

**REGULATION 6158: INDEPENDENT STUDY**

**Comparison Chart**

Section: Instruction

SUMMARY OF UPDATE

**Summary of Update:** Regulation updated to reflect **NEW LAW (AB 167, 2021)** which permits districts to offer Independent Study (IS) to students who are unable to attend in-person instruction due to a quarantine pursuant to local or state public health guidance because of exposure to or infection with COVID-19. Regulation also revised to clarify that a student must be enrolled in school in order to participate in IS.

PARA	Section	Sub-Section	August 3, 2021 CURRENT VERSION	December 2021 REVISED VERSION	CSBA MODIFICATIONS and/or NOTES
1			<i>Live interaction</i> 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.	<b>No change</b>	CSBA NOTE: Education Code 51745.5, as added by AB 130 (Ch. 44, Statutes of 2021), defines the terms "live interaction," "student-parent-educator conference," and "synchronous instruction" as provided below.
2			<i>Student-parent-educator conference</i> 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.	<b>No change</b>	
3			<i>Synchronous instruction</i> 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	<i>Synchronous instruction</i> 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 the teacher of record for that	

		provided by the teacher of record for that student pursuant to Education Code 51747.5.	student pursuant to Education Code 51747.5 or the certificated employee providing instruction for course-based independent study.	
		<b><u>Educational Opportunities</u></b>	<b>No change</b>	
1		For the 2021-22 school year, the district shall offer independent study to meet the educational needs of students as specified in Education Code 51745 unless the district has obtained a waiver.	<b>No change</b>	CSBA NOTE: Pursuant to Education Code 51745, as amended by AB 130, the district is required to offer independent study to meet the educational needs of students for the 2021-22 school year unless the district obtains a waiver from such requirement.
2		Educational opportunities offered through independent study may include, but are not limited to:	<b>No change</b>	CSBA NOTE: The following section is optional. Education Code 51745 lists educational opportunities that may be provided through independent study. The district may revise or expand items #1-6 below to reflect district practice.
	1	Special assignments extending the content of regular courses of instruction	<b>No change</b>	
	2	Individualized study in a particular area of interest or in a subject not currently available in the regular school curriculum	<b>No change</b>	
	3	Individualized alternative education designed to teach the knowledge and skills of the core curriculum, but not provided as an alternative curriculum	<b>No change</b>	
	4	Continuing and special study during travel	<b>No change</b>	
	5	Volunteer community service activities and leadership opportunities that support and strengthen student achievement	<b>No change</b>	
	6	Individualized study for a student whose health, as determined by the student's	Individualized study for a student whose health, as determined by the student's parent/guardian, would be put at risk by in-	CSBA NOTE: Education Code 51745, as amended by AB 167, permits districts to provide independent study to students who

		parent/guardian, would be put at risk by in-person instruction	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	cannot participate in classroom-based instruction due to a COVID-19 quarantine. See the accompanying board policy.
3		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 change	
4		No course required for high school graduation shall be offered exclusively through independent study.	No change	CSBA NOTE: This paragraph is for use by districts maintaining high schools.
		<b><u>Equivalency</u></b>	No change	
1		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.	No change	
2		Students participating in independent study shall have access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work.	No change	
3		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	No change	

		Internet connectivity and local educational agency-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.		
		<b><u>Eligibility for Independent Study</u></b>	<b>No change</b>	
1		Students are eligible for independent study as authorized in law, and as specified in board policy and administrative regulation.	To participate in independent study, a student shall be enrolled in a district school.	CSBA NOTE: Pursuant to Education Code 51748, independent study students must be enrolled in school as a condition of receiving state apportionments.
2		For the 2022-23 school year and thereafter, 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.	<b>No change</b>	CSBA NOTE: The following optional paragraph may be revised to reflect district practice.

3		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.	No change	CSBA NOTE: The following paragraph limits eligibility for independent study to those students for whom state apportionments can be claimed. Education Code 46300.2 provides that districts will receive state funding for independent study for students who are residents of the county or an adjacent county. Pursuant to Education Code 51747.3, students whose residency status is based on parent/guardian employment within district boundaries (Education Code 48204(b)) are not eligible for funds apportioned for average daily attendance (ADA).
4		A student with disabilities, as defined in Education Code 56026, shall not participate in independent study unless the student's individualized education program specifically provides for such participation.	No change	
5		A temporarily disabled student shall not receive individual instruction pursuant to Education Code 48206.3 by means of independent study.	With the exception of students who, during the 2021-2022 school year, cannot participate in classroom-based instruction due to a COVID-19 quarantine or school closure, a temporarily disabled student shall not receive individual instruction pursuant to Education Code 48206.3 by means of independent study.	CSBA NOTE: Education Code 51747, as amended by AB 167, relaxes certain independent study requirements for the 2021-22 school year for students who cannot participate in classroom-based instruction as a result of a quarantine order or school closure due to COVID-19, including the limitation on providing a temporarily disabled student individual instruction pursuant to Education Code 48206.3 by means of independent study.
6		Students age 21 or older, and students age 19 or older who have not been continuously enrolled in school since their 18 <sup>th</sup> birthday, may participate in independent study only through the adult education program for the purpose of enrolling in courses required for a high school diploma by Education Code 51225.3 or the Governing Board.	No change	CSBA NOTE: Education Code 46300.1 provides that the district may not receive apportionments pursuant to Education Code 42238 for independent study for students age 21 or older, or for students 19 or older who have not been continuously enrolled in grades K-12 since their 18th birthday. However, pursuant to Education Code 46300.4, these students may be eligible for independent

