



## Charter School Checklist

# INDEPENDENT STUDY REQUIREMENTS



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**S M Y & M**

SPECTOR, MIDDLETON, YOUNG & MINNEY, LLP  
7 PARK CENTER DRIVE  
SACRAMENTO, CALIFORNIA 95825  
TELEPHONE 916-646-1400  
FAX 916-646-1300  
[WWW.SMYMCHARTERLAW.COM](http://WWW.SMYMCHARTERLAW.COM)

## FIRM OVERVIEW

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Spector, Middleton, Young & Minney, LLP has been a leader in charter school law for more than a decade, representing over 300 charter schools throughout the state.

We offer superior legal expertise, as well as the technical know-how to allow you to effectively resolve your problems and meet all of your charter school needs – with the confidentiality you deserve, at a price you can afford.

We emphasize a preventative approach to the law, helping our clients anticipate legal difficulties, minimize exposure to legal claims and fees, and prevent operational challenges.

Located in Sacramento SMYM is uniquely positioned to influence the public policy debate – helping shape the future of charter schools.

For more information on our team of expert attorneys and the services that we offer please visit our website at [www.smymcharterlaw.com](http://www.smymcharterlaw.com) or call us at 916-646-1400.

LEGAL REQUIREMENT <sup>1</sup>	CITATION	ACCEPTABLE (CHECK AS APPROVED)
<p><b>Board Policy:</b> A charter school may not be eligible to receive apportionments for independent study by pupils unless it has adopted policies that include the following:</p> <ul style="list-style-type: none"> <li>a) the maximum length of time, by grade level and type of program, that may elapse between the time an independent study assignment is made and the date by which the pupil must complete the assigned work</li> <li>b) the number of missed assignments that will be allowed before an evaluation is conducted to determine whether it is in the best interests of the pupil to remain in independent study</li> <li>c) a requirement that a current written agreement for each independent study pupil shall be maintained on file including all legal requirements (see <b>Master Agreement</b> below)</li> </ul>	Education Code Section 51747(a) & (b)	
<p><b>Public Hearing:</b> In setting the policy (described above), the Charter School governing board must consider in a public hearing the scope of its existing or prospective use of independent study as an instructional strategy, its purposes in authorizing independent study, and factors bearing specifically on the maximum realistic lengths of assignments and acceptable number of missed assignments for specific populations of pupils. Adopted policies shall reflect an awareness that excessive leniency in their terms can result in pupils falling so far behind their age peers as to increase, rather than decrease, the risk of their dropping out of school.</p>	Title 5 California Code of Regulations Section 11702	
<p><b>Master Agreement:</b> A requirement that a current written agreement for each independent study pupil shall be maintained on file including, but not limited to, all of the following:</p> <ul style="list-style-type: none"> <li>(1) The manner, time, frequency, and place for submitting a pupil's assignments and for reporting his or her progress.</li> <li>(2) The objectives and methods of study for the pupil's work, and the methods utilized to evaluate that work.</li> <li>(3) The specific resources, including materials and</li> </ul>	Education Code Section 5174(c)(1)-(8)	

<sup>1</sup> **Title 5 California Code of Regulations Section 11700.1. Additional Definitions Applicable to Charter Schools**

- a. "Certificated employees," in charter schools, means employees meeting the requirements of subdivision (l) of Education Code Section 47605.
- b. "Classroom instruction," with reference to a charter school, means classroom instruction provided either by the charter school or by another public school that the pupil is eligible to attend.
- c. "School district" or "district," for the purposes of this subchapter and of Article 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 of the Education Code, means a school district or a charter school, unless the context clearly indicates otherwise.

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<p>personnel that will be made available to the pupil.</p> <p>(4) A statement of the policies adopted pursuant to EC Section 51747(a) &amp; (b) regarding the maximum length of time allowed between the assignment and the completion of a pupil's assigned work, and the number of missed assignments allowed prior to an evaluation of whether or not the pupil should be allowed to continue in independent study.</p> <p>(5) The duration of the independent study agreement, including the beginning and ending dates for the pupil's participation in independent study under the agreement. No independent study agreement shall be valid for any period longer than one semester, or one-half year for a school on a year-round calendar.</p> <p>(6) A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the agreement, to be earned by the pupil upon completion.</p> <p>(7) The inclusion of a statement in each independent study agreement that independent study is an optional educational alternative in which no pupil may be required to participate.</p> <p>(8) Each written agreement shall be signed, prior to 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. For purposes of this paragraph "caregiver" means a person who has met the requirements of Part 1.5 (commencing with Section 6550) of the Family Code.</p>		
<p><b>Signature &amp; Date &amp; Curriculum Requirements for Master Agreement:</b> Each signature required for an independent study agreement shall be dated. An agreement is not in effect until it is complete as to all terms, signed and dated. The curriculum and methods of study specified in the independent study must be consistent with the charter.</p>	Title 5 California Code of Regulations Section 11702	
<p><b>Funds or Things of Value:</b> A charter school may not claim state funding for the independent study of a pupil, whether characterized as home study or otherwise, if the charter school has provided any funds or other thing of value to the pupil or his or her parent or guardian that a school district could not legally provide to a similarly situated pupil of the school district, or to his or her parent or guardian.</p>	Education Code Section 51747.3(a)	
<p><b>Daily Engagement:</b> Attendance means the attendance of charter school pupils while engaged in educational activities required of them</p>	Title 5 California Code of Regulations Section 11960(a)	

