



Date: August 24, 2021

To: Board of Directors of Navigator Schools

From: Sharon Waller, Director of Student Services

Subject: Approval of Additions to the Long-Term Independent Study Policy

During its special meeting on Monday, August 2, 2021, the Board of Directors of Navigator Schools unanimously approved a new Policy for Long-Term Independent Study. Since that time, the California Department of Education, in various formats and venues, has released additional details and clarifications concerning Independent Study. Based on this information, the policy for Navigator Schools has been updated to include six significant additions to the text.

The six additions (listed in their entirety in Table 1, next page) do not alter the intent, scope, or scale of the Independent Study program as presented in the original version of the policy; rather, these additions add precision to key definitions, procedures, and responsibilities related to the program. This precision will support effective communication between all parties involved, ultimately promoting shared understanding and efficient implementation of the program.

It is recommended that the Navigator Schools Board of Directors approve the updated version of the policy, thereby replacing the original policy (approved on August 2, 2021) with the new version included in the NS Board meeting packet for August 24, 2021.

Note

After the initial public posting of this memo as part of the agenda for the board meeting, it was expanded to include a new set of modifications based on updated information provided by the state. These new modifications are listed in Table 2 (page 4). The additions cataloged in Table 1 are highlighted in yellow in the policy. The most recent modifications listed in Table 2 are highlighted in green in the policy.

Table 1. Six Recommended Additions to the NS Policy for Long-Term Independent Study

	Page	Section	Added Text	Purpose
1.	1	1	Independent Study for each student shall be under the general supervision of a Navigator employee who possesses a valid certification document pursuant to Education Code 44865. Students' Independent Study shall be coordinated, evaluated, and documented, as prescribed by law and reflected in the accompanying administrative regulation (Education Code 51747.5).	Specifies that IS supervisor is certificated; highlights coordination, evaluation, and documentation responsibilities
2.	3	6	The principal or designee shall ensure that a written master agreement (NS Long-Term IS Contract) exists for each participating student as prescribed by law (Education Code 51747, 51749.5). The parent/guardian's signature on the agreement shall constitute permission for the student to receive instruction through Independent Study.	Adds "or designee" option; clearly introduces necessity of written agreement; specifies parent/guardian signature is confirmation of agreement
3.	4	6	the school principal or designee	The list of required signatures on the IS contract must include that of the principal or designee.
4.	5	9	The principal or designee shall ensure that records are maintained for audit purposes. These records shall include, but not be limited to (Education Code 51748; 5 CCR 11703): <ol style="list-style-type: none"> 1. A copy of the NS 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 total days attendance credit per student based on supervising teacher evaluations; 3. A file of all agreements, with representative samples of each student's work products bearing the supervising teacher's notations indicating that the teacher has personally evaluated the work or personally reviewed the evaluations made by another certificated teacher; 	This new section, Records for Auditing Purposes, defines program documentation per audit requirements.

			<p>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;</p> <p>5. Appropriate documentation of compliance with the teacher-student ratios required by Education Code 51745.6 and 51749.5 (Education Code 51745.6 and 51749.5); and</p> <p>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 (Education Code 51747.5).</p>	
5.	5	9	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 Independent Study is provided. A student who does not participate in Independent Study on a school day shall be documented as non-participatory for that school day (Education Code 51747.5).	Defines non-participation
6.	5	10	The Chief Executive Officer or designee shall annually report to the Board of Directors of Navigator Schools the number of 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 successfully complete Independent Study.	This new section, Program Evaluation, specifies program data to be reported to the NS Board.

Table 2. Second Set of Modifications to NS Policy for Long-Term Independent Study: August 24, 2021

	Page	Section	Modification/Addition	Purpose
1.	Multiple		Replace “16 days” with “15 days” (IS refers to an absence of 15 days or more)	Correction based on state terminology
2.	1	1	In addition to the number of missed assignments permitted by BP 6158 or AR 6158	Redundant
3.	1	1	1. The minimum cumulative student attendance rate for satisfactory progress is 95%.	Added for specificity
4.	2	1	1. The number of allowable missed assignments before an academic evaluation is triggered is ten. 2. The maximum length of time, for all grade levels, that may elapse between the time an Independent Study assignment is made and the date by which the pupil must complete the assigned work are as follows (from date assigned, inclusive): i. For traditional assignments, five school days ii. For blended (online application) assignments, day assigned iii. For assessments, day assigned	Added per state requirements
5.	2	1	i. Cumulative achievement on standards-based assignments and assessments meets or exceeds 80%.	Added for specificity
6.	2	1	1. Cumulative completion rate of assignments and assessments meets or exceeds 80%.	Added for specificity
7.	6	9	Replace “the district” with “Navigator Schools”	Correction



Policy for Long-Term Independent Study (2021-22) Version: August 24, 2021 v2 Approved: _____

The policy for long-term Independent Study (IS) at Navigator Schools (NS) meets all of the requirements set forth in state legislation adopted in 2021 to ensure the provision of high-quality curriculum and instruction for all students amid the unique and challenging conditions of the COVID-19 pandemic. Specific to this policy, long-term IS refers to an absence of 15 days or more. The policy provides a framework for a set of procedures, expectations, and written agreements, all of which unite to ensure an essential, ultimate outcome: effective and equitable education for every Navigator Schools student regardless of circumstances.

