

CALIFORNIA DEPARTMENT OF EDUCATION
REQUEST FOR ALLOWANCE OF ATTENDANCE DUE TO EMERGENCY CONDITIONS
 FORM J-13A, REVISED DECEMBER 2017

SECTION A: REQUEST INFORMATION

- This form is used to obtain approval of attendance and instructional time credit pursuant to *Education Code (EC)* sections 41422, 46200, 46391, 46392 and *California Code of Regulations (CCR)*, Title 5, Section 428.
- Only schools that report Principal Apportionment average daily attendance (ADA) for the purpose of calculating a K-12 Local Control Funding Formula (LCFF) entitlement should submit this form.
- Refer to the instructions and frequently asked questions at <https://www.cde.ca.gov/fg/aa/pa/13a.asp> for information regarding the completion of this form.

PART I: LOCAL EDUCATIONAL AGENCY (LEA)

LEA NAME: Silver Valley Unified School District	COUNTY CODE: 36	DISTRICT CODE: 73890	CHARTER NUMBER (IF APPLICABLE):
LEA SUPERINTENDENT OR ADMINISTRATOR NAME: Jesse Najera		FISCAL YEAR: 2023-2024	
ADDRESS: 35320 Dagggett-Yermo	CITY NAME: Yermo	COUNTY NAME: San Bernardino	
	STATE: Ca	ZIP CODE: 92398	
CONTACT NAME: Mercedes Shinen	TITLE: HR Analyst	PHONE: 760-254-1336	E-MAIL: mshinen@svusdk12.net

PART II: LEA TYPE AND SCHOOL SITE INFORMATION APPLICABLE TO THIS REQUEST (Choose only one LEA type):

<input checked="" type="checkbox"/> SCHOOL DISTRICT	<input type="checkbox"/> COUNTY OFFICE OF EDUCATION (COE)
Choose one of the following:	Choose one of the following:
<input checked="" type="checkbox"/> All district school sites	<input type="checkbox"/> All COE school sites
<input type="checkbox"/> Select district school sites	<input type="checkbox"/> Select COE school sites
<input type="checkbox"/> CHARTER SCHOOL	

PART III: CONDITION(S) APPLICABLE TO THIS REQUEST:

<p><input checked="" type="checkbox"/> SCHOOL CLOSURE: When one or more schools were closed because of conditions described in EC Section 41422. LCFF apportionments should be maintained and instructional time credited in Section B for the school(s) without regard to the fact that the school(s) were closed on the dates listed, due to the nature of the emergency. Approval of this request authorizes the LEA to disregard these days in the computation of ADA (per EC Section 41422) without applicable penalty and obtain credit for instructional time for the days and the instructional minutes that would have been regularly offered on those days pursuant to EC Section 46200, et seq.</p> <p><input type="checkbox"/> There was a Declaration of a State of Emergency by the Governor of California during the dates associated with this request.</p>
<p><input type="checkbox"/> MATERIAL DECREASE: When one or more schools were kept open but experienced a material decrease in attendance pursuant to EC Section 46392 and CCR, Title 5, Section 428. Material decrease requests that include all school sites within the school district must demonstrate that the school district as a whole experienced a material decrease in attendance. Material decrease requests for one or more but not all sites within the school district must show that each site included in the request experienced a material decrease in attendance pursuant to EC Section 46392 and CCR, Title 5, Section 428. The request for substitution of estimated days of attendance for actual days of attendance is in accordance with the provisions of EC Section 46392. Approval of this request will authorize use of the estimated days of attendance in the computation of LCFF apportionments for the described school(s) and dates in Section C during which school attendance was materially decreased due to the nature of the emergency.</p> <p><input type="checkbox"/> There was a Declaration of a State of Emergency by the Governor of California during the dates associated with this request.</p>
<p><input type="checkbox"/> LOST OR DESTROYED ATTENDANCE RECORDS: When attendance records have been lost or destroyed as described in EC Section 46391. Requesting the use of estimated attendance in lieu of attendance that cannot be verified due to the loss or destruction of attendance records. This request is made pursuant to EC Section 46391:</p> <p><i>"Whenever any attendance records of any district have been lost or destroyed, making it impossible for an accurate report on average daily attendance for the district for any fiscal year to be rendered, which fact shall be shown to the satisfaction of the Superintendent of Public Instruction by the affidavits of the members of the governing board of the district and the county superintendent of schools, the Superintendent of Public Instruction shall estimate the average daily attendance of such district. The estimated average daily attendance shall be deemed to be the actual average daily attendance for that fiscal year for the making of apportionments to the school district from the State School Fund."</i></p>

CALIFORNIA DEPARTMENT OF EDUCATION
REQUEST FOR ALLOWANCE OF ATTENDANCE DUE TO EMERGENCY CONDITIONS
 FORM J-13A, REVISED DECEMBER 2017

SECTION B: SCHOOL CLOSURE

Not Applicable (Proceed to Section C)

Supplemental Page(s) Attached

PART I: NATURE OF EMERGENCY (Describe in detail.)

Please see supplemental pages attached.

PART II: SCHOOL INFORMATION (Use the supplemental Excel form at <https://www.cde.ca.gov/fg/tae/taef13a.asp> if more than 10 lines are needed for this request. Attach a copy of a school calendar. If the request is for multiple school sites, and the sites have differing school calendars, attach a copy of each different school calendar to the request.)

A	B	C	D	E	F	G	H	I
School Name	School Code	Site Type	Days in School Calendar	Emergency Days Built In	Built In Emergency Days Used	Date(s) of Emergency Closure	Closure Dates Requested	Total Number of Days Requested
Calico Continuation High School	3630282	Traditional	180	0	0	08/21/2023	08/21/2023	1
Fort Irwin Middle School	6104681	Traditional	180	0	0	08/21/2023	08/21/2023	1
Congressman Jerry Lewis Elementary School	6035331	Traditional	180	0	0	08/21/2023	08/21/2023	1
Newberry Springs Elementary School	6035406	Traditional	180	0	0	08/21/2023	08/21/2023	1
Silver Valley Academy	3631199	Traditional	180	0	0	08/21/2023	08/21/2023	1
Silver Valley High School	3630274	Traditional	180	0	0	08/21/2023	08/21/2023	1
Tiefort View Intermediate School	0111096	Traditional	180	0	0	08/21/2023	08/21/2023	1
Yermo School	6035455	Traditional	180	0	0	08/21/2023	08/21/2023	1

PART III: CLOSURE HISTORY (List closure history for all schools in Part II. Refer to the instructions for an example.)

A	B	C	D	E	F
School Name	School Code	Fiscal Year	Closure Dates	Nature	Weather Related Yes/No
Yermo Elementary School	6035455	22-23	05/03/2023	Fire	No
Fort Irwin Middle School	30282	19-20	9/13/2019	Water Main Break	No
Yermo Elementary School	603455	18-19	02/07/2019	Poor Air Quality (Smoke From Fire in Area) Manure Fire	No
SVUSD (All Schools)	73890	16-17	08/17/2016-08/18/2016	Poor Air Quality (Blue Cut Fire)	No
SVUSD (All Schools)	73890	16-17	08/08/2016-08/09/2016	Poor Air Quality (Pilot Fire)	No
SVUSD (All Schools)	73890	13-14	08/09/2013	Extreme Weather Conditions	Yes
Fort Irwin Middle School	6104681	13-14	08/26/2013	Extreme Weather Conditions	Yes
Tiefort View Intermediate	0111096	13-14	08/26/2013	Extreme Weather Conditions	Yes
Fort Irwin Middle School	6105681	13-14	08/30/2013	Extreme Weather Conditions	Yes
Tiefort View Intermediate	0111106	13-14	08/30/2013	Extreme Weather Conditions	Yes

CALIFORNIA DEPARTMENT OF EDUCATION
REQUEST FOR ALLOWANCE OF ATTENDANCE DUE TO EMERGENCY CONDITIONS
FORM J-13A, REVISED DECEMBER 2017

SECTION D: LOST OR DESTROYED ATTENDANCE RECORDS

Not Applicable (Proceed to Section E)

PART I: PERIOD OF REQUEST The entire period covered by the lost or destroyed records commences with _____ up to and including _____.

PART II: CIRCUMSTANCES (Describe below circumstances and extent of records lost or destroyed.)

PART III: PROPOSAL (Describe below the proposal to reconstruct attendance records or estimate attendance in the absence of records.)

