



# DISTANCE LEARNING AVAILABLE TO FAMILIES THROUGH INDEPENDENT STUDY DURING THE 2021-22 SCHOOL YEAR: A RESOURCE FOR PARENTS AND GUARDIANS

During the 2021-22 school year, parents and guardians can choose to have their children return to school for in-person instruction or enroll in distance learning through “independent study.”

California schools will no longer have to offer a “distance learning” option to students like they did during the 2020-21 school year. But most county offices of education and school districts (collectively, “school districts”) instead must offer independent study to certain students who need to engage in remote, instead of in-person, learning. For example, students whose health would be at risk by returning to school in-person will be able to go to school through independent study.

For decades, independent study has been an optional program that California school districts, county offices of education and charter schools could provide to students. However, to accommodate families’ desire for distance learning, the state recently changed the law to expand who can enroll in independent study and to improve certain aspects of it for the upcoming school year and into the future.

Here are important things to know about your and your child’s rights and your school district’s responsibilities if you are interested in the independent study option for your child.

## CONTENTS

- **10 KEY QUESTIONS**
- **KNOW YOUR RIGHTS (CLICK ON EACH TOPIC TO JUMP AHEAD)**
  - I. What is Distance Learning Through Independent Study?
  - II. What Would Independent Study Look Like for My Child, and Would It Meet My Child’s Specific Needs?
  - III. How Does My Child Enroll in or Leave Independent Study?
  - IV. My Child Needs Additional Services, Such as Special Education or English Learner Supports. Can My Child’s Needs Be Met in Independent Study?
  - V. How Will Independent Study Affect My Child’s Privacy Rights?
  - VI. What Are the COVID-19 Rules at My Child’s School?

The most updated version of this document is available at <https://youthlaw.org/case/independent-study-rights/>.



# 10 KEY QUESTIONS



During the 2021-22 school year, parents and guardians can choose to have their children return to school for in-person instruction or enroll in distance learning through “independent study.” Here are key questions for you to ask yourselves and your child’s school staff to figure out which learning option is best for your child. You can ask your school for a “pupil-parent-educator conference” during which you can ask these and other questions.

- Will my home school or school district offer independent study, or will it partner with another district to provide that learning option?
- How can I enroll my child in independent study mid-year, if needed? What is the process for my child to re-enroll in in-person instruction during the school year if my situation changes?
- What classes, programs, extracurricular activities and school site services will the district offer to students enrolled in independent study?
- How will enrollment in independent study affect my child’s ability to advance grades and/or graduate?
- How much daily live interaction or daily synchronous learning will my child receive?
- How will the district monitor and support my child’s attendance, academic progress, and social-emotional well-being during independent study?
- What data and records will the district maintain related to my child’s participation in independent study?
- What will the district do if my child is unable to follow their written independent study agreement? What services will they provide?
- For what reasons and how might the district discipline my child during enrollment in independent study?
- If my child has an Individualized Education Program (IEP) or Section 504 plan, is houseless, is in foster care, is an English learner, or otherwise needs additional help, which services and accommodations will the district provide to my child during independent study and in what amounts/frequency? Will the district provide any services in person even if my child enrolls in independent study?

# KNOW YOUR RIGHTS

**Disclaimer:** Health, safety and education policies are constantly changing. Please consult state, county, or school rules for the latest information. The information in this *Know Your Rights* publication is produced for educational purposes only. This is not intended and is not a substitute for legal advice. The rights described in this *Know Your Rights* guide applies to California public schools.

## I. What is Distance Learning Through Independent Study?



### 1. Who is eligible for independent study?

If you determine that your child's health would be put at risk by in-person instruction, your child is eligible for independent study. Your child may also take independent study if they need special assignments to extend regular coursework, need access to additional coursework, need individualized alternative education to master core curriculum, have special circumstances during significant travel, or want to participate in volunteer and leadership activities that support their learning.