With the enactment of Assembly Bill No. 130 (Ch. 44, Stats. 2021, hereafter “AB 130”), for the 2021–22 school year only, school districts and county offices of education (COE) are required to offer IS as an educational option (Education Code [EC] Section 51745) to students whose health would be put at risk by in-person instruction, as determined by the parent or guardian. Although the requirement to provide long-term IS does not apply to charter schools, NS has developed this policy as a measure of preparation should it ever determine that voluntary, long-term IS is an appropriate option for students.

This policy is intended to implement the additional requirements of AB 130. To the extent that there is any conflict between this Regulation and AR No. 6158, the provisions of this policy shall govern.

1. Monitoring Student Progress

Independent Study for each student shall be under the general supervision of a Navigator employee who possesses a valid certification document pursuant to Education Code 44865. Students' Independent Study shall be coordinated, evaluated, and documented, as prescribed by law and reflected in the accompanying administrative regulation (Education Code 51747.5).

In addition to the number of missed assignments permitted by BP 6158 or AR 6158 Before an evaluation is conducted to determine whether it is in the best interests of a pupil to remain in Independent Study, or whether the pupil should return to the regular school program, the pupil’s level of satisfactory progress shall be considered. Satisfactory educational progress shall be determined based on all of the following indicators:

- A. The pupil’s achievement and engagement in the Independent Study program, as indicated by the pupil’s performance on applicable pupil-level measures of pupil achievement and pupil engagement, including but not limited to the student’s attendance and absenteeism;
 - 1. The minimum cumulative student attendance rate for satisfactory progress is 95%.

- B. The completion of assignments, assessments, or other indicators that evidence that the pupil is working on assignments;
 - 1. The number of allowable missed assignments before an academic evaluation is triggered is ten.
 - 2. The maximum length of time, for all grade levels, that may elapse between the time an Independent Study assignment is made and the date by which the pupil must complete the assigned work are as follows (from date assigned, inclusive):
 - i. For traditional assignments, five school days
 - ii. For blended (online application) assignments, day assigned
 - iii. For assessments, day assigned
 - 3. Learning required concepts, as determined by the supervising teacher
 - i. Cumulative achievement on standards-based assignments and assessments meets or exceeds 80%.
- C. Progressing toward successful completion of the course of study or individual course, as determined by the supervising teacher.
 - 1. Cumulative completion rate of assignments and assessments meets or exceeds 80%.

2. Content Standards

The provision of content aligned to grade level standards that is provided to pupils in the Independent Study program shall be at a level of quality and intellectual challenge substantially equivalent to in-person instruction.

3. Re-engagement Strategies

NS will employ measures to re-engage pupils who are not generating attendance for more than three school days or 60 percent of the instructional days in a school week, or who are in violation of their written agreement pursuant to Education Code section 51747(g), BP/AR 6158 and this policy. Procedures for tiered reengagement strategies shall include all of the following:

- A. Verification of the pupil's current contact information;
- B. Notification to parents or guardians of lack of participation within one school day of the absence or lack of participation;
- C. A plan for outreach to determine pupil needs, including connection with health and social services as necessary.
- D. 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 provisions of BP/AR 6158 and this policy regarding missed assignments and satisfactory educational progress.

"Pupil-parent-educator conference" means a meeting involving, at a minimum, all parties who signed the pupil's written Independent Study agreement pursuant to subdivision (g) of Section 51747 or the written learning agreement pursuant to subdivision (b) of Section 51749.6.

This section shall not apply to pupils that participate in an Independent Study program for fewer than 15 school-days in a school year.

4. Instructional Delivery Methods

Instruction shall be provided to all pupils in the Independent Study program in accordance with the pupil's written agreement, and shall include the following:

- A. For pupils in transitional kindergarten, kindergarten, and Grades 1 to 3, inclusive, daily synchronous instruction shall be provided for all pupils throughout the school year.
- B. Pupils in Grades 4 to 8, inclusive, will be provided opportunities for both daily live interaction and at least weekly synchronous instruction for all pupils throughout the school year.

“Live interaction” means interaction between the pupil and NS 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.

“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 teacher of record for that pupil pursuant to Education Code Section 51747.5.

This section shall not apply to pupils that participate in an Independent Study program for fewer than 15 school-days in a school year.