CALIFORNIA DEPARTMENT OF EDUCATION
REQUEST FOR ALLOWANCE OF ATTENDANCE DUE TO EMERGENCY CONDITIONS
FORM J-13A, REVISED DECEMBER 2017

SECTION E: AFFIDAVIT

PART I: AFFIDAVIT OF SCHOOL DISTRICT, COUNTY OFFICE OF EDUCATION, OR CHARTER SCHOOL GOVERNING BOARD MEMBERS – All applicable sections below must be completed to process this J-13A request.

We, members constituting a majority of the governing board of Silver Valley Unified, hereby swear (or affirm) that the foregoing statements are true and are based on official records.

Board Members Names

Board Members Signatures

Karen Gray - President

Heather Reid - Vice President

Lynn McKee - Clerk

Brian Boatwright - Member

Mark Staggs - Member

At least a majority of the members of the governing board shall execute this affidavit.

Subscribed and sworn (or affirmed) before me, this 12th day of September, 2023

Witness: Jesse M. Najera (Name) _____ Title: Superintendent of SVU-SanBernardino County, California

PART II: APPROVAL BY SUPERINTENDENT OF CHARTER SCHOOL AUTHORIZER (Only applicable to charter school requests)

Superintendent (or designee): _____ (Name) _____ Authorizing LEA Name: _____ (Signature)

PART III: AFFIDAVIT OF COUNTY SUPERINTENDENT OF SCHOOLS

The information and statements contained in the foregoing request are true and correct to the best of my knowledge and belief.

County Superintendent of Schools (or designee): _____ (Name) _____ (Signature)

Subscribed and sworn (or affirmed) before me, this _____ day of _____

Witness: _____ (Name) _____ Title: _____ of _____ County, California

COE contact/individual responsible for completing this section:

Name: _____ Title: _____ Phone: _____ E-mail: _____

August 21, 2023

Part I: Nature of Emergency

On August 18, 2023, Governor Gavin Newsome declared a State of Emergency in preparation of the arrival of Hurricane Hilary. State, Federal, and Local leadership monitored the situation and made frequent updates via News, Social Media, and Websites. Hilary arrived in San Bernardino County with heavy rains, winds, and lightning on Sunday, August 20th. The weather impacted the immediate area and caused flash flooding, power outages, and road closures. Silver Valley Unified serves the Mojave Desert communities of Daggett, Yermo, Newberry Springs, Ludlow, Fort Irwin, and the Marine Corps Logistics Base in Barstow, which is 3,283.5 square miles. First Student (Transportation Company) administration informed the district office on the evening of August 20th that due to severe flooding in the area, several roads were closed and they could not safely pick up students. In response to the weather-related challenges brought about by Hilary, the District Administration took a proactive step to prioritize the safety of students, staff, and the community by closing schools on Monday, August 21, 2023. Please see the below articles to see the impact Hurricane Hilary had on the immediate area.



Governor Newsom Proclaims State of Emergency As Hurricane Hilary Approaches California

Published: Aug 19, 2023

WHAT YOU NEED TO KNOW: California continues to mobilize ahead of Hurricane Hilary's projected landfall in Southern California. People are urged to take all necessary precautions today.



AUGUST 20, 2023

Statement from President Joe Biden on Tropical Storm Hilary

BRIEFING ROOM > STATEMENTS AND RELEASES

As soon as Tropical Storm Hilary's path became clear, my Administration took immediate action to prepare. At my direction, FEMA deployed to California federal personnel and supplies that can be surged to impacted communities. The U.S. Coast Guard pre-positioned aircraft to allow for rapid response and search-and-rescue efforts. My Administration also deployed federal personnel to Nevada to ensure the state has additional support, and we will continue to coordinate with California, Nevada, and Arizona on any resources they might need.

This afternoon I spoke to California Governor Gavin Newsom about the emergency preparedness measures in place, and the initial response to Tropical Storm Hilary. I continue to be briefed on our preparedness efforts, and the storm's potential impact – including flooding. My Administration stands ready to provide additional assistance as requested. I urge people to take this storm seriously, and listen to state and local officials.

We are also closely monitoring the earthquake that occurred in Southern California, and any resulting impacts.

###



NTC Safety

Intro

ARMY SAFE = ARMY STRONG

Page · Government Official

(760) 380-5564

dave.key@gmail.com

Photos

[See all photos](#)



[Privacy](#) · [Terms](#) · [Advertising](#) · [Ad Choices](#) · [Cookies](#) · [More](#)
Meta © 2023



Fort Irwin · August 20 at 5:37 PM · 🌐

Safety Alert

Roadways off the installation are starting to experience some flooding. Please consider staying home unless it is absolutely necessary for you t... See more

Like

Comment

NTC Safety · August 20 at 4:30 PM · 🌐

ALL LNS SHUT DOWN I15 Stoddard Wells Road - Fatality vehicle Collision 15:33 - 7x VEH PILE UP

👍👍 8

5 ↗

Like

Comment

NTC Safety · August 20 at 4:23 PM · 🌐

ROAD CONDITIONS: I15 is closed in both directions due a downed power line at L St. Traffic is being rerouted. Main St, Old Hwy 58, Hwy 58 and Rimrock are seeing heavy congestion.

👍 2

1 ↗

SILVER VALLEY UNIFIED SCHOOL DISTRICT
35320 Daggett-Yermo Road, P.O. Box 847, Yermo, CA 92398
P: (760) 254-2916 F: (760) 254-2091
www.svusdk12.net @SilverValleyUSD



NTC Safety

August 20 at 9:00 AM · 🌐

ROAD CLOSURES: <https://cad.chp.ca.gov/Traffic.aspx>

CLOSURE of a Road Location: I15 N / Nipton Rd

Park and Ride Bear Valley and Armagosa. Flooded

**PHELAN RD AT MONO FLOODED OVER RD CLOSURE SIGNS IN PLACE
ON SHEEP CREEK PTYS STILL GOING AROUND -- WILL 1023 AT SHEEP
CREEK AND MONO**

CAD.CHP.CA.GOV

CHP Traffic

5 ↗

👍 Like

💬 Comment

↗ Share



NTC Safety

August 20 at 2:05 AM · 🌐

HIGH WIND WARNING IN EFFECT FROM 2 PM THIS AFTERNOON TO 5 AM MONDAY. Southeast winds 25 to 35 mph with gusts up to 60 mph expected across most of San Bernardino County. Damaging winds will blow down trees and power lines. Widespread power outages are possible. Travel will be difficult, especially for high profile vehicles. Take action to secure trash cans, lawn furniture, and other lightweight fixtures and unsecured outdoor objects. Operators of motorcycles, vans, campers,... **See more**



All Posts People Groups Events Videos F



Marine Corps Logistics Base (MCLB) - Barstow • Follow



Aug 18 • 🌐

Attention MCLB Barstow family and friends! Take extra precautions this weekend, as Hurricane Hilary is expected to make landfall sometime tomorrow.

Any urgent updates will be made to MCLB Barstow's Facebook page.

Destructive weather alert
In effect from
18-21 August
Due to Hurricane Hilary
off the coast of California

STORMY WEATHER AHEAD

Hilary is forecasted to become a category III Hurricane by 18 August.

In the event residents need to evacuate, Security & Emergency Services will inform residents. If an evacuation is deemed necessary, the EFAC will be established at the base gym, bldg. 44.

If you are traveling during this time, take extra safety precautions, as there may be high winds, heavy rainfall, flash floods, and/or mudslides.

All urgent notices will be posted to the MCLB Barstow Facebook page.

👍❤️ 6

1 comment • 2 shares



Barstow Fire Protection District

August 18 at 12:40 PM · 🌐

Weather Alert Information

As hurricane Hilary approaches Southern California, we want to provide you with some safety tips to ensure your well-being. The storm is expected to bring heavy rainfall, with nearly 3 inches per hour, so it is crucial for all Barstonians to stay indoors and avoid traveling on the roadways.