### 2. Is this independent study option different from prior independent study programs?

Yes. This year, schools must improve their communication with students and families about the independent study option, and there are new requirements for enrollment and disenrollment. There are also new rules about how schools provide instruction for certain grade levels, the educational quality of independent study, what data schools collect and report, and record keeping. However, it is important to note that while this version of independent study has more robust requirements, it may continue to pose challenges for those students who struggled in distance learning, or previous independent study models, especially those who need additional support to learn and thrive in school. More details are below.



### 3. Do all schools have to offer independent study?

Almost all school districts will have to offer independent study during the 2021-22 school year. If they do not provide it directly, they should partner with another district or county office of education that can enroll students who want to enroll in independent study. If this is the case at your child's school, you will need to sign and submit an inter-district transfer form to enroll your child in an independent study program in a different district. Ask your school's staff about how to submit the form and what your best options are for schools offering independent study programs. The California Department of Education (CDE) has instructions on how to find independent study options: <https://www.cde.ca.gov/sp/eo/is/howtofindis.asp>.

A small number of school districts do not have to offer independent study if: 1) they would face an unreasonable fiscal burden by doing so AND 2) they cannot partner with another district or county office of education to offer independent study through that third party.

### 4. Do charter schools have to offer independent study?

No, charter schools have the option of offering independent study, but they are not required to in the

2021-22 school year. If your child attends a charter school that is not offering independent study and you do not feel it is safe for your child to return to school in-person, you may enroll your child in a different charter school or a school district or county office of education that offers it.

### 5. How is “homeschool” different from independent study, and how do I enroll my child in it?

Homeschool is an option for you to privately educate your child at home, providing all curriculum, instruction, and materials. Homeschool differs from independent study in that students are not actually enrolled at their local public school, and you as a parent or guardian are responsible for designing and implementing curriculum. Because California law does not actually authorize home schooling, it is up to local school districts to recognize your child as exempt from mandatory public school to be homeschooled.

To enroll your child in homeschool, you must first file a Private School Affidavit with the Superintendent of Public Instruction of their school district. Then, the public school district listed in the Affidavit decides whether your child is exempt from public school due to their enrollment in a full-time day school (your homeschool). The annually required Affidavit becomes available October 1, after the school year begins; thus, if you are a first-time Affidavit filer, you should notify the school district attendance officer to communicate your intent to school at home. The filing period is October 1-15, though the system remains open throughout the school year. Though the CDE does not offer guidance on homeschool curriculum, content standards and curriculum frameworks can be found online. Visit the [CDE](#) to learn more.

## II. What Would Independent Study Look Like for My Child, and Would It Meet My Child’s Specific Needs?



### 1. Is independent study right for my child?

Independent study is very different from in-person instruction, so you should carefully think about whether it will meet your child’s academic and social-emotional needs. Though school must offer independent study this school year as a new form of distance learning for students who are eligible, independent study requirements are not as robust as 2020-21 distance learning requirements. This means that independent study may be worse or better for your child next year than distance learning was during the 2020-21 school year. You should ask your district to provide as much information as you need about independent study to decide whether it will be right for your child. For example, consider the availability of supervision of your child during the school day, your child’s ability to complete work independently during “asynchronous” learning time, your child’s interest in participating in extracurricular or social activities, and your child’s ability to access special services or supports remotely. Involve your child and other key adults in their life in the enrollment decision-making process. [See How Does My Child Enroll in or Leave Independent Study?](#) below for more information.



## 2. Will my child have access to teachers or other live instruction in independent study during the 2021-22 school year?

Different schools will offer different levels of instruction. The law sets minimum levels of interaction, which differ by grade level, but many schools will offer more. Types of interaction include:

- › Independent, asynchronous learning (students complete assigned work on their own without real-time support from school staff);
- › Synchronous instruction (students receive classroom-style, small group, or one-on-one instruction in real time, including two-way communication, with their teacher); and
- › Live interaction (students connect with school staff – not necessarily their teacher – to maintain school connectedness, including but not limited to wellness checks, progress monitoring, provision of services, or instruction).