				study through the adult education program for courses required for high school graduation. See BP/AR 6200 - Adult Education.
7		No more than 10 percent of the students enrolled in a continuation high school or opportunity school or program, not including pregnant students and parenting students who are primary caregivers for one or more of their children, shall be enrolled in independent study.	No change	CSBA NOTE: The following paragraph limits enrollment in independent study to those students for whom state apportionments can be claimed. Pursuant to Education Code 51745, no more than 10 percent of the students enrolled in a continuation high school or opportunity school or program are eligible for apportionment credit for independent study. A pregnant student or a parenting student who is the primary caregiver for the student's child(ren) is not included in this cap.
		<b><u>Monitoring Student Progress</u></b>	No change	
1		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:	No change	CSBA NOTE: The following optional section may be revised to reflect district practice.
	1	A letter to the student and/or parent/guardian	No change	
	2	A meeting between the student and the teacher and/or counselor	No change	
	3	A meeting between the student and the independent study administrator, including the parent/guardian if appropriate	No change	
	4	An increase in the amount of time the student works under direct supervision	No change	
2		When the student has failed to make satisfactory educational progress or missed the number of assignments specified in the	No change	

		written agreement as requiring an evaluation, the Superintendent or designee shall conduct an evaluation to determine whether or not independent study is appropriate for the student. 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.		
3		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.	No change	
		<b><u>Responsibilities of Independent Study Administrator</u></b>	No change	
1		The responsibilities of the independent study administrator include, but are not limited to:	No change	CSBA NOTE: The following optional section may be revised to reflect district practice.
	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	No change	
	2	Approving or denying the participation of students requesting independent study	No change	
	3	Facilitating the completion of written independent study agreements	No change	
	4	Ensuring a smooth transition for students into and out of the independent study mode of instruction	No change	
	5	Approving all credits earned through independent study	No change	

	6	Completing or coordinating the preparation of all records and reports required by law, Board policy, or administrative regulation	No change	
		<b><u>Assignment and Responsibilities of Independent Study Teachers</u></b>	No change	
1		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.	No change	
2		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.	No change	CSBA NOTE: Pursuant to Education Code 51745.6, the equivalency of teacher-student ratios as described below is a necessary condition for the district to receive apportionments for independent study. The district may exceed these ratios, but those additional units of independent study ADA would not be funded.  Pursuant to Education Code 51745.6, as amended by AB 130, the Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting must incorporate verification of applicable teacher-student ratios commencing in the 2021-22 fiscal year.
3		The responsibilities of the supervising teacher shall include, but are not limited to:	No change	CSBA NOTE: The remainder of this section is optional and may be revised to reflect district practice.
	1	Completing designated portions of the written independent study agreement and signing the agreement	No change	



2	Supervising and approving coursework and assignments	No change	
3	Maintaining records of student assignments showing the date the assignment is given and the date the assignment is due	No change	
4	Maintaining a daily or hourly attendance register in accordance with item #4 in the section on "Records for Audit Purpose" in the accompanying Board policy	No change	
5	Providing direct instruction and counsel as necessary for individual student success	No change	
6	Regularly meeting with the student to discuss the student's progress	No change	
7	Determining the time value of assigned work or work products completed and submitted by the student	No change	CSBA NOTE: Pursuant to Education Code 51747.5, as amended by AB 167, the district may only claim apportionment credit for independent study based on the time value of student work products as personally judged in each instance by a certificated teacher employed by the district. Education Code 51747.5 specifies that the teacher is not required to sign and date the work products.
8	Assessing student work and assigning grades or other approved measures of achievement	No change	
9	Documenting each student's participation in live interaction and/or synchronous instruction pursuant to Education Code 51747 on each school day for which independent study is provided	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	CSBA NOTE: Education Code 51747.5, as amended by AB 130 and AB 167, requires districts to 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 on a school day shall be documented as nonparticipatory for that school day, for purposes of student participation reporting and tiered reengagement pursuant to Education Code 51747.
4			The Superintendent or designee shall ensure that independent study teachers have access to professional development and support comparable to classroom-based teachers.	No change	

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