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# Important Updates Regarding Independent Study Programs

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The 2024 Education Omnibus Budget Trailer Bill, also known as Senate Bill (SB) 153, includes notable changes to the parameters for independent study programs. These changes, as further outlined below, affect both traditional and course-based independent study, and were made effective as of June 29, 2024. In addition, SB 114, last year's budget trailer bill, made changes to independent study requirements in the event of emergency school closures.

## Changes to Traditional and Course-Based Independent Study Per Senate Bill 153

SB 153 made the following changes to traditional and course-based independent study programs:

- Average daily attendance (ADA) is counted from a student's first day of independent study; this revises the prior rule that students must have participated for a minimum of three consecutive school days before their attendance was included in the school district's ADA.
- For traditional and course-based independent study programs, "short-term" independent study was expanded to programs scheduled for 15 school days or fewer and "long-term" independent study, which triggers additional programmatic requirements, was increased to programs scheduled for 16 school days or more.
- For short-term independent study, the required written agreements can now be signed at any time during the school year in which the independent study program takes place. For long-term independent study, the written agreements must still be signed before the commencement of the student's participation in the program.
- For purposes of computing ADA, pupil work product is expanded to include the daily time value spent by a student engaged in asynchronous instruction, regardless of whether work product is produced, as long as a computer program documents student participation. Additionally, local educational agencies (LEAs) are required to maintain documentation of each hour or fraction of an

hour for both the student's work product and the time the student was engaged in asynchronous instruction.

## Reminders Regarding Independent Study for Emergencies

In June 2023, SB 114 made significant changes to Education Code section 46393, which provides for independent study in the event of public health emergencies, natural disasters, and other safety hazards making in-person instruction infeasible for some or all students. These changes included:

- School closure affidavits submitted after September 1, 2021 shall certify that the school district has a plan for which independent study will be offered to students.
- LEAs impacted by school closures must offer independent study to students within the first 10 days of school closure. Students who are individuals with exceptional needs shall receive their services outlined in their individualized education plans and can participate in the independent study program.
- In the event of a school closure, the LEA is required to reopen for in-person instruction as soon as possible unless prohibited by the direction of the local or state health officer.
- LEAs must include information in their emergency plans regarding establishing independent study master agreements in a reasonable amount of time.
- A copy of the emergency plan shall accompany the school closure affidavit provided to the State Superintendent of Public Instruction.

### *Form J-13A: Emergency School Closures*

As noted above, it is important for LEAs to maintain an emergency plan regarding school closures due to an emergency. When an LEA experiences an emergency that requires school closure, the LEA should submit a Request for Allowance of Attendance Due to Emergency Conditions, Form J-13A, which allows students to continue their education through independent study during the school closure. Form J-13A allows LEAs to obtain ADA credit for days and minutes lost due to emergency closures and material decreases in attendance due to emergency events such as a fire, flood, or impassable roads. Education Code section 41422 authorizes maintenance of apportionments in instances when one or more schools must close because of extraordinary events such as those noted above. Form J-13A documents the LEA's compliance with instructional time laws and documents approval for ADA credit.

Please note the Legislature encourages LEAs to distribute independent study agreements with back-to-school paperwork provided to parents prior to the school year as a best practice in anticipation of emergency school closures. Neither SB 114 nor SB 153 affects this timeline.

### Takeaways

LEAs should take note of the new thresholds for short-term and long-term independent study and the procedures for each, including changes to documentation requirements. Board policies, independent study agreement forms, and plans and procedures regarding independent study should

be reviewed and updated in light of SB 153's changes. In addition, in the event of school closures due to an emergency, LEAs should be aware of SB 114's requirements and timelines for offering independent study.

LEAs are encouraged to consult with legal counsel regarding changes to board policies necessary at the beginning of the 2024-2025 school year.

If you have any questions regarding the above, please contact the authors of this Client News Brief or any attorney at one of our [eight offices](#) located statewide. You can also subscribe to our [podcasts](#), follow us on [Facebook](#), [Twitter](#) and [LinkedIn](#) or download our [mobile app](#).

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