

## **AB 130 Summary from the CDE**

Dear County and District Superintendents and Charter School Administrators:

Governor Gavin Newsom signed Assembly Bill (AB) 130 into law on July 9, 2021. This bill makes changes to independent study (IS). Some of the changes apply to all local educational agencies (LEAs), and some apply only to school districts and county offices of education (COEs). Although this communication is not inclusive of all of the changes to IS, it highlights several of the more pressing new elements for the 2021–22 school year that LEAs need to be aware of before IS instruction begins. These include IS offering requirements, a provision for waivers of the offering requirements, as well as required parent notification, pupil-parent-educator conferences, and additions to board policies and written agreements. In the coming weeks the California Department of Education (CDE) will issue additional guidance in the form of frequently asked questions and webinars about the new IS requirements.

### **Independent Study Offering and Waiver Requirements**

For the 2021–22 school year only, school districts and COEs are required to offer IS as an educational option (*Education Code* [EC] Section 51745). This requirement does not apply to charter schools.

School districts may choose to contract with a COE or establish an interdistrict transfer agreement with another school district to meet the requirement of offering IS for the 2021–22 school year. If the district demonstrates that the requirement creates an “unreasonable fiscal burden,” and entering into an interdistrict transfer agreement or contract is not a viable option, the requirement to offer IS can be waived for a school district by the COE, and for a COE or school district in a single district county by the CDE.

In addition, AB 130 adds EC Section 46393 which requires all LEAs to include a plan for offering IS to pupils affected by school closures, along with the affidavit completed in submitting a Request for Allowance of Attendance Due to Emergency Conditions, Form J-13A. This requirement applies to all requests due to events that occur after September 1, 2021, and is not limited to the 2021–22 school year.

### **Parent Notification**

In order to communicate the educational options for families and their pupils in the 2021–22 school year, AB 130 has a requirement that school districts and COEs notify parents and guardians of their options to enroll their pupil in in-person instruction or IS during the 2021–22 school year (*EC* Section 51747). This notice shall include written information on the LEA’s internet website, including, but not limited to, the right to request a pupil-parent-educator conference meeting prior to enrollment, pupil rights regarding procedures for enrolling, disenrolling, and reenrolling in IS, and the synchronous and asynchronous instructional time that a pupil will have access to as part of IS.

### **Pupil-Parent-Educator Conferences**

Prior to signing the IS written agreement for IS, and at a pupil or parent or guardian’s request, all LEAs offering IS must hold a pupil-parent-educator conference or school meeting via phone, videoconference, or in-person (*EC* Section 51747). At a minimum this conference or meeting must involve all of the people who sign the pupil’s written agreement for IS. During the conference or school meeting, attendees may ask questions about the educational options, curriculum offerings, and nonacademic supports available to the pupil.

### **Updated Board Policies and Written Agreements**

In order to generate apportionment for IS, all LEAs must have adopted and implemented board policies and written agreements that meet specific criteria (*EC* Section 51747). AB 130 added new elements to be included in board policies and written agreements.

In addition to requirements in effect prior to the enactment of AB 130, **board policies** need to be updated to also include the following:

- Satisfactory progress as an added means to evaluate continued IS participation and placement.
- Provision of standards aligned content in IS that is substantially equivalent to the quality and intellectual challenge of in-person instruction.
- For high schools, a provision for access to all courses offered by the LEA for graduation and approved by the University of California or the California State University as creditable under the A–G admissions criteria.
- Procedures for tiered reengagement strategies.
- A plan to provide opportunities for synchronous instruction for all grade levels, and live interaction for grades four through eight.

- A plan to transition pupils whose families wish to return to in-person instruction from IS expeditiously, and not later than five instructional days.

**Written agreements** must be updated to also include the following:

- The manner, time, frequency, and place for communicating with a pupil's parent or guardian regarding academic progress.
- The inclusion of confirming or providing access to all pupils to the connectivity and devices adequate for participation and completion of work in the specific resources made available to the pupil.
- The level of satisfactory educational progress that would trigger an evaluation of whether or not the pupil should be allowed to continue in IS.
- A detailed statement of academic and other supports provided to address the needs of pupils not performing at grade level, or needed 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 504 plan, pupils in foster care, pupils experiencing homelessness, and pupils requiring mental health supports.
- A provision for electronic signatures if a LEA chooses to make use of electronic signatures for written agreements.

For the 2021–22 school year only, written agreements must be signed no later than 30 days after the first day of instruction. However, it is important to note that all other IS requirements must be met upon commencement of instruction. For any other school year, written agreements must be signed prior to commencement of IS.

The CDE understands that these changes will require time and planning on the part of LEAs. This initial communication with the most significant and time sensitive tasks is being provided to help LEAs with this work. As noted earlier, the CDE in the coming weeks will continue to issue guidance to help LEAs with understanding these new requirements.

LEAs interested in receiving regular email updates pertaining to IS may join the CDE IS listserv located at <https://www.cde.ca.gov/sp/eo/is/indstudylistserv.asp>.

If you have any questions regarding this subject, please contact the following CDE staff accordingly.

- For questions regarding the implementation of an IS Program, please contact [independentstudy@cde.ca.gov](mailto:independentstudy@cde.ca.gov).

- For questions regarding meeting attendance accounting, apportionment, and instructional time requirements in implementing the IS provisions of AB 130, please contact [attendanceaccounting@cde.ca.gov](mailto:attendanceaccounting@cde.ca.gov).

Your hard work and efforts on behalf of pupils and families are very much appreciated.