If you must go out, please stay away from drainage crossings and wash banks. Remember the phrase "Turn around, don't drown" and avoid any areas with rapidly flo... See more



**3 SIMPLE STEPS FOR
FLASH FLOOD SAFETY**

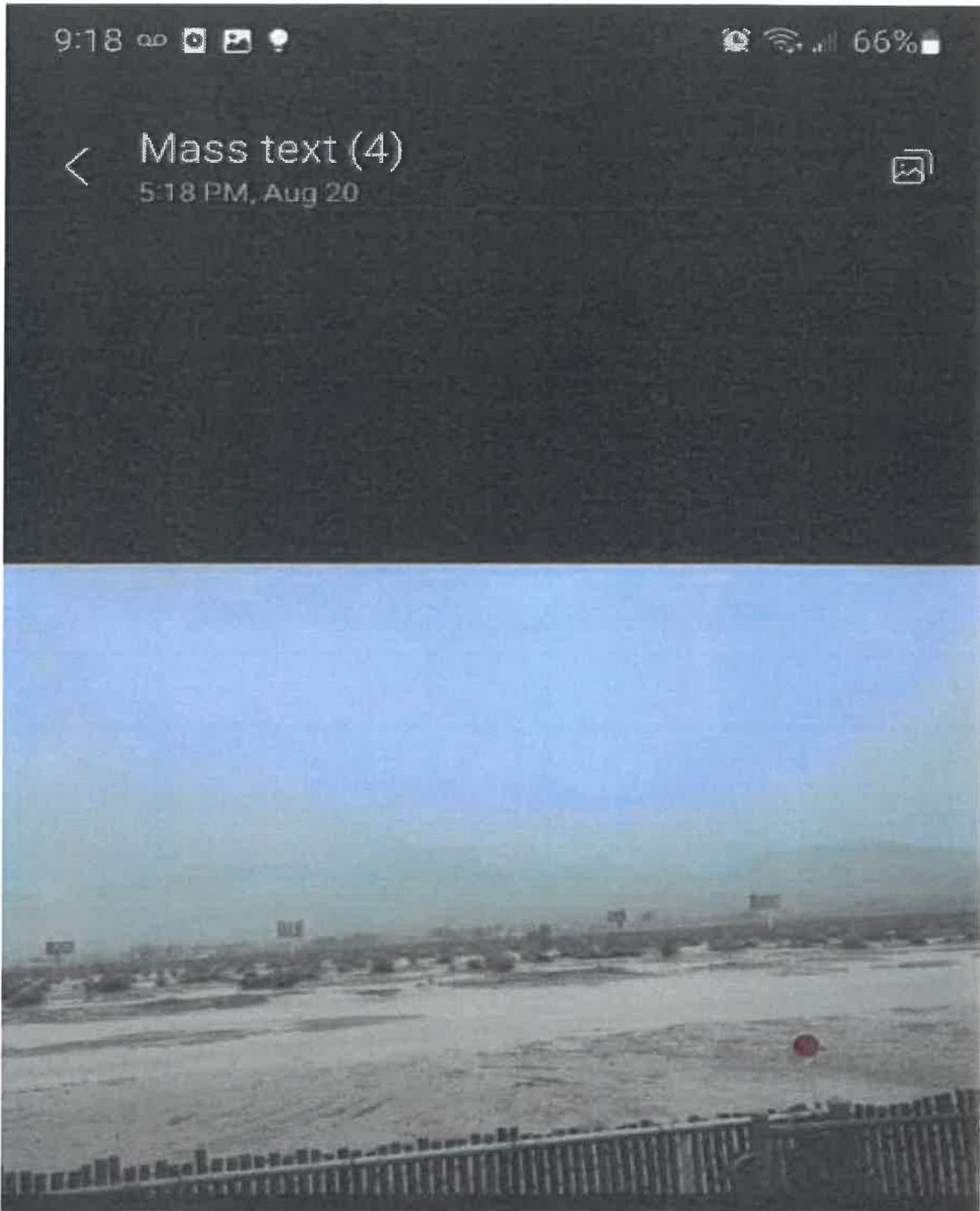
During a flood, water levels and the rate at which the water is flowing can quickly change. Remain aware and monitor local radio and television.



 weather.gov/flood

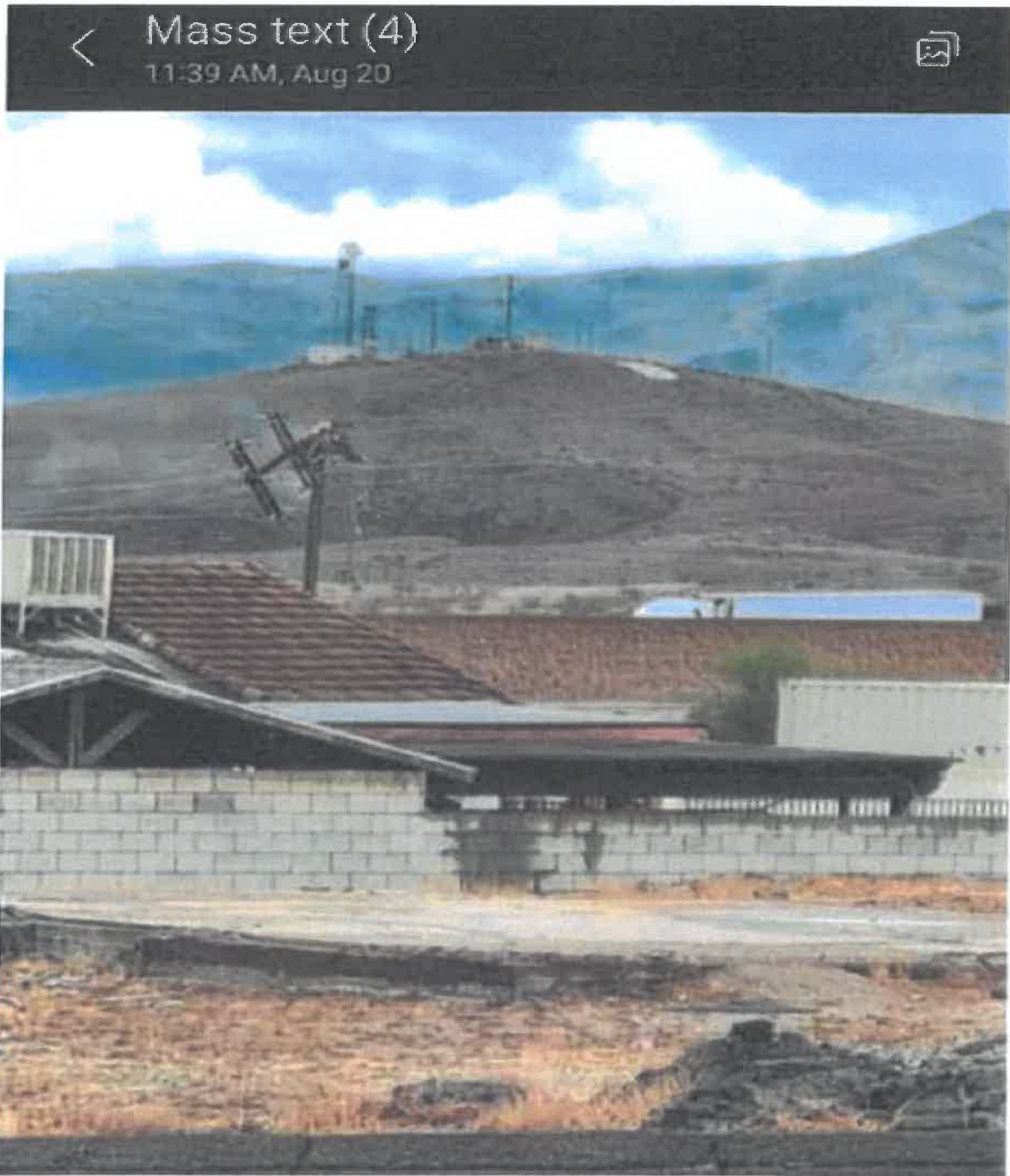
- 1 GET TO HIGHER GROUND**
Get out of the areas subject to Flooding
- 2 DO NOT DRIVE INTO WATER**
Do NOT drive or walk into flooded areas. It only takes 6" of water to knock you off your feet.
- 3 STAY INFORMED**
Monitor local radar, television, weather radio, Internet or social media for updates.

SILVER VALLEY UNIFIED SCHOOL DISTRICT
35320 Daggett-Yermo Road, P.O. Box 847, Yermo, CA 92398
P: (760) 254-2916 F: (760) 254-2091
www.svusdk12.net @SilverValleyUSD



Location - Yermo, Ca Near I-15 Freeway

SILVER VALLEY UNIFIED SCHOOL DISTRICT
35320 Daggett-Yermo Road, P.O. Box 847, Yermo, CA 92398
P: (760) 254-2916 F: (760) 254-2091
www.svusdk12.net @SilverValleyUSD



Location - Barstow, Ca Near I-15 Freeway

SILVER VALLEY UNIFIED SCHOOL DISTRICT
35320 Daggett-Yermo Road, P.O. Box 847, Yermo, CA 92398
P: (760) 254-2916 F: (760) 254-2091
www.svusdk12.net @SilverValleyUSD



Add a Caption

Sunday - Aug 20, 2023 - 8:16 PM

[Adjust](#)

 **IMG-3988**

Location - Newberry Springs, CA

SILVER VALLEY UNIFIED SCHOOL DISTRICT
35320 Daggett-Yermo Road, P.O. Box 847, Yermo, CA 92398
P: (760) 254-2916 F: (760) 254-2091
www.svusdk12.net @SilverValleyUSD



Add a Caption

Monday • Aug 21, 2023 • 9:22 AM

Adjust

 IMG_3993

Apple iPhone 12 Pro Max

HEIF

Wide Camera — 26 mm $f1.6$
12 MP • 3024 × 4032 • 922 KB

ISO 32

26 mm

0 ev

$f1.6$

1/2924 s



Newberry Springs >

Adjust

SILVER VALLEY UNIFIED SCHOOL DISTRICT
35320 Daggett-Yermo Road, P.O. Box 847, Yermo, CA 92398
P: (760) 254-2916 F: (760) 254-2091
www.svusdk12.net @SilverValleyUSD



Add a Caption

Monday • Aug 21, 2023 • 9:32 AM

Adjust

📷 IMG_3998

Apple iPhone 12 Pro Max

HEVC 📹

No lens information

1080p • 1080 × 1920 • 9.8 MB • 📺 Dolby Vision

29.97 FPS

00:09



SILVER VALLEY UNIFIED SCHOOL DISTRICT
35320 Daggett-Yermo Road, P.O. Box 847, Yermo, CA 92398
P: (760) 254-2916 F: (760) 254-2091
www.svusdk12.net @SilverValleyUSD



Location - Newberry Springs, Ca

SILVER VALLEY UNIFIED SCHOOL DISTRICT
35320 Daggett-Yermo Road, P.O. Box 847, Yermo, CA 92398
P: (760) 254-2916 F: (760) 254-2091
www.svusdk12.net @SilverValleyUSD

 Like

 Comment

 Share



Location - Yermo, Ca

SILVER VALLEY UNIFIED SCHOOL DISTRICT
35320 Daggett-Yermo Road, P.O. Box 847, Yermo, CA 92398
P: (760) 254-2916 F: (760) 254-2091
www.svusdk12.net @SilverValleyUSD



NTC Safety

August 21 at 8:14 PM · 🌐



Fort Irwin ✓

August 21 at 3:22 PM · 🌐

Fort Irwin Community, Hurricane Hilary has passed our area. Thank you to the community, directorates and units for working together to keep the community inform... See more

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS on August 18, 2023, Hurricane Hilary began bringing heavy rain, flooding, lightning, and gusty winds to Southern California, necessitating the repositioning of significant resources, including swift water rescue teams and the California National Guard, to protect health and safety and preserve the lives and property of the people of the State of California; and

WHEREAS the National Weather Service issued a Tropical Storm Warning on August 18, 2023, for portions of the Southern California coast, which are forecast to experience increased swells and life-threatening surf and rip current conditions; and

WHEREAS the National Weather Service issued a series of Flood Watches on August 18, 2023, warning of potential significant flooding between August 19, 2023, and August 22, 2023, in Alpine, Fresno, Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Tulare, and Ventura Counties; and

WHEREAS the National Weather Service issued a series of Flash Flood Warnings on August 18, 2023, for San Bernardino County, and on August 19, 2023, for Kern County; and

WHEREAS threats of lightning and significant wind impacts with gusts up to or exceeding 70 miles per hour are anticipated in mountainous areas throughout Southern California and are likely to exacerbate fire conditions; and

WHEREAS the National Weather Service has warned that Hurricane Hilary may bring the potential for isolated tornadoes across portions of Southern California; and

WHEREAS the Los Angeles County Emergency Management Department advised residents and visitors evacuate Catalina Island as of 12:00 a.m. on August 19, 2023; and

WHEREAS numerous wildfires over the last several years have caused massive burn scars, exacerbating the potential for precipitation to cause dangerous and potentially catastrophic flooding and debris flows, and Hurricane Hilary is forecast to bring 3 to 6 inches of rain within a short period of time in Southern California, including over the Apple and El Dorado burn scars in Riverside and San Bernardino Counties, the Fairview and Bonny burn scars in Riverside County, and the Bobcat, Bond, Lake, and Fish burn scars in Los Angeles County; and

WHEREAS Hurricane Hilary is expected to prompt widespread evacuations and shelter-in-place orders; to threaten, damage, or destroy homes and critical infrastructure, including power and water lines, businesses, and roads; and to necessitate the deployment of search and rescue teams in areas impacted by significant debris flow; and

4. Any fairgrounds the Office of Emergency Services determines suitable to assist individuals impacted by Hurricane Hilary shall be made available to the Office of Emergency Services pursuant to the Emergency Services Act, Government Code section 8589. The Office of Emergency Services shall notify the fairgrounds of the intended use and may immediately utilize the fairgrounds without the fairground board of directors' approval.
5. The California National Guard may be mobilized under Military and Veterans Code section 146 to support disaster response and relief efforts, as directed by the Office of Emergency Services, and to coordinate with all relevant state agencies and state and local emergency responders and law enforcement within the impacted areas. Sections 147 and 188 of the Military and Veterans Code are applicable during the period of participation in this mission, exempting the California Military Department from applicable procurement rules for specified emergency purchases, and those rules are hereby suspended.
6. Any state-owned properties the Office of Emergency Services determines are suitable to address the impacts of Hurricane Hilary shall be made available to the Office of Emergency Services for this purpose in accordance with Government Code section 8570.
7. The provisions of Unemployment Insurance Code section 1253 imposing a one-week waiting period for unemployment insurance applicants are suspended as to all applicants who are unemployed as a direct result of Hurricane Hilary and apply for unemployment insurance benefits during the time period beginning August 19, 2023, and ending on the close of business on February 20, 2024, in Fresno, Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Tulare, and Ventura Counties, and who are otherwise eligible for unemployment insurance benefits.
8. Vehicle Code sections 9265(a), 9867, 14901, 14902, and 15255.2, requiring the imposition of fees, are suspended with regard to any request for replacement of an identification card, driver's license card, vehicle registration certificate, certificate of title, or registration stickers, by any individual who loses such records as a result of Hurricane Hilary in Fresno, Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Tulare, and Ventura Counties. Such records shall be replaced without charge.

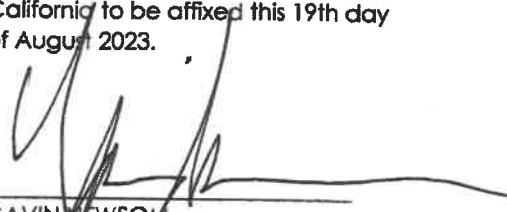
13. Consistent with Parts 390 and 395, Title 49, Code of Federal Regulations, drivers may exceed the hours-of-service limits specified while operating a vehicle engaged in fuel transportation in support of Hurricane Hilary emergency relief efforts. These waivers shall be in effect for the duration of the driver's direct assistance in providing emergency relief, or thirty (30) days from the date of this Proclamation, whichever is less.

14. In order to allow out-of-state contractors and other utilities driving their own vehicles to provide mutual aid assistance for the restoration of electrical power within the counties impacted by Hurricane Hilary, applicable provisions of the Vehicle Code including, but not limited to, Vehicle Code section 34620 requiring a motor carrier permit [licensing] and imposition of certain fees, are suspended for motor carriers providing such assistance. Also, the requirements for motor carriers and drivers in Vehicle Code sections 1808.1 [pull-notice program that checks for driver's license violations], 27900 [display name on vehicle], 27901 [size and color of display name on vehicle], 34505.5 [requirement to have been inspected within 90 days], and 34501.12 [requirement to set up home base in California] are suspended while providing mutual aid assistance for the emergency restoration of services.

I FURTHER DIRECT that as soon as hereafter possible, this Proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Proclamation.

This Proclamation is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 19th day of August 2023.


GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, Ph.D.
Secretary of State

Certification Form for Independent Study Plan

Local Educational Agency: Silver Valley Unified School District	CDS Code: 73890
Fiscal Year: 2023-2024	County: San Bernardino

This form shall accompany Form J-13A submittals beginning with fiscal year 2022 23. Instructions on how to complete this form are provided on page 2.

Independent Study Plan Certification

Pursuant to *Education Code (EC)* Section 46393, for Form J-13A submissions due to a school closure and/or material decrease in attendance occurring after September 1, 2021, a school district, county office of education, or charter school that provides a Form J-13A affidavit to the Superintendent, pursuant to *EC* Section 41422 (school closure) or *EC* Section 46392 (material decrease), shall certify that it has a plan for which independent study will be offered to students, pursuant to Article 5.5 (commencing with *EC* Section 51745) of Chapter 5 of Part 28 of Division 4. The independent study plan shall comply with all of the following:

- (1) Independent study is offered to any student impacted by any of the conditions listed in *EC* Section 46392 within 10 days of the first day of a school closure or material decrease in attendance. Students who are individuals with exceptional needs shall receive the services identified in their individualized education programs pursuant to paragraph (9) of subdivision (a) of *EC* Section 56345 and may participate in an independent study program.
- (2) Require reopening for in-person instruction as soon as possible unless prohibited under the direction of the local or state health officer.
- (3) Notwithstanding subdivision (c) of *EC* Section 51745 or subparagraph (F) of paragraph (9) of subdivision (g) of Section 51747, include information regarding establishing independent study master agreements in a reasonable amount of time.

