activities/methods of study</li> <li>4. course/assignment specific resources including all instructional materials and personnel</li> <li>5. methods of evaluation</li> </ol> |
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### **L. Student Assignments and/or Work Records**

*EC 11700-11703 requires that student assignments be given and work records be kept. The law does not specify what these assignment sheets and work records should look like. Consequently, the format of these documents will vary from District to District/COE to COE. Sometimes these documents will contain elements, which are required to be on the I.S. Agreement; therefore, they need to be referenced as part of that Agreement. The list below contains information, which might be found on the student assignment sheets, teacher work records, subsidiary agreements, etc. This section must be adapted to match the paperwork used in a specific District/COE.*

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| <p>Student assignment(s) and work record(s) may include the:</p> <ol style="list-style-type: none"> <li>1. name of the course/subject for which assignments are made</li> <li>2. objectives of each assignment</li> <li>3. methods of study for each assignment</li> <li>4. specific resources</li> <li>5. methods of evaluation for each assignment</li> <li>6. date the assignment is made and the date the assignment is due (Must match Board Policy and/or Administrative Rules and Regulations)</li> <li>7. grades and academic credits earned*</li> <li>8. apportionment credit*</li> <li>9. signature and date by the supervising teacher <b>ONLY</b> if they are used for attendance documents</li> </ol> <p><b>Note:</b></p> |
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\*The teacher may keep grades, credits, and attendance on the student assignment sheet or work records or on a separate form, in a grade book, in a final report, or on the subsidiary agreement, etc. Variable credits may be awarded to I.S. students according to District/COE policy.

## M. Work Samples

*Title 5 Regulation 11703(b)(3) requires that representative samples of original student work must be evaluated and kept on file for each I.S. student by his/her supervising teacher. The law does not specify exactly how much work represents a sample. Therefore, each District/COE must determine exactly what a representative sample will be; e.g., one sample per subject per month or one sample per subject per attendance period, etc. The exact amount should be stipulated in this section. The District/COE needs to ensure that all I.S. teachers follow this requirement and keep exactly the same amount of student work.*

Suggestion:

Title 5 Regulation 11703 (b) (3) does not require the following, but there should be evidence on the work sample of:

1. Subject/course name
2. Student's full name
3. Date student completed the assignment
4. Academic evaluation

## N. Attendance

*The chart below must be adapted to reflect the populations served in each District/COE. Do NOT include requirements for populations not served; e.g.; Adult Education.*

An I.S. student must be assigned a full day's worth of work equivalent to that which he/she would have been assigned if he/she had been in a classroom setting. A student should be assigned more than the minimum number of minutes/hours of work in order to meet academic requirements and progress/graduate on schedule.

The minutes/hours listed below reflect the minimum amount of completed coursework necessary to generate full apportionment credit:

| Type of Program                | Apportionment Only      |
|--------------------------------|-------------------------|
| Kindergarten                   | 180 minutes per day     |
| Grades 1-3                     | 230/240 minutes per day |
| Grades 7-9                     | 240 minutes per day     |
| Grades 9-12                    | 240 minutes per day     |
| Continuation/Opportunity/Adult | 15 hours per week       |

**46145, 46147, 46170, 48400**

Independent study apportionment credit (ADA) is based on the amount of work the student completed during each assignment period. The amount of ADA to be collected is based upon the supervising teacher's judgment of the time value of each work assignment.

Independent study attendance must

1. be recorded on a separate state approved attendance register.  
(This item must be adapted only if the District/COE is using another system to record attendance. A reference must be made that the use of that system has been approved in writing by the California Department of Education Fiscal Services Division, and the approval letter is maintained on file.)
2. match the supervising teacher's ADA records with the attendance reported.
3. be recorded in whole days for K-12 and in hours for Continuation, Opportunity, and Adult Education. (Modify according to District/COE populations.)
4. ensure that no student work will be accepted after the due date for apportionment. (late work MAY be accepted for academic credit)
5. ensure that no ADA is claimed for student work prior to the date of the last required signature on the student's I.S. Agreement.
  - If an additional course is added, the teacher for the new course must also sign the I.S. agreement prior to the course beginning.
6. ensure that I.S. teachers never "bank" excessive days/hours of work to be used in a period in which the student generates little or no work.
7. include the signature of the certificated supervising teacher.

In addition to I.S. attendance records, Charter Schools must ensure that Contemporaneous Daily Engagement Records clearly identifying that the students were engaged in educational activities each school day on the school calendar are maintained.

**O. Independent Study Audit Records**

*EC 51745.6 and Title 5 Regulations 11703 (b) (1-4) require that a District/COE must maintain records for all students enrolled in its I.S. program/school and that those records must be available for audit. The chart below includes, but is not limited to, the records that District's/COE's legally are required to maintain for audit. The chart also must be adapted to include the records that are specific to a District/COE. The EC numbers are provided for clarification only and need not be listed in a similar manner in the District's/COE's Administrative Rules and*

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*Regulations.*

All of the records listed below, except for item #3, Student Transcripts, must be kept for three years excluding the current fiscal year:

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| 1. | A copy of the District/COE Board Policy and Administrative Rules and Regulations pertaining to I.S. <b>11703 (b) (1), Title 5</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 2. | A file for each I.S. student containing:<br>a) A completed, signed, and dated I.S. Agreement and subsidiary agreements/course contracts for each year in which the student was enrolled <b>EC 51747 (C)(5) 11703 (b) (3)</b><br>b) Student assignments or work records<br>c) Representative samples of original completed student work that has been evaluated by the certificated supervising teacher <b>11703 (b) (2), 11703 (b) (3)</b><br><br>d) Teacher records of apportionment/attendance, credits, grades, and other evaluations of I.S. assignments and student achievement.<br>e) A written record of the findings of an evaluation(s) of whether I.S. is an appropriate placement for non-producing/non-attending students.<br>f) Other documents particular to the school/program. |
| 3. | A permanent record of the student's transcript which shows that student's school of record and credits attempted and earned by semester.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 4. | A list of all students, by grade level, program, or school, who has participated or is currently participating in I.S. <b>11703 (b) (2)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 5. | Attendance records for all students, enrolled, dropped, transferred, or graduated which are separate from classroom attendance records. <b>11703 (b) (4)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 6. | In addition to I.S. attendance records, Charter Schools must ensure that Contemporaneous Daily Engagement Records clearly identifying that the students were engaged in educational activities each school day on the school calendar are maintained.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 7. | A letter of approval by the California Department of Education Fiscal Services Division for use of any attendance accounting system other than the State approved Register.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 8. | A list of I.S. teachers that includes the teaching assignments to calculate I.S. teacher-ADA ratio and to demonstrate NCLB compliance. <b>51745.6</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |