



What's New to Independent Study (IS) for 2022-2023

California Education Code (EDC) ARTICLE 5.5. Independent Study, Section 51744 - 51749.6 On June 30, 2022, Governor Newsom approved the education trailer bill Assembly Bill 181 that, along with other sections, amended provisions of the Education Code related to independent study. These changes to independent study requirements took effect immediately.

This document, all attachments, and all aspects of the presentation are a summary of legal requirements from volunteer members of CCIS and in no way are meant to be perceived as legal advice. CCIS makes suggestions that should always be reviewed and approved by your school/district legal team and auditors.

Resources

[California Education Code 51744 - 51749.6](#) - Updated June 30, 2022

[Assembly Bill 181 - Independent Study](#) - NOW IN ED CODE

[Amended Assembly Bill 181](#) - Independent Study, Pages 101-113, Sections 72 - 79

[Amended Sample Board Policy](#) with highlighted additions & deletions from Assembly Bill 181

** remember Board Policy has specific legal requirements already*

[Sample Board Policy](#) with accepted additions & deletions from Assembly Bill 181

LINK <https://ccis.org/22-0802/>

Education Code	Topic	Changes in Education Code	Change Effects
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Changes to Education Code Sections 51744 - 51749.6

Education Code	Topic	Changes in Education Code	Change Effects
51745(a)	<p>Requirement for the governing board of a school district or a county office of education to offer independent study</p> <p>School districts and county offices of education are no longer required to offer independent study or to seek a waiver. This requirement was only for the 2021-2022 school year. (During the 2021-22 school year, charter schools were not required to offer independent study.)</p> <p><i>CCIS notes and recommendations:</i></p> <ul style="list-style-type: none"> • Delete the highlighted 2021-22 statement/section from your Board Policy 	51745 (a) For the 2021–22 school year only, the governing board of a school district or a county office of education shall offer independent study to meet the educational needs of pupils.	<input type="checkbox"/> Master Agreement <input type="checkbox"/> Board Policy <input type="checkbox"/> ARs <input type="checkbox"/> Compliance
51747(h)(1)	<p>Notification to Parents and Guardians of option to enroll in independent study for the 2021-2022 school year</p> <p>The requirement to notify parents and guardians of the option to enroll their child in in-person instruction or independent study applied to the 2021-2022 school year only.</p> <p><i>CCIS notes and recommendations:</i></p> <ul style="list-style-type: none"> • Delete section from Board Policy 	<p>The district shall provide written notice to the parents/guardians of all enrolled students of the option to enroll their child in in-person instruction or independent study during the 2021-22 school year. This notice shall be posted on the district's web site, and shall include, at a minimum, information about the right to request a student-parent-educator conference before enrollment, student rights regarding procedures for enrolling, disenrolling, and reenrolling in independent study, and the instructional time, including synchronous and asynchronous learning, that a student will have access to as part of independent study. (Education Code 51747)</p>	<input type="checkbox"/> Master Agreement <input type="checkbox"/> Board Policy <input type="checkbox"/> ARs <input type="checkbox"/> Compliance

Education Code	Topic	Changes in Education Code	Change Effects
51745(a)(1) 51745(a)(2) 51745(a)(3) 51745(a)(4) 51745(a)(5)	<p>Educational Opportunities Offered Through Independent Study</p> <p>AB 181 deleted from Education Code 51745 one of the educational opportunities offered through independent study</p> <p><i>CCIS notes and recommendations:</i></p> <ul style="list-style-type: none"> • <i>Revise the “Educational opportunities” section in your Administrative Regulations by deleting (3) Individualized alternative education designed to teach the knowledge and skills of the core curriculum. Independent study shall not be provided as an alternative curriculum.</i> 	51745 (a) Educational opportunities offered through independent study may include, but shall not be limited to, the following: (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) Individualized alternative education designed to teach the knowledge and skills of the core curriculum. Independent study shall not be provided as an alternative curriculum. (4) <u>(3)</u> Continuing and special study during travel. (5) <u>(4)</u> Volunteer community service activities and leadership opportunities that support and strengthen pupil achievement. (6) <u>(5)</u> Individualized study for a pupil whose health would be put at risk by in-person instruction, as determined by the parent or guardian of the pupil, or a pupil 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.	<input type="checkbox"/> Master Agreement <input type="checkbox"/> Board Policy <input type="checkbox"/> ARs <input type="checkbox"/> Compliance
51745(c) 51745(a)(5) 51749.5(a)(7) 56026 56340	<p>Individuals with Exceptional Needs - Special Education</p> <ul style="list-style-type: none"> • AB 181 amends independent study requirements to ensure that individuals with exceptional needs have equal access to participate in independent study. • The certificated employee having responsibility for the student’s special education programming must also sign the independent study agreement. 	51745 (c) An individual with exceptional needs, as defined in Section 56026, shall not <u>may</u> participate in independent study, unless if the pupil’s individualized education program developed pursuant to Article 3 (commencing with Section 56340) of Chapter 4 of Part 30 specifically provides for that participation. <u>If a parent or guardian of an individual with exceptional needs requests independent study pursuant to paragraph (5) of subdivision (a), the pupil’s individualized education program team shall make an individualized determination as to</u>	<input type="checkbox"/> Master Agreement <input type="checkbox"/> Board Policy <input type="checkbox"/> ARs <input type="checkbox"/> Compliance

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	<p>CCIS notes and recommendations:</p> <ul style="list-style-type: none"> • LEAs add a signature line to the Master Agreement for Special Education personnel. • Include the revisions in Board Policy • This statement is optional for the Master Agreement. Revise your Master Agreement if you have included this section in your Master Agreement. • Definition of an individual with exceptional needs, 56026 • Definition of individualized education program, 56340 	<p><u>whether the pupil can receive a free appropriate public education in an independent study placement. A pupil's inability to work independently, the pupil's need for adult support, or the pupil's need for special education or related services shall not preclude the individualized education program team from determining that the pupil can receive a free appropriate education in an independent study placement.</u></p>	
51747 (g)(9)(A) 51747 (g)(9)(F)	<p>Timeline for Securing Signatures on Written (Master) Agreement and Required Signatures</p> <ul style="list-style-type: none"> • Short-term independent study agreements (less than 15 school days) must be signed within 10 days of the beginning of the first day of the student's enrollment. • Long-term independent study agreements (15 or more school days) must be signed before commencement of independent study. • All written IS agreements must be signed by the student, the student's parents, legal guardian, or caregiver (if the student is less than 18 years of age), the certificated employee responsible for the general supervision of independent study, and the <u>certificated employee responsible for the student's special education programming, if applicable.</u> • The requirement for "all persons who have direct responsibility for providing assistance 	<p>51747(g)(9)(A) Each <u>For a pupil participating in an independent study program that is scheduled for more than 14 school days, each</u> written agreement shall be signed, before the commencement of independent study, by the pupil, the pupil's parent, legal guardian, or caregiver, if the pupil is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the pupil. the certificated employee designated as having responsibility for the special education programming of the pupil, as applicable.</p> <p><u>Beginning in the 2022–23 school year, for a pupil participating in an independent study program that is scheduled for less than 15 school days, each written agreement shall be signed within 10 school days of the commencement of the first day of the pupil's enrollment in independent study, by the pupil, the pupil's parent, legal guardian, or caregiver, if the pupil is less than 18 years of age.</u></p>	<p><input type="checkbox"/> Master Agreement</p> <p><input type="checkbox"/> Board Policy</p> <p><input type="checkbox"/> ARs</p> <p><input type="checkbox"/> Compliance</p>

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	<p>to the pupil” to sign the written agreement was deleted from Ed Code.</p> <p>CCIS notes and recommendations:</p> <ul style="list-style-type: none"> • LEAs add a signature line to the Master Agreement for Special Education personnel • Delete 2021-2022 Master Agreement signature timeline section from Board Policy • Add new Master Agreement signature timeline to Board Policy 	<p><u>the certificated employee who has been designated as having responsibility for the general supervision of independent study, and the certificated employee designated as having responsibility for the special education programming of the pupil, as applicable.</u></p> <p>51747 (g)(9)(F) However, for the 2021-22 school year, the district shall obtain a signed written agreement for independent study from the student, or the student’s parent/ guardian if the student is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the pupil, no later than 30 days after the first day of instruction.</p>	
51747 (d)	<p>Tiered Reengagement Tiered reengagement strategies must be implemented if:</p> <ul style="list-style-type: none"> • A student does not generate attendance for more than 10 percent of required minimum instructional time over four continuous weeks of the LEA’s approved instructional calendar; • A student does not participate in synchronous instructional offerings for more than 50 percent of the scheduled times for such instruction in a school month based on grades span; or, • A student violates the written independent study agreement. 	<p>51747(d) Procedures for tiered reengagement strategies for all pupils who are not generating attendance for more than three schooldays or 60 percent of the instructional days in a school week, <u>or</u> 10 percent of required minimum instructional time over four continuous weeks of a local educational agency’s approved instructional calendar,</p> <p>pupils found not participatory <u>in synchronous instructional offerings</u> pursuant to Section 51747.5 for more than the greater of three schooldays or 60 <u>50</u> percent of the scheduled days <u>times</u> of synchronous instruction in a school month as applicable by grade span,</p>	<p><input type="checkbox"/> Master Agreement</p> <p><input type="checkbox"/> Board Policy</p> <p><input type="checkbox"/> ARs</p> <p><input type="checkbox"/> Compliance</p>

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	<p>Tiered reengagement strategies must include local programs intended to address chronic absenteeism, if applicable.</p> <p>CCIS notes and recommendations:</p> <ul style="list-style-type: none"> • <i>Be sure to have procedures to track attendance over four continuous weeks of instruction.</i> • <i>As a reminder the definition of synchronous instruction is “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 pupil. Synchronous instruction shall be provided by a teacher or teachers of record for that pupil pursuant to Section 51747.5 or the certificated employee of the local educational agency providing instruction for course-based independent study.</i> • <i>The way this looks will depend on grade span and scheduled times for instruction. Carefully review practices for synchronous instruction at your site.</i> 	<p>or pupils who are in violation of the written agreement pursuant to subdivision (g). These procedures shall include, but are not necessarily limited to <u>include local programs intended to address chronic absenteeism, as applicable, with at least</u> all of the following: (1) Verification of current contact information for each enrolled pupil. (2) Notification to parents or guardians of lack of participation within one school day of the recording of a non-attendance <u>nonattendance</u> day or lack of participation. (3) A plan for outreach from the school to determine pupil needs, including connection with health and social services as necessary. (4) A clear standard for requiring a pupil-parent-educator conference to review a pupil’s written agreement, and reconsider the independent study program’s impact on the pupil’s achievement and well-being, consistent with the policies adopted pursuant to paragraph (4) of subdivision (g).</p>	
51745.5 (d)	<p>Synchronous Instruction Synchronous instruction may be provided by the supervising teacher and/or any teacher.</p> <ul style="list-style-type: none"> • Independent study teachers must possess a valid certification document pursuant to Section 44865 or an emergency credential pursuant to Section 44300 	<p>51745.5(d) “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 pupil. Synchronous instruction shall be provided by the <u>a teacher or teachers</u> of record for that pupil</p>	<p><input type="checkbox"/> Master Agreement <input type="checkbox"/> Board Policy <input type="checkbox"/> ARs <input type="checkbox"/> Compliance</p>

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	<p>CCIS notes and recommendations:</p> <ul style="list-style-type: none"> Revise your <i>Administrative Regulation</i> to reflect this change 	pursuant to Section 51747.5 or the certificated employee of the local educational agency providing instruction for course-based independent study.	
51747(c)	<p>Content at a level of quality and intellectual challenge equivalent to in-person instruction Board policy no longer must contain the statement, “provided at a level of quality and intellectual challenge”</p> <ul style="list-style-type: none"> This statement may be in Board Policy or Administrative Regulation <p>CCIS notes and recommendations:</p> <ul style="list-style-type: none"> Revise your <i>Board Policy</i> or <i>Administrative Regulation</i> to reflect this change 	51747(c) The provision of content aligned to grade level standards that is provided 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 local educational agency for graduation and approved by the University of California or the California State University as creditable under the A–G admissions criteria.	<input type="checkbox"/> Master Agreement <input type="checkbox"/> Board Policy <input type="checkbox"/> ARs <input type="checkbox"/> Compliance
51747(d) 52747 (e) 51747(f) 51747 (i)	<p>Students Who Are Exempt from Specific Independent Study Requirements For students who participate in independent study for fewer than 15 school days in a school year (short-term independent study) and students enrolled in a comprehensive school for classroom-based instruction who participate in independent study due to necessary medical treatments or inpatient treatment for mental health care or substance abuse, the LEA is not required to implement the following:</p> <ul style="list-style-type: none"> Tiered reengagement strategies under Education Code section 51747(d); Live interaction and/or synchronous instruction requirements by grade span under Education Code section 51747(e); and, A plan to transition the student back to in-person instruction within five instructional 	51747 (i) Subdivisions (d), (e), and (f) shall not apply to pupils that participate in an independent study program for fewer than 15 schooldays in a school year <u>year</u> <u>and pupils enrolled in a comprehensive school for classroom based instruction who, under the care of appropriately licensed professionals, participate in independent study due to necessary medical treatments or inpatient treatment for mental health care or substance abuse. Local educational agencies shall obtain evidence from appropriately licensed professionals of the need for pupils to participate in independent study pursuant to this subdivision.</u>	<input type="checkbox"/> Master Agreement <input type="checkbox"/> Board Policy <input type="checkbox"/> ARs <input type="checkbox"/> Compliance

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	<p>days</p> <p>CCIS notes and recommendations:</p> <ul style="list-style-type: none"> Update Board Policy, Administrative Regulations, and Master Agreement to reflect these changes 		
<p>51747(h)(1) 51747(h)(2) 51745.5(c)</p>	<p>Pupil-Parent-Educator Conference</p> <ul style="list-style-type: none"> No longer required to hold a Pupil-Parent-Educator Conference before signing the written agreement. Before signing a written independent study agreement, the parent or guardian may request that an LEA conduct a telephone, videoconference, or in-person “pupil-parent-educator conference” or other school meeting to ask questions about the education options. A “pupil-parent-educator conference” means a meeting involving, at a minimum, all parties who signed the pupil’s written independent study agreement. (Supervising teacher and person responsible for special education - if applicable) Education Code 51745.5(c) <p>CCIS notes and recommendations:</p> <ul style="list-style-type: none"> Revise Board Policy 	<p>51747(h)(2) Upon the request of the parent or guardian of a pupil, before <u>Before</u> signing a written agreement pursuant to this section, <u>the parent or guardian of a pupil may request that the</u> local educational agency shall conduct a telephone, videoconference, or in-person pupil-parent-educator conference or other school meeting during which the pupil, parent or guardian, and, if requested by the pupil or parent, an education advocate, may ask questions about the educational options, including which curriculum offerings and nonacademic supports will be available to the pupil in independent study, before making the decision about enrollment or disenrollment in the various options for learning.</p>	<p><input type="checkbox"/> Master Agreement</p> <p><input type="checkbox"/> Board Policy</p> <p><input type="checkbox"/> ARs</p> <p><input type="checkbox"/> Compliance</p>
<p>51745(b)</p>	<p>Opportunity School or Continuation High School Cap</p> <p>Traditionally there has been a 10 percent cap on the number of opportunity school or continuation high</p>	<p>51745(b) Not <u>Beginning July 1, 2021, with the exception of pupils participating in independent study programs due to an emergency, as described in Sections 41422 and 46392,</u> not more than 10 percent of the pupils participating in an</p>	<p><input type="checkbox"/> Master Agreement</p> <p><input type="checkbox"/> Board Policy</p> <p><input type="checkbox"/> ARs</p>

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	<p>school students participating in Independent Study. Under AB 181, students in these two programs who participate in independent study due to an emergency, as defined in Education Code sections 41422 and 46392, are not counted towards the 10 percent cap.</p> <p>CCIS notes and recommendations: Emergency conditions include the following.</p> <ol style="list-style-type: none"> 1. Fire 2. Flood 3. Impassable roads 4. Epidemic 5. Bus driver strike by nonschool entity 6. A state or local mandate prevents a school district, county office, or charter school from holding in-person classes 7. A school district, county office, or charter school is unable to provide in-person instruction due to staff shortages caused by COVID-19 	<p>opportunity school or program, or a continuation high school, calculated as specified by the department, shall be eligible for apportionment credit for independent study pursuant to this article. A pupil who is pregnant or is a parent who is the primary caregiver for one or more of their children shall not be counted within the 10 percent cap.</p>	<input type="checkbox"/> Compliance
51747.5(b)(1) 51747.5 (b)(2) 51747.5 (b)(2)(A) 51747.5 (b)(2)(B)(i) 51747.5 (b)(2)(AB)(ii) 51747.5 (b)(2)(C) 51747.5 (b)(3) 51747.5 (b)(4)	<p>Apportionment LEAs may claim apportionment credit for independent study for:</p> <ul style="list-style-type: none"> • Time value of student work products as judged by the certificated teacher OR • Combination of time value of student work products as judged by the certificated teacher and student participation in synchronous instruction 	<p>51747.5 (b) (1) A local educational agency may claim apportionment credit for independent study only to the extent of the time value of pupil work products, as personally judged in each instance by a certificated teacher employed by the local educational agency <u>agency, or the combined time value of pupil work product and pupil participation in synchronous instruction pursuant to paragraph (2)</u>. It is the intent of the Legislature that teachers be given access to digital assignment tracking systems to reduce</p>	<input type="checkbox"/> Master Agreement <input type="checkbox"/> Board Policy <input type="checkbox"/> ARs <input type="checkbox"/> Compliance

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	<p>Methodology:</p> <p>(A) For each schoolday, add the combined equivalent daily time value of pupil work products, as personally judged by a certificated employee of the local educational agency.</p> <p>(B) For each schoolday, add the combined daily instructional minutes a pupil participated in synchronous instruction.</p> <p>(C) For each schoolday, add the sum of (A) and (B).</p> <p>CCIS notes and recommendations:</p> <ul style="list-style-type: none"> • <i>The synchronous instruction should augment (not duplicate) the time value of the work product. Evidence of pupil participation must be maintained for each hour.</i> • <i>Include an AR that defines what is acceptable evidence of pupil participation in synchronous instruction such as work produced or performed during synchronous instruction. A student's presence alone does not seem to suffice for claiming of apportionment.</i> 	<p>workload associated with evaluating and accounting for pupil work. <u>work and synchronous instruction participation.</u></p>	
SEC. 110	<p>Uncodified language at Section 110 of AB 181 also allows an LEA to claim apportionment credit for independent study for students with exceptional needs who receive services from a nonpublic, nonsectarian school, though a virtual program. An LEA may claim apportionment credit for a virtual program at a nonpublic, nonsectarian school only to</p>	<p><u>SEC. 110. (a) A local educational agency may claim apportionment for a pupil who receives services from a nonpublic, nonsectarian school as defined in Section 56034 of the Education Code through a virtual program if all of the following conditions are met:</u></p>	<p><input type="checkbox"/> Master Agreement</p> <p><input type="checkbox"/> Board Policy</p> <p><input type="checkbox"/> ARs</p> <p><input type="checkbox"/> Compliance</p>