A copy of the independent study plan, and if applicable, the state or local public health or public safety order that required school closure shall accompany the Form J-13A submitted to the California Department of Education.

I hereby certify that the independent study plan accompanying this Form J-13A submission meets the requirements described above and is true and correct to the best of my knowledge and belief.

School District Superintendent, Charter School Administrator, or County Superintendent (or designee):

Name: Jesse M. Najera	Title: Superintendent
Wet Signature:	Date: 08/31/2023

Certification Form for Independent Study Instructions

The Independent Study Certification and independent study plan is an annual requirement that must be submitted with the local educational agency's (LEA's) first Form J-13A submission in a FY. To the extent that there are no changes to the LEA's certified plan for the FY, all subsequent Form J-13A submissions for the FY do not need to include the certification and certified plan.

How to file:

The Certification Form for Independent Study is available at <https://www.cde.ca.gov/fq/aa/pa/j13aforms.asp>. All sections of the form must be completed. The executed certification form and certified independent study plan must be attached to the entire Form J-13A package and mailed to the California Department of Education.

Signature:

The school district superintendent, charter school administrator, county superintendent, or a designee must sign the form. Only an original wet signature is acceptable for the Certification Form for Independent Study.

Where to file:

Mail the entire Form J-13A package to:

School Fiscal Services Division
California Department of Education
1430 N Street, Suite 3800
Sacramento, CA 95814

Questions:

Please send questions about the completion and submittal of this form to attendanceaccounting@cde.ca.gov

Adoption: 9/24/2001

Revised: 7/11/2005, 6/02/2015, 2/13/2018, 8/03/2021, 9/13/2022, 12/13/2022

Definitions

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

Student-parent-educator conference means a meeting involving, at a minimum, all parties who signed the student's written independent study agreement pursuant to Education Code 51747 or the written learning agreement pursuant to Education Code 51749.6.

Synchronous instruction means classroom-style instruction or designated small group or one-on-one instruction delivered in-person, or in the form of Internet or telephonic communications, and involving live two-way communication between the teacher and student. Synchronous instruction shall be provided by a teacher or teachers of record for that student pursuant to Education Code 51747.5 or the certificated employee providing instruction for course-based independent study.

Educational Opportunities

Educational opportunities offered through independent study may include, but are not limited to:

1. Special assignments extending the content of regular courses of instruction.
2. Individualized study in a particular area of interest or in a subject not currently available in the regular school curriculum.
3. Continuing and special study during travel.
4. Volunteer community service activities and leadership opportunities that support and strengthen student achievement.
5. Individualized study for a student whose health, as determined by the student's parent/guardian, would be put at risk by in-person instruction or for a student who is unable to attend in-person instruction due to a quarantine due to exposure to, or infection with, COVID-19, pursuant to local or state public health guidance.

In addition, when requested by a parent/guardian due to an emergency or illness, independent study may be used on a short-term basis to ensure that the student is able to maintain academic progress in the student's regular classes.

No course required for high school graduation shall be offered exclusively through independent study.

Equivalency

The district's independent study option shall be substantially equivalent in quality and quantity to classroom instruction to enable participating students to complete the district's adopted course of study within the customary timeframe. Students in independent study shall have access to the same services and resources that are available to other students in the school and shall have equal rights and privileges.

Students participating in independent study shall have access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work.

The district shall not provide independent study students and their parents/guardians with funds or items of value that are not provided for other students and their parents/guardians. Providing access to Internet connectivity and district-owned devices adequate to participate in an independent study program and complete assigned work consistent with Education Code 51747, or to participate in an independent study course, as authorized by Education Code 51749.5, shall not be considered funds or other things of value.

Eligibility for Independent Study

To participate in independent study, a student shall be enrolled in a district school.

The Superintendent or designee may approve the participation of a student who demonstrates the motivation, commitment, organizational skills, and academic skills necessary to work independently provided that experienced certificated staff are available to effectively supervise students in independent study. The Superintendent or designee may also approve the participation of a student whose health would be put at risk by in-person instruction. A student whose academic performance is not at grade level may participate in independent study only if the program is able to provide appropriate support, such as supplemental instruction, tutoring, counseling, ongoing diagnostic assessments, and/or differentiated materials, to enable the student to be successful. For an elementary student, the Superintendent or designee may consider the parent/guardian's level of commitment to assist the student.

A student participating in independent study must be a resident of the county or an adjacent county. Full-time independent study shall not be available to students whose district residency status is based on their parent/guardian's employment within district boundaries pursuant to Education Code 48204.

A student with disabilities, as defined in Education Code 56026, may participate in independent study if the student's individualized education program (IEP) specifically provides for such participation. If a parent/guardian of a student with disabilities requests independent study because the student's health would be put at risk by in-person instruction, the student's IEP team shall make an individualized determination as to whether the student can receive a free appropriate public education (FAPE) in an independent study placement. A student's inability to work independently, need for adult support, or need for special education or related services shall not preclude the IEP team from determining that the student can receive FAPE in an independent study placement.

In addition, any student with disabilities who receives services from a nonpublic, nonsectarian school through a virtual program may be permitted to participate in independent study if the student's IEP team determines that FAPE can be provided to the student by means of the virtual program and other conditions of law are satisfied.

A temporarily disabled student shall not receive individual instruction pursuant to Education Code 48206.3 through independent study.

Except for students participating in independent study due to an emergency as described in Education Code 41422 and 46392 and pregnant and parenting students who are the primary caregiver for their child(ren), no more than 10 percent of the students enrolled in a continuation high school or opportunity school or program shall be enrolled in independent study.

Monitoring Student Progress

The independent study administrator and/or supervising teacher shall promptly and directly address any failure by the student to meet the terms of the student's written agreement. The following supportive strategies may be used:

1. A letter to the student and/or parent/guardian.
2. A meeting between the student and the teacher and/or counselor.
3. A meeting between the student and the independent study administrator, including the parent/guardian if appropriate.
4. An increase in the amount of time the student works under direct supervision.

When the student has failed to make satisfactory educational progress or missed the number of assignments specified in the written agreement as requiring an evaluation, the Superintendent or designee shall conduct an evaluation to determine whether independent study is in the student's best interest. This evaluation may result in termination of the independent study agreement and the student's return to the regular classroom program or other alternative program.

A written record of the findings of any such evaluation shall be treated as a mandatory interim student record which shall be maintained for three years from the date of the evaluation, and if the student transfers to another public school in California, the record shall be forwarded to that school.

Responsibilities of Independent Study Administrator

The responsibilities of the independent study administrator include, but are not limited to:

1. Recommending certificated staff to be assigned as independent study teachers at the required teacher-student ratios pursuant to Education Code 51745.6 and supervising staff assigned to independent study functions who are not regularly supervised by another administrator.
2. Approving or denying the participation of students requesting independent study.
3. Facilitating the completion of written independent study agreements.
4. Ensuring a smooth transition for students into and out of the independent study mode of instruction.
5. Approving all credits earned through independent study.
6. Completing or coordinating the preparation of all records and reports required by law, Board policy, or administrative regulation.

Assignment and Responsibilities of Independent Study Teachers

Each student's independent study shall be coordinated, evaluated, and carried out under the general supervision of a district employee who possesses a valid certification document pursuant to Education Code 44865 or emergency credential pursuant to Education Code 44300, registered as required by law, and who consents to the assignment.

The ratio of student average daily attendance for independent study students age 18 years or younger to full-time equivalent certificated employees responsible for independent study shall not exceed the equivalent ratio for all other education programs in the district, unless a new higher or lower ratio for all other educational programs offered is negotiated in a collective bargaining agreement or the district enters into a memorandum of understanding that indicates an existing collective bargaining agreement contains an alternative ratio.

The responsibilities of the supervising teacher shall include, but are not limited to:

1. Completing designated portions of the written independent study agreement and signing the agreement.
2. Supervising and approving coursework and assignments.
3. Maintaining records of student assignments showing the date the assignment is given and the date the assignment is due.
4. Maintaining a daily or hourly attendance register in accordance with Item #4 in the section on "Records" in the accompanying Board policy.
5. Providing direct instruction and counsel as necessary for individual student success.
6. Regularly meeting with the student to discuss the student's progress.
7. Determining the time value of assigned work or work products completed and submitted by the student.
8. Assessing student work and assigning grades or other approved measures of achievement.
9. Documenting each student's participation in live interaction and/or synchronous instruction pursuant to Education Code 51747 on each school day, as applicable, in whole or in part, for which live interaction or synchronous instruction is provided as part of the independent study program.

The Superintendent or designee shall ensure that independent study teachers have access to professional development and support comparable to classroom-based teachers.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself nor indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<u>State</u>	<u>Description</u>
5 CCR 11700-11705	Independent study
Ed. Code 17289	Exemption for facilities
Ed. Code 41020	Requirement for annual audit
Ed. Code 41422	Emergency conditions and apportionments
Ed. Code 42238	Revenue limits
Ed. Code 42238.05	Local control funding formula; average daily attendance
Ed. Code 44865	Qualifications for independent study teachers
Ed. Code 46100	Length of school day
Ed. Code 46200-46208	Incentives for longer instructional day and year
Ed. Code 46300-46307.1	Methods of computing average daily attendance
Ed. Code 46390-46393	Emergency average daily attendance
Ed. Code 46600	Interdistrict attendance computation
Ed. Code 47612-47612.1	Charter School Operation
Ed. Code 47612.5	Charter schools' operations; general requirements
Ed. Code 48204	Residency requirements for school attendance
Ed. Code 48206.3	Home or hospital instruction; students with temporary disabilities
Ed. Code 48220	Classes of children exempted
Ed. Code 48340	Improvement of pupil attendance
Ed. Code 48915	Expulsion; particular circumstances
Ed. Code 48916.1	Educational program requirements for expelled students
Ed. Code 48917	Suspension of expulsion order
Ed. Code 49011	Student fees
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51744-51749.6	Independent study
Ed. Code 52060	Local control and accountability plan
Ed. Code 52523	Adult education as supplement to high school curriculum; criteria
Ed. Code 56026	Individual with exceptional needs
Ed. Code 58500-58512	Alternative schools and programs of choice
Fam. Code 6550-6552	Caregivers

Federal

20 USC 6301

20 USC 6311

Description

Highly qualified teachers

State plan

Management Resources

California Department of Education Publication

California Department of Education Publication

California Department of Education Publication

California Department of Education Publication

California Department of Education Publication

Court Decision

Education Audit Appeals Panel Publication

Website

Website

Website

Website

Description

Legal Requirements for Independent Study

Conducting Individualized Determinations of Need

2021-22 AA & IT Independent Study FAQs

California Digital Learning Integration and Standards Guidance, May 2021

Elements of Exemplary Independent Study

Modesto City Schools v. Education Audits Appeal Panel (2004) 123

Cal.App.4th 1365

Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting

CSBA District and County Office of Education Legal Services

California Consortium for Independent Study

California Department of Education, Independent Study

Education Audit Appeals Panel

Cross References**Code**

0410

0420.4

0420.4

0470

0500

3260

3260

3516.5

3580

3580

4112.2

4112.2

4131

5111.1

5111.1

5112.3

5112.3

5113

5113

5113.1

5113.1

5121

5121

5125

5125

5126

5126

5141.22

5141.22

5141.31

5141.31

5144.1

5144.1

5146

Description

Nondiscrimination in District Programs and Activities

Charter School Authorization

Charter School Authorization

COVID-19 Mitigation Plan

Accountability

Fees and Charges

Fees and Charges

Emergency Schedules

District Records

District Records

Certification

Certification

Staff Development

District Residency

District Residency

Student Leave of Absence

Student Leave of Absence

Absences and Excuses

Absences and Excuses

Chronic Absence and Truancy

Chronic Absence and Truancy

Grades/Evaluation of Student Achievement

Grades/Evaluation of Student Achievement

Student Records

Student Records

Awards for Achievement

Awards for Achievement

Infectious Diseases

Infectious Diseases

Immunizations

Immunizations

Suspension and Expulsion/Due Process

Suspension and Expulsion/Due Process

Married/Pregnant/Parenting Students

5147	Dropout Prevention
6000	Concepts and Roles
6011	Academic Standards
6111	School Calendar
6112	School Day
6112	School Day
6142.4	Service Learning/Community Service Classes
6143	Courses of Study
6143	Courses of Study
6146.1	High School Graduation Requirements
6146.11	Alternative Credits Toward Graduation
6146.11	Alternative Credits Toward Graduation
6152	Class Assignment
6159	Individualized Education Program
6159	Individualized Education Program
6162.5	Student Assessment
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6164.5	Student Success Teams
6164.5	Student Success Teams
6172	Gifted and Talented Student Program
6172	Gifted and Talented Student Program
6181	Alternative Schools/Programs of Choice
6181	Alternative Schools/Programs of Choice
6183	Home and Hospital Instruction
6184	Continuation Education
6184	Continuation Education
6185	Community Day School
6185	Community Day School
6200	Adult Education
6200	Adult Education

POLICY 6158: INDEPENDENT STUDY**Adoption:** 9/13/1984**Revised:** 11/13/1995, 9/24/2001, 7/11/2005, 6/02/2015, 8/03/2021, 9/13/2022, 12/13/2022

The Governing Board authorizes independent study as an optional alternative instructional strategy for students whose needs may be best met through study outside of the regular classroom setting. Independent study shall offer a means of individualizing the educational plan to serve students who desire a more challenging educational experience, whose health or other personal circumstances make classroom attendance difficult, who are unable to access course(s) due to scheduling problems, and/or who need to make up credits or fill gaps in their learning. As necessary to meet student needs, independent study may be offered for short- or long-term placements, on a full-time or part-time basis, and/or in conjunction with part- or full-time classroom study.

The Board shall hold a public hearing when considering the scope of its existing or prospective use of independent study as an instructional strategy, its purposes in authorizing independent study, and factors bearing specifically on the maximum realistic lengths of assignments and acceptable number of missed assignments for specific populations of students or adult education students.

The Superintendent or designee may provide a variety of independent study opportunities, including, but not limited to, through a program or class within a comprehensive school, an alternative school or program of choice, a charter school, and an online course.

Student participation in independent study shall be voluntary and no student shall be required to participate.

Independent study for each student shall be under the general supervision of a district employee who possesses a valid certification document pursuant to Education Code 44865 or an emergency credential pursuant to Education Code 44300. Students' independent study shall be coordinated, evaluated, and documented, as prescribed by law and reflected in the accompanying administrative regulation.

The minimum period of time for any independent study option shall be three consecutive school days.

General Independent Study Requirements

The Superintendent or designee may offer and approve independent study for an individual student upon determining that the student is prepared to meet the district's requirements for participation and is likely to succeed as well as or better than the student would in the regular classroom setting.

The minimum instructional minutes shall be the same for all students at each school including students participating in independent study, except as otherwise permitted by law.

Because excessive leniency in the duration of independent study assignments may result in a student falling behind peers and increase the risk of dropping out of school, independent study assignments shall be completed no more than one week after assigned for all grade levels and types of programs. When necessary based on the specific circumstances of the student's approved program, the Superintendent or designee may allow for a longer period of time between the date an assignment is made and when it is due. However, in no event shall the due date of an assignment be extended beyond the termination date specified in the student's written agreement.

An evaluation shall be conducted to determine whether it is in a student's best interest to remain in independent study whenever the student fails to make satisfactory educational progress and/or misses three assignments. Satisfactory educational progress shall be determined based on all of the following indicators:

1. The student's achievement and engagement in the independent study program, as indicated by the student's performance on applicable student-level measures of student achievement and engagement specified in Education Code 52060.
2. The completion of assignments, assessments, and/or other indicators that evidence that the student is working on assignments.
3. Learning of required concepts, as determined by the supervising teacher.
4. Progress towards successful completion of the course of study or individual course, as determined by the supervising teacher.

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

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

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

The Superintendent or designee shall ensure that procedures for tiered reengagement strategies are used for all students participating in an independent study program for 15 school days or more who:

1. Are not generating attendance for more than 10 percent of required minimum instructional time over four continuous weeks of the district's approved instructional calendar.
2. Not participating in synchronous instructional offerings pursuant to Education Code 51747.5 for more than 50 percent of the scheduled times of synchronous instruction in a school month as applicable by grade span.
3. Are in violation of their written agreement.

Tiered reengagement strategies procedures used in district independent study programs shall include local programs intended to address chronic absenteeism, as applicable, including but not limited to the following:

1. Verification of current contact information for each enrolled student.
2. Notification to parents/guardians of lack of participation within one school day of the recording of a non-attendance day or lack of participation.
3. A plan for outreach from the school to determine student needs, including connection with health and social services as necessary.

