



Major Changes to Independent Study Law 2022-23

(Per Adopted Budget “Trailer” Bill, 2022, v1.3)

Topic	Current Law	Governor’s January	Governor’s May Revise	Adopted Budget
IEP for special needs students whose parents/guardians request independent study due to “at risk” health or quarantine status	Silent, except general prohibition on independent study for special needs students unless IEP specifies independent study as appropriate placement	Same		Adds new language mandating IEP team to make determination, prohibiting precluding placement due to special needs, need for adult support, inability to work independently
Credentialing requirements for teachers of “synchronous instruction”	Must be taught by the teacher of record	Adds requirement for credentials “appropriate to the subject matter being taught”		Deletes appropriate subject verbiage, allows “a teacher or teachers of record,” (in lieu of “the” teacher) presumably allowing more than one teacher to provide synchronous instruction thereby allowing more flexibility
Triggers mandating “tiered reengagement”	Mandates tiered reengagement if student is not generating attendance for 3 schooldays or 60 percent of instructional days in school week, or . . .		Deletes	
	. . . 10 percent of minimum instructional time over four continuous weeks, or	Same	20 percent of minimum instructional time over four continuous weeks	10 percent of minimum instructional time over four continuous weeks
	. . . non participatory in “live interaction and synchronous instruction”	Non participatory in “synchronous instruction” [dropping		Non participatory in “synchronous instruction” [dropping “live interaction”] for more than 50

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	for greater of 3 school days or 60 percent of scheduled days per school month, as applicable Or in violation of written agreement	“live interaction”] for more than 10 percent of the scheduled times per school month , as applicable Or in violation of written agreement	percent of the scheduled times per school month , as applicable Or in violation of written agreement	
Which students are exempt from synchronous instruction, tiered reengagement, and 5-day return to classroom mandates?	Students participating in independent study for <15 days/year	Same	Adds exemption for students enrolled in classroom-based school under care of specified licensed professionals. School must obtain evidence from professionals.	
Deadline to sign written agreements	All agreements must be signed before commencement of independent study, except during 2020-21, must sign by latter of October 31 or 30 days after first day of instruction	For IS <i>programs</i> projected to last >14 days for an individual pupil, sign prior to commencement of IS If IS program is <15 days, sign within 10 days of first day of commencement of independent study	If <i>pupil</i> is scheduled for IS for >14 days, sign prior to commencement of IS If pupil is scheduled for <15 days of IS, sign within 10 days of first day of commencement of pupil's enrollment in independent study	
Staff who must sign written agreements	Certificated employee responsible for general supervision, all persons who have direct responsibility to assist pupil	Adds certificated employee responsible for special education, deletes burdensome “all persons” verbiage	Same	

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Basis for computing ADA	Based on time value of student work products	Defines "work products" as physical or digital academic assignments completed, written summaries of asynchronous work, and participation in synchronous instruction documented by teacher		Deletes January verbiage. Instead, <i>for each school day</i> , calls for combining the time value of pupil work products with instructional minutes of participation in synchronous instruction for which specified evidence of work product maintained, insofar as this participation augments time value of pupil work product. Evidence may include, but is not limited to, student work produced or performed. May not generate >1 unit of ADA per pupil.