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	<p>the extent of the time value of pupil work products, as personally judged in each instance by a certificated teacher employed by the nonpublic, nonsectarian school.</p> <p>CCIS notes and recommendations:</p> <ul style="list-style-type: none"> • <i>Extra caution is warranted when selecting a nonpublic virtual program to ensure the program follows independent study procedures.</i> 	<p><u>(1) The pupil is an individual with exceptional needs, as defined in Section 56026 of the Education Code whose individualized education program includes a placement at a nonpublic, nonsectarian school pursuant to Sections 56365 and 56366 of the Education Code.</u></p> <p><u>(2) The local educational agency offers independent study pursuant to paragraph (5) of subdivision (a) of Section 51745 of the Education Code.</u></p> <p><u>(3) The pupil's parent or guardian requests independent study pursuant to paragraph (5) of subdivision (a) of Section 51745 of the Education Code.</u></p> <p><u>(4) The pupil's individualized education program team determines that a free appropriate public education can be provided by a virtual program in the nonpublic, school placement.</u></p> <p><u>(5) The virtual program provided by the nonpublic, nonsectarian school includes procedures for tiered reengagement strategies for all pupils who are not generating attendance for more than three schooldays or 60 percent of the instructional days in a school week, or 10 percent of required minimum instructional time over four continuous weeks of a local educational agency's approved instructional calendar, or pupils who do not participate in scheduled live interaction or synchronous instruction for more than the greater of three schooldays or 60 percent of the scheduled days of synchronous instruction in a school month as applicable by grade span.</u></p> <p><u>(b) A local educational agency may claim apportionment credit for a virtual program at a nonpublic.</u></p>	

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		<p><u>nonsectarian school as described in subdivision (a) only to the extent of the time value of pupil work products, as personally judged in each instance by a certificated teacher employed by the nonpublic, nonsectarian school.</u></p> <p><u>(c) To ensure the authorization of services provided under this section does not undermine the entitlement of individuals with exceptional needs to a free appropriate public education, this section shall become inoperative on July 1, 2024, and on January 1, 2025, is repealed.</u></p>	
<p>46300(e)(1)</p>	<p>For computing ADA - Minimum number of days for short-term and long-term independent study</p> <ul style="list-style-type: none"> Minimum period of time for any independent study is three consecutive school days <p><i>CCIS notes and recommendations:</i></p> <ul style="list-style-type: none"> Revise Board Policy 	<p>46300(e)(1) In computing the average daily attendance of a school district, there shall also be included the attendance of pupils participating in independent study conducted pursuant to Article 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 for three or more consecutive schooldays.</p> <p>51747 (j) (1) Notwithstanding paragraph (8) of subdivision (g) of this section, paragraph (1) of subdivision (e) of Section 46300, and subdivision (d) of Section 51745, for the 2021–22 school year only, a local educational agency shall be eligible to receive apportionments for independent study for pupils that are subject to quarantine for exposure to, or infection with, COVID-19 pursuant to local or state health guidance, and the pupil cannot participate in classroom-based instruction due to the quarantine, and for school closures due to COVID-19 pursuant to subdivision (c) of Section 41422. Local educational agencies shall receive apportionment for these pupils for all schooldays</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Master Agreement <input type="checkbox"/> Board Policy <input type="checkbox"/> ARs <input type="checkbox"/> Compliance

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		that they participate in and meet all other apportionment requirements of independent study while in quarantine or during a school closure.	
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