4. A clear standard for requiring a student- parent-educator conference to review a student's written agreement and reconsider the independent study program's impact on the student's achievement and well-being.

The Superintendent or designee shall, for students who participate in an independent study program for 15 school days or more, develop a plan to transition students whose families wish to return to in-person instruction from independent study expeditiously, and, in no case, later than five instructional days.

When any student enrolled in classroom- based instruction is participating in independent study due to necessary medical treatment or inpatient treatment for mental health or substance abuse under the care of appropriately licensed professionals, the student shall be exempt from the live interaction and/or synchronous instruction, tiered reengagement strategies, and transition back to in-person instruction requirements specified above. In such cases, evidence from appropriately licensed professionals, of the student's need to participate in independent study, shall be submitted to the Superintendent or designee.

The Superintendent or designee shall ensure that a written agreement exists for each participating student as prescribed by law.

Upon the request of the parent/guardian of a student, and before signing a written agreement as described below in the section "Master Agreement," the district shall conduct a telephone, videoconference, or in-person student-parent-educator conference or other meeting during which the student, parent/guardian, and, if requested by the parent/guardian an advocate, may ask questions about the educational options, including which curriculum offerings and nonacademic supports will be available to the student in independent study.

Master Agreement

A written agreement shall be developed and implemented for each student participating in independent study for three or more consecutive school days.

For student participation for 15 school days or more, a signed written agreement shall be obtained before the student begins independent study. For student participation of less than 15 school days, a signed written agreement shall be obtained within ten school days of the first day of the student's enrollment.

The agreement shall include general student data, including the student's name, address, grade level, birth date, school of enrollment, and program placement.

The independent study agreement for each participating student also shall include, but are not limited to, all of the following:

1. The manner, time, frequency, and place for submitting the student's assignments, reporting the student's academic progress, and communicating with a student's parent/guardian regarding the student's academic progress.
2. The objectives and methods of study for the student's work and the methods used to evaluate that work.
3. The specific resources that will be made available to the student, including materials and personnel, and access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work.

4. A statement of the Board's policy detailing the maximum length of time allowed between an assignment and its completion, the level of satisfactory educational progress, and the number of missed assignments allowed which will trigger an evaluation of whether the student should be allowed to continue in independent study.
5. The duration of the independent study agreement, including the beginning and ending dates for the student's participation in independent study under the agreement, with a maximum of one school year.
6. A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the agreement, to be earned by the student upon completion.
7. A statement detailing the academic and other supports that will be provided to address the needs of students who are not performing at grade level, or need support in other areas, such as English learners, students with disabilities with an individualized education program or a Section 504 plan in order to be consistent with their program or plan, students in foster care or experiencing homelessness, and students requiring mental health supports.
8. A statement that independent study is an optional educational alternative in which no student may be required to participate.
9. In the case of a suspended or expelled student who is referred or assigned to any school, class, or program pursuant to Education Code 48915 or 48917, a statement that instruction may be provided through independent study only if the student is offered the alternative of classroom instruction.
10. Before the commencement of independent study projected to last for 15 school days or more, or within ten school days of the first day of enrollment for independent study for less than 15 school days, the agreement shall be signed and dated by the student, the student's parent/guardian or caregiver if the student is under 18 years of age, the certificated employee responsible for the general supervision of independent study, and for students with disabilities, the certificated employee designated as having responsibility for the special education programming of the student.

Written agreements may be signed using an electronic signature that complies with state and federal standards, as determined by the California Department of Education (CDE).

The parent/guardian's signature on the agreement shall constitute permission for the student to receive instruction through independent study.

Course-Based Independent Study

The district's course-based independent study program for students in grades K-12 shall be subject to the following requirements:

1. A signed learning agreement shall be completed and on file for each participating student, pursuant to Education Code 51749.6.
2. Courses shall be taught under the general supervision of certificated employees who hold the appropriate subject matter credential and are employed by the district or by another district, charter school, or county office of education with which the district has a memorandum of understanding to provide the instruction.
3. Courses shall be annually certified by Board resolution to be of the same rigor and educational quality and to provide intellectual challenge that is substantially equivalent to in-person, classroom-based instruction, and shall be aligned to all relevant local and state content standards. For high schools, this shall include access to all courses offered by the district for graduation and approved by UC or CSU as creditable under the A-G admissions criteria. The certification shall, at a minimum, include the duration, number of equivalent daily instructional minutes for each school day that student is enrolled, number of

equivalent total instructional minutes, and number of course credits for each course, consistent with that of equivalent classroom-based courses. The certification shall also include plans to provide opportunities throughout the school year, for all students in transitional kindergarten, kindergarten, and grades 1-3 to receive daily synchronous instruction, for all students in grades 4-8, to receive both daily live interaction and at least weekly synchronous instruction, and for all students in grades 9-12 to receive at least weekly synchronous instruction.

4. Students enrolled in independent study courses shall meet the applicable age requirements established pursuant to Education Code 46300.1, 46300.4, 47612, and 47612.1, and the applicable residency and enrollment requirements established pursuant to Education Code 46300.2, 47612, 48204, and 51747.3.
5. For each student participating in an independent study course, satisfactory educational progress shall be determined based on the student's achievement and engagement in the independent study program as indicated by the student's performance on applicable student-level measures of student achievement and engagement set forth in Education Code 52060, completion of assignments, assessments, or other indicators that evidence that the student is working on assignments, learning of required concepts, as determined by the supervising teacher, and progress toward successful completion of the course of study or individual course, as determined by the supervising teacher.

If satisfactory educational progress in one or more independent study courses is not being made, the teacher providing instruction shall notify the student and, if the student is under 18 years of age, the student's parent/guardian. The teacher shall conduct an evaluation to determine whether it is in the student's best interest to remain in the course or whether the student should be referred to an alternative program, which may include, but is not limited to, a regular school program. A written record of the evaluation findings shall be treated as a mandatory interim student record maintained for three years from the date of the evaluation. If the student transfers to another California public school, the record shall be forwarded to that school.

Procedures for tiered reengagement strategies shall be used for all students who are not making satisfactory educational progress in one or more courses or who are in violation of the written learning agreement, as described in the section "Learning Agreement for Course-Based Independent Study" below. These procedures shall include, but are not necessarily limited to, the verification of current contact information for each enrolled student, a plan for outreach from the school to determine student needs, including connection with health and social services as necessary, and a clear standard for requiring a student-parent-educator conference to review a student's written agreement and reconsider the independent study program's impact on the student's achievement and well-being.

6. Examinations shall be administered by a proctor.
7. Statewide testing results shall be reported and assigned to the school at which the student is enrolled and shall be included in the aggregate results of the district. Test results also shall be disaggregated for purposes of comparisons with the test results of students enrolled in classroom-based courses.
8. A student shall not be required to enroll in courses included in the course-based independent study program.
9. The student-teacher ratio in the courses in this program shall meet the requirements of Education Code 51745.6.
10. For each student, the combined equivalent daily instructional minutes for courses in this program and all other courses shall meet applicable minimum instructional day requirements, and the student shall be offered the minimum annual total equivalent instructional minutes pursuant to Education Code 46200-46208.

11. Courses required for high school graduation or for admission to UC or CSU shall not be offered exclusively through independent study.
12. A student participating in this program shall not be assessed a fee that is prohibited by Education Code 49011.
13. A student shall not be prohibited from participating in independent study solely on the basis that the student does not have the materials, equipment, or access to Internet connectivity necessary to participate in the course.
14. A student with disabilities, as defined in Education Code 56026, may participate in course-based independent study if the student's individualized education program specifically provides for that participation.
15. A temporarily disabled student shall not receive individual instruction pursuant to Education Code 48206.3 through course-based independent study.
16. The district shall maintain a plan to transition any student whose family wishes to return to in-person instruction from course-based independent study expeditiously, and, in no case, later than five instructional days.

Learning Agreement for Course-Based Independent Study

Before enrolling a student in a course within a course-based independent study program, the Superintendent or designee shall provide the student and, if the student is under age 18 years, the student's parent/guardian with a written learning agreement that includes all of the following:

1. A summary of the district's policies and procedures related to course-based independent study pursuant to Education Code 51749.5.
2. The duration of the enrolled course(s) and the number of course credits for each enrolled course, consistent with the Board certifications made pursuant to item #3 of the Course-Based Independent Study section above.
3. The duration of the learning agreement, which shall not exceed a school year or span multiple school years.
4. The learning objectives and expectations for each course, including, but not limited to, a description of how satisfactory educational progress is measured and when a student evaluation is required to determine whether the student should remain in the course or be referred to an alternative program, which may include, but is not limited to, a regular school program.
5. The specific resources that will be made available to the student, including materials and personnel, and access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work.
6. A statement detailing the academic and other supports that will be provided to address the needs of students who are not performing at grade level, or need support in other areas, such as English learners, students with disabilities with an individualized education program or a Section 504 plan in order to be consistent with their program or plan, students in foster care or experiencing homelessness, and students requiring mental health supports.
7. A statement that enrollment is an optional educational alternative in which no student may be required to participate. In the case of a suspended or expelled student who is referred or assigned to any school, class, or program pursuant to Education Code 48915 or 48917, a statement that instruction may be provided through course-based independent study only if the student is offered the alternative of classroom instruction.