5. Returning to In-Person Instruction

Pupils whose families wish to return to in-person instruction from Independent Study must notify the designated contact person, as set forth in the pupil's written agreement. Upon notice from the pupil's family that a return to in-person instruction is desired, the Independent Study administrator shall provide for the pupil's return to the school of the pupil's previous in-person attendance, or such other school as is appropriate for the pupil's grade level and place of residence, no later than five instructional days after the request is received.

This section shall not apply to pupils that participate in an Independent Study program for fewer than 15 school-days in a school year.

6. Master Agreement

The principal or designee shall ensure that a written master agreement (NS Long-Term IS Contract) exists for each participating student as prescribed by law (Education Code 51747, 51749.5). The parent/guardian's signature on the agreement shall constitute permission for the student to receive

instruction through Independent Study. Each pupil's written agreement for Independent Study shall include, in addition to those provisions required by BP/AR 6158, the following:

- A. The manner, time, frequency, and place for reporting the pupil's academic progress, and for communicating with a pupil's parent or guardian regarding the pupil's academic progress;
- B. The specific resources, including materials and personnel, that will be made available to the pupil. These resources shall include confirming or providing access to all pupils to the connectivity and devices adequate to participate in the educational program and complete assigned work;
- C. A statement of the level of satisfactory educational progress allowed before an evaluation of whether or not the pupil should be allowed to continue in Independent Study;
- D. A statement detailing the academic and other supports that will be provided to address the needs of pupils who are not performing at grade level, or need support in other areas, such as English learners, individuals with exceptional needs in order to be consistent with the pupil's individualized education program or plan pursuant to Section 504 of the Federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), pupils in foster care or experiencing homelessness, and pupils requiring mental health support; and
- E. A provision for electronic signatures if a LEA chooses to make use of electronic signatures for written agreements.

Signed written agreements, supplemental agreements, assignment records, work samples, and attendance records assessing time value of work or evidence that an instructional activity occurred may be maintained as an electronic file. An electronic file includes a computer or electronic stored image of an original document, including, but not limited to, portable document format, JPEG, or other digital image file type, that may be sent via fax machine, email, or other electronic means. Either an original document or an electronic file of the original document is allowable for auditing purposes.

Written agreements may be signed using an electronic signature that complies with state and federal standards that may be a marking that is either computer generated or produced by electronic means and is intended by the signatory to have the same effect as a handwritten signature. The use of an electronic signature shall have the same force and effect as the use of a manual signature if the requirements for digital signatures and their acceptable technology, as provided in Section 16.5 of the Government Code and in Chapter 10 (commencing with Section 22000) of Division 7 of Title 2 of the California Code of Regulations, are satisfied.

For the 2021–22 school year only, NS shall obtain a signed written agreement for Independent Study from the pupil; the pupil's parent, legal guardian, or caretaker, the certificated employee who has been designated as having responsibility for the general supervision of Independent Study, **the school principal or designee**, and all persons who have direct responsibility for providing assistance to the pupil no later than 30 days after the first day of instruction.

7. Independent Study Enrollment and Notice

For the 2021–22 school year only, NS shall notify the parents and guardians of all enrolled pupils of their options to enroll their child in in-person instruction or Independent Study during the 2021–22 school year. This notice shall include written information on the NS internet website, including, but not limited to, the right to request a pupil-parent-educator conference meeting before enrollment pursuant to this section, pupil rights regarding procedures for enrolling, disenrolling, and re-enrolling in Independent Study, and the synchronous and asynchronous instructional time that a pupil will have access to as part of Independent Study.

If 15 percent or more of the pupils enrolled at a school site speak a single primary language other than English, as determined from the census data submitted to the department pursuant to Section 52164 in the preceding year, the written information shall, in addition to being written in English, be written in the primary language.

Upon the request of the parent or guardian of a pupil, and before signing a written agreement with the pupil's parent or guardian, NS shall conduct a phone, 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.

9. Records for Auditing Purposes

The principal or designee shall ensure that records are maintained for audit purposes. These records shall include, but not be limited to (Education Code 51748; 5 CCR 11703):

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 total days attendance credit per student based on supervising teacher evaluations;
3. A file of all agreements, with representative samples of each student's work products bearing the supervising teacher's 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 (Education Code 51745.6 and 51749.5); and
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 (Education Code 51747.5).

Navigator Schools 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 Independent Study is provided. A student who does not participate in Independent Study on a school day shall be documented as non-participatory for that school day (Education Code 51747.5).

10. Program Evaluation

The Chief Executive Officer or designee shall annually report to the Board of Directors of Navigator Schools the number of 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 successfully complete Independent Study.

Legal references include:

- EDUCATION CODE 51745 – 51749 Independent Study Programs
- Assembly Bill No. 130 (Ch. 44, Stats. 2021)