Note that your child may, but does not have to, have opportunities for interaction with other students.

GRADE LEVEL	REQUIRED MODES OF INSTRUCTION
Transitional kindergarten - 3	Daily synchronous instruction and asynchronous learning
4-8	Daily live interaction, at least weekly synchronous instruction, and asynchronous learning
9-12	At least weekly synchronous instruction and asynchronous learning

School districts' written policies for independent study may include additional rules about types of interaction, such as any instructional minute requirements for synchronous instruction. Contact your child's school administrator and/or ask questions during your pupil-parent-educator conference meeting to learn about the rules in your specific program.

## 3. How will school districts ensure that my child is receiving a quality education in independent study?

Independent study curriculum must be aligned to grade level standards and substantially equivalent to the level of quality and challenge of in-person instruction. In other words, the quality of education your child receives in independent study must be the same as other students receive in-person. School districts must also have a written policy describing how they will measure the academic progress of students enrolled in independent study. If your child is not progressing enough through independent study, the school should reevaluate whether they should be in independent study.

Satisfactory educational progress must be determined based on, at minimum:

- › Your child's achievement and engagement;
- › Completion of assignments and assessments;
- › Teacher's determination of whether your child is learning required concepts; and



- › Teacher's determination of whether your child is progressing toward completion of course of study.

#### 4. What can I do if my child is not receiving adequate interaction or quality of education in independent study?

If your child is not receiving appropriate interaction or quality of education, you should immediately contact the school staff who signed the independent study written agreement and notify them of the problems, preferably in writing. You should request a meeting to discuss how the school will fix the



situation, including but not limited to changing the type or increasing the amount of teacher and peer interaction and adding remedial instruction to make up for lost instructional time or inadequate quality. If this process does not result in the appropriate changes within a reasonable time, you should make a written complaint to the school district through its local complaint procedures and forward that complaint to the county office of education, the California Department of Education independent study division ([independentstudy@cde.ca.gov](mailto:independentstudy@cde.ca.gov)), and the CDE School Fiscal Services division ([attendanceaccounting@cde.ca.gov](mailto:attendanceaccounting@cde.ca.gov)).

School districts that do not comply with the above interaction and quality of education requirements may have to pay back money they received for independent study. Compliance is monitored through the school district's annual audit process.

#### 5. Can my child face discipline for being late to live instruction during independent study or for being absent?

Yes; nothing in state law stops schools from disciplining students for truancy or absence. You should request that the independent study written agreement include clear guidance on when and how your child will be disciplined for truancy or absence. You should also keep track of when your child seems to be facing discipline in remote settings, such as being asked to leave a Zoom classroom, in case the school district is not tracking such actions as formal discipline in school records. Finally, school districts must engage in tiered reengagement strategies to support students (meaning they should try other things to get students back on track), as described below, if students are not attending for more than three school days or 60% of the days in a school week. You can ask your district which specific strategies they will use to reengage your child instead of, or before they take, disciplinary action.

#### 6. Can my child access extracurricular activities in independent study?

State law does not require that students in independent study have access to extracurricular activities. However, the school district board policy may include information about this access. If your child is not receiving access to extracurricular activities, you should ask your school's staff if they can allow your child to participate.

#### 7. Will my child be able to meet requirements for college admissions if enrolled in independent study?

Yes. High school students who are enrolled in independent study must have access to all courses required by their school district for graduation. They must also have access to all "A-G" requirements offered by the school, which are a sequence of courses that students must take to be minimally eligible for admission to the University of California (UC) and California State University (CSU).

### 8. Will my child's school provide them with all the technology and materials they need to access independent study?

Yes, your child's school must offer them all of the technology they need to access their educational program. For example, the school must provide, free of charge, any laptops, tablets, software, books, stationary, internet access, or anything else that is needed to participate in instruction.

## III. How Does My Child Enroll in or Leave Independent Study?



### 1. How can I request independent study for my child?

This year, school districts and county offices of education must notify parents and guardians of enrolled students of their right to enroll in independent study before the school year. School districts must also post written information about the process for enrolling in independent study, how to request meetings to discuss enrollment, and more information on their website, in multiple languages depending on the needs of their community. If you or your child aged 18 years or older believe they are eligible for independent study because of risks to their health or other eligibility criteria, you should contact the designated district or school staff person to request enrollment in independent study.

As a parent or guardian, you have a right to have a “pupil-parent-educator conference meeting” prior to enrollment, during which you and your child, along with an education advocate if you request one, meet with school staff and can ask questions about your child's instructional options before making an enrollment decision.

### 2. Can I enroll my child in independent study in the middle of the school year?

Yes, schools should allow you to enroll your child in independent study after the beginning of the school year, particularly if your child's health or family situations change. You should contact your child's school administrator to request independent study and explain the reason why you would like to transition. If a school resists letting your child enroll in independent study in the middle of the semester, you can request an inter-district transfer to another school that offers independent study.

### 3. What paperwork must be completed before my child enrolls in independent study?

Your child must have a written independent study agreement in place before they begin independent study. In other school years, that agreement must be signed before instruction commences. During the 2021-22 school year, the agreement must be signed within 30 days of when independent study begins. The signatures can be digital.

The written agreement must include, at minimum:

- › How your child should submit assignments;
- › How academic progress will be reported and communicated to you;
- › What courses your child will study and how your child will be evaluated;
- › Resources, including wireless connectivity and technology devices, that will be provided to your child;

- › Expectations for your child's educational progress;
- › Beginning and end dates for independent study, not to exceed one school year;
- › Course credits or other achievement measures your child will receive;
- › Academic and other supports for students not performing at grade level, or students who are English learners, have an Individualized Education Program or Section 504 plan, are in foster care, are experiencing homelessness, and/or require mental health supports; and
- › A statement confirming that independent study is voluntary.

#### 4. What happens if my child is unable to follow their independent study agreement?

- › School districts must implement tiered reengagement strategies for students who are not able to follow their independent study agreements. In other words, they must try to reach out to and support your child to get them back on track, including providing additional services and supports that will help them succeed in independent study. School districts must have written board policies that describe their reengagement strategies, which must include, at minimum:
- › Verification of current contact information for you and your child;
- › Notification to you of lack of participation within one school day of the lack of participation;
- › A plan for outreach to your child with resources, including health and social services (for example, meetings with a counselor or social worker) if needed; and
- › A standard for when a pupil-parent-educator conference should take place to revisit and potentially change the independent study written agreement.

#### 5. How can my child leave independent study and move back to in-person instruction?

You can decide to exit your child from independent study at any time because it is a voluntary program. If your child has been enrolled in independent study for 15 school days or more, the school district must exit them from independent study and re-enroll them in in-person instruction in five school days or less after your request to re-enroll. Unless a school is closed due to quarantine rules or a natural disaster, in-person instruction is the default for all schools this year, so it should be readily available to your child should you want them to transition.

## IV. My Child Needs Additional Services, Such as Special Education or English Learner Supports. Can My Child's Needs Be Met in Independent Study?



### 1. Can my child with disabilities enroll in and receive services through independent study?

Yes, so long as their Individualized Education Program (IEP) specifically provides for independent study enrollment. If your child has an IEP and would like to enroll in independent study, you should ask the IEP team to get together as soon as possible. Legally, this meeting should occur within 30 days of your request for an IEP meeting. You should discuss whether changing the delivery method of your child's special education placement and services in their IEP to independent study can meet their needs.



School districts have a legal duty to provide children with disabilities with a free appropriate public education that meets all of their education-related needs (e.g., academic, social, emotional, language development, etc.). When considering independent study, it is important to identify every service offered in the IEP prior to independent study, including the amount of service offered. Then compare this to the amount of the same service offered in an independent study program to decide whether independent study can meet your child's needs.

It may be difficult for the school district to provide certain services (e.g., specialized academic instruction or special day class) that require many minutes per day/week (e.g., 6 hours per day) of the service, in an independent study program. Other services (e.g., speech and language, occupational therapy, school-based counseling) that are provided during a smaller part of the school week (e.g., 30 or 60 minutes per week) may be more possible for a school district to offer through independent study.

If your child has a Section 504 plan, you should request that their 504 plan explicitly states whether they can enroll in independent study and what, if any, changes to accommodations must be made when they are in independent study. As described in [How Does My Child Enroll in or Leave Independent Study?](#) above, the school must describe in the independent study written agreement how the independent study program is consistent with and supports your child's IEP or 504 plan and how your child will access required services and accommodations while enrolled in independent study.

If your child is a student with a disability and you believe that they should be in school in-person in order to access their special education and related services, make sure school district staff does not pressure you into transferring your child to independent study. You have the right to choose which model works best for your child. You can also request additional supports to make in-person instruction more accessible for a student with disabilities during the 2021-22 school year, such as clear masks to facilitate lip reading, more flexible class schedules, or separate work areas to minimize distractions.

[Click here](#) for more information from Disability Rights Education & Defense Fund on back-to-school planning, including best practices for contacting your child's case manager or 504 site coordinator.

## **2. Can my child who is an English learner enroll in and receive needed services through independent study?**

Yes, the independent study written agreement must include how the school will provide academic and other supports to English learners, including designated and integrated English language development. You should make sure that the agreement includes all the services your child needs.



## V. How Will Independent Study Affect My Child's Privacy Rights?



### 1. Whether attending school in person or enrolling in independent study, is there something I can do to protect my child's privacy rights in their educational records?

Yes. Usually, most schools send home a lot of information on the first day or first week of school. Be sure that you carefully read over any agreements or releases that the school or independent study program offers you and understand what they mean before you sign them! Some of these agreements may be about understanding your child's privacy rights when it comes to their educational records and what information the school or independent study program can share with others. If you have questions about the forms, ask your school. If the form is provided to you in a language that you do not understand, ask the school for help to understand the documents. You should know what you are agreeing to if you or your child are asked to sign something.

### 2. My child is going to rely on a computer to do schoolwork this year. Do they have privacy rights on a computer or online account, like email, provided by the school?

Yes. Your child has a right to keep the contents on their computer or online accounts private, even if the school gives them the computer or account. These rights are similar to the right to keep the contents of your cell phone private. To learn more about these rights and exceptions, visit <https://www.myschoolmyrights.com/cell-phone-privacy/>.

### 3. Can online service providers and educational technology platforms collect my child's data without my permission?

Sometimes, if certain requirements are met. Your child's school may use products and services for educational purposes (sometimes referred to as "EdTech") to provide students with online accounts, services, or programs. Your child's school may share certain information with EdTech providers so your child can access the service or platform for education purposes, and the EdTech provider may collect certain information about your child and their use of the product or service, like how long it took to complete an assignment, to share with the school. However, the EdTech providers must protect your child's information and cannot use their information for purposes outside of those allowed by your school district.

Generally, Internet Service Providers and EdTech companies who provide or sell remote learning technologies are not allowed to collect, use, retain, or share any private, personally identifying information about you, your child, or your family members, consistent with FERPA and the California Student Online Personal Information Protection Act, unless doing so is directly necessary for their platforms' remote learning functionality.

Usually, there should be an agreement between your child's school district and the EdTech company to ensure the company is protecting your information and your privacy. You can ask your child's school how it protects your child's information when they use any EdTech.

If you want to learn more about EdTech and your child's school's obligations to protect your child's privacy, check out the U.S. Department of Education's guidance on student privacy when learning virtually at [https://studentprivacy.ed.gov/sites/default/files/resource\\_document/file/FERPA%20%20Virtual%20Learning%20032020\\_FINAL.pdf](https://studentprivacy.ed.gov/sites/default/files/resource_document/file/FERPA%20%20Virtual%20Learning%20032020_FINAL.pdf).

## VI. What Are the