8. The manner, time, frequency, and place for submitting a student's assignments, for reporting the student's academic progress, and for communicating with a student's parent/guardian regarding a student's academic progress.
9. The objectives and methods of study for the student's work, and the methods used to evaluate that work.
10. A statement of the adopted policies regarding the maximum length of time allowed between the assignment and the completion of a student's assigned work, the level of satisfactory educational progress, and the number of missed assignments allowed before an evaluation of whether the student should be allowed to continue in course-based independent study.
11. A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the learning agreement, to be earned by the student upon completion.
12. Before the commencement of an independent study course projected to last for 15 school days or more, or within ten school days of the first day of enrollment for an independent study course projected to last less than 15 school days, the learning agreement shall be signed and dated by the student, and by the student's parent/guardian or caregiver if the student is less than 18 years of age, the certificated employee responsible for the general supervision of the independent study course, and as applicable for students with disabilities, the certificated employee designated as having responsibility for the special education programming of the student. For purposes of this paragraph "caregiver" means a person who has met the requirements of Family Code 6550-6552.

Learning agreements may be signed using an electronic signature that complies with state and federal standards, as determined by CDE.

A signed learning agreement from a parent/guardian of a student who is less than 18 years of age shall constitute the parent/guardian's permission for the student to receive instruction through course-based independent study.

Upon the request of a student's parent/guardian, and before signing a learning agreement as described above, the district shall conduct a telephone, videoconference, or in-person student-parent-educator conference, or other meeting during which the student, parent/guardian, and, if requested by the parent/guardian, an advocate, may ask questions about the educational options, including which curriculum offerings and nonacademic supports will be available to the student in independent study.

Student-Parent-Educator Conferences

A student-parent-educator conference shall be held as appropriate including, but not limited to, as a reengagement strategy and/or, if requested by a parent/guardian, prior to enrollment or disenrollment from independent study.

Records

The Superintendent or designee shall ensure that records are maintained for audit purposes.

These records shall include, but not be limited to:

1. A copy of the Board policy, administrative regulation, and other procedures related to independent study.
2. A listing of the students, by grade level, program, and school, who have participated in independent study, along with the units of the curriculum attempted and completed by students in grades K-8 and the course credits attempted by and awarded to students in grades 9-12 and adult education.

3. A file of all agreements, with representative samples of each student's work products bearing the supervising teacher's signed or initialed and dated notations indicating that the teacher has personally evaluated the work or personally reviewed the evaluations made by another certificated teacher.
4. As appropriate to the program in which the students are participating, a daily or hourly attendance register that is separate from classroom attendance records, maintained on a current basis as time values of student work products judged by a certificated teacher, and reviewed by the supervising teacher if they are two different persons.
5. Appropriate documentation of compliance with the teacher-student ratios required by Education Code 51745.6 and 51749.5.
6. Appropriate documentation of compliance with the requirements pursuant to Education Code 51747.5 to ensure the coordination, evaluation, and supervision of the independent study of each student by a district employee who possesses a valid certification document pursuant to Education Code 44865 or an emergency credential pursuant to Education Code 44300.

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

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

Signed written and supplemental agreements, assignment records, work samples, and attendance records may be maintained as an electronic file in accordance with Education Code 51747 and 51749.6, as applicable.

Program Evaluation

The Superintendent or designee shall annually report to the Board the number of district students participating in independent study, the average daily attendance generated for apportionment purposes, student performance as measured by standard indicators and in comparison to students in classroom-based instruction, and the number and proportion of independent study students who graduate or successfully complete independent study. Based on the program evaluation, the Board and Superintendent shall determine areas for program improvement as needed.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<u>State</u>	<u>Description</u>
5 CCR 11700-11705	Independent study
Ed. Code 17289	Exemption for facilities
Ed. Code 41020	Requirement for annual audit
Ed. Code 41422	Emergency conditions and apportionments
Ed. Code 42238	Revenue limits
Ed. Code 42238.05	Local control funding formula; average daily attendance
Ed. Code 44865	Qualifications for independent study teachers
Ed. Code 46100	Length of school day
Ed. Code 46200-46208	Incentives for longer instructional day and year

Ed. Code 46300-46307.1	Methods of computing average daily attendance
Ed. Code 46390-46393	Emergency average daily attendance
Ed. Code 46600	Interdistrict attendance computation
Ed. Code 47612-47612.1	Charter School Operation
Ed. Code 47612.5	Charter schools' operations; general requirements
Ed. Code 48204	Residency requirements for school attendance
Ed. Code 48206.3	Home or hospital instruction; students with temporary disabilities
Ed. Code 48220	Classes of children exempted
Ed. Code 48340	Improvement of pupil attendance
Ed. Code 48915	Expulsion; particular circumstances
Ed. Code 48916.1	Educational program requirements for expelled students
Ed. Code 48917	Suspension of expulsion order
Ed. Code 49011	Student fees
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51744-51749.6	Independent study
Ed. Code 52060	Local control and accountability plan
Ed. Code 52523	Adult education as supplement to high school curriculum; criteria
Ed. Code 56026	Individual with exceptional needs
Ed. Code 58500-58512	Alternative schools and programs of choice
Fam. Code 6550-6552	Caregivers

Federal

20 USC 6301

20 USC 6311

Description

Highly qualified teachers

State plan

Management Resources

California Department of Education Publication

California Department of Education Publication

California Department of Education Publication

California Department of Education Publication

California Department of Education Publication

Court Decision

Cal.App.4th 1365

Education Audit Appeals Panel Publication

Compliance Reporting

Website

Website

Website

Website

Description

Legal Requirements for Independent Study

Conducting Individualized Determinations of Need

2021-22 AA & IT Independent Study FAQs

California Digital Learning Integration and Standards Guidance, May 2021

Elements of Exemplary Independent Study

Modesto City Schools v. Education Audits Appeal Panel (2004) 123

Guide for Annual Audits of K-12 Local Education Agencies and State

CSBA District and County Office of Education Legal Services

California Consortium for Independent Study

California Department of Education, Independent Study

Education Audit Appeals Panel

Cross References**Code**

0410

0420.4

0420.4

0470

0500

3260

3260

3516.5

3580

3580

4112.2

4112.2

4131

5111.1

Description

Nondiscrimination in District Programs and Activities

Charter School Authorization

Charter School Authorization

COVID-19 Mitigation Plan

Accountability

Fees and Charges

Fees and Charges

Emergency Schedules

District Records

District Records

Certification

Certification

Staff Development

District Residency

5111.1	District Residency
5112.3	Student Leave of Absence
5112.3	Student Leave of Absence
5113	Absences and Excuses
5113	Absences and Excuses
5113.1	Chronic Absence and Truancy
5113.1	Chronic Absence and Truancy
5121	Grades/Evaluation of Student Achievement
5121	Grades/Evaluation of Student Achievement
5125	Student Records
5125	Student Records
5126	Awards for Achievement
5126	Awards for Achievement
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.31	Immunizations
5141.31	Immunizations
5144.1	Suspension and Expulsion/Due Process
5144.1	Suspension and Expulsion/Due Process
5146	Married/Pregnant/Parenting Students
5147	Dropout Prevention
6000	Concepts and Roles
6011	Academic Standards
6111	School Calendar
6112	School Day
6112	School Day
6142.4	Service Learning/Community Service Classes
6143	Courses of Study
6143	Courses of Study
6146.1	High School Graduation Requirements
6146.11	Alternative Credits Toward Graduation
6146.11	Alternative Credits Toward Graduation
6152	Class Assignment
6159	Individualized Education Program
6159	Individualized Education Program
6162.5	Student Assessment
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6164.5	Student Success Teams
6164.5	Student Success Teams
6172	Gifted and Talented Student Program
6172	Gifted and Talented Student Program
6181	Alternative Schools/Programs of Choice
6181	Alternative Schools/Programs of Choice
6183	Home and Hospital Instruction
6184	Continuation Education
6184	Continuation Education
6185	Community Day School
6185	Community Day School
6200	Adult Education
6200	Adult Education