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<p>by their charter school on days when the school is in session. AND <b>Time Value:</b> School districts and county offices of education may claim apportionment credit for independent study only to the extent of the time value of pupil or student work products, as personally judged in each instance by a <b>certificated</b> teacher.<sup>2</sup></p>	Education Code Section 51747.5(b)	
<p><b>Enrollment Restrictions:</b> Independent study average daily attendance shall be claimed by school districts, county superintendents of schools, and charter schools only for pupils who are residents of the county in which the apportionment claim is reported, or who are residents of a county immediately adjacent to the county in which the apportionment claim is reported.</p>	Education Code Section 51747.3(b)	
<p><b>Credentialing:</b> The independent study by each pupil or student shall be coordinated, evaluated, and, notwithstanding subdivision (a) of Section 46300, shall be under the general supervision of an employee of the school district or county office of education who possesses a valid certification document pursuant to Section 44865 or an emergency credential pursuant to Section 44300, registered as required by law.</p>	Education Code Section 51747.5	
<p><b>Special Education:</b> No individual with exceptional needs, as defined in Section 56026, may participate in independent study, unless his or her individualized education program developed pursuant to Article 3 (commencing with Section 56340) of Chapter 4 of Part 30 specifically provides for that participation.</p>	Education Code Section 51745(c)	
<p><b>Pupil to Teacher Ratio:</b> In a charter school, the ratio of average daily attendance for independent study pupils 18 years of age or less to full-time certificated employees responsible for independent shall not exceed 25:1 or the ratio of pupils to full-time certificated employees for all other educational programs operated by the largest unified school district, as measured by average daily attendance, in the county or counties in which the charter school operates. Any ADA in excess of the allowable pupil to teacher ratio will not be funded.</p>	Title 5 California Code of Regulations Section 11704	
<p><b>Work Samples:</b> Samples of original work must be maintained that reasonably reflect the total scope of work assignments</p>	Title 5 California Code of Regulations Section 11700(b)(2)	
<p><b>Maintenance of Independent Study Records:</b> Master Agreement: 3 years Daily Attendance Credit Register: 3 years Representative Work Samples: 3 years Regular work assignments: 3 years</p>	Title 5 California Code of Regulations Section 16023 and 16026 and 11703	

<sup>2</sup> The CDE currently interprets “daily engagement” attendance accounting and time value attendance accounting to apply to charter schools. In practice, this means a charter school only collects apportionment for any daily engagement of a student on work assigned by the teacher but only on days the school is in session (not holidays or weekends). Then, the credentialed teacher is obligated to also judge the time value of the work product of the pupil.

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Student work records: 3 years Teacher records: 3 years Transcript: permanents School apportionment records: 3 years		
<b>Work Samples:</b> The charter school should maintain representative work samples of each pupil's work product bearing signed or initialed and dated notations by the sponsoring teacher indicating that he or she has personally evaluated the work or that he or she has personally reviewed the evaluations made by another certificated teacher.		
<b>Equitable Provision of Resources:</b> The independent study option is to be substantially equivalent in quality and in quantity to classroom instruction.  This would include meeting the minimum amount of school days for charter schools, 175, and minimum instructional minutes. K: 36,000 1 – 3: 50,400 4 – 8: 54,000 9 – 12: 64, 800	Title 5 California Code of Regulations Section 11701.5, 11960  Education Code Section 51746, 47612.5	
<b>Geographic Restrictions:</b> A nonclassroom based charter school may establish a resource center, meeting space or other facility located in a county adjacent to that which the charter school is authorized only if the charter school provides its primary educational services in, and a majority of the pupils it serves are residents of, the county in which the charter school is authorized.	Education Code Section 47605.1(c)	
<b>Over Nineteen:</b> To remain eligible for generating apportionment, a pupil over 19 years of age shall be continuously enrolled in public school in pursuit of a high school diploma while 19 years of age and without a break in public school enrollment since that time, is enrolled in the charter school and is making satisfactory progress toward award of a high school diploma and the pupil is not over the age of 22 years.	Education Code Section 47612  Title 5 California Code of Regulations 11960(c)	
<b>Funding Determination:</b> All nonclassroom based charter schools must receive a funding determination from the State Board of Education in order to receive apportionment. <sup>3</sup>	Education Code Section 47612.5, 11963.2 – 11963.7  See “SB 740 Cheat Sheet”	

<sup>3</sup> There are exceptions for certain charter schools with exclusive partnerships with Job Corp, Conservation Corp, Workforce Incentive Act, Youth Build programs, and Juvenile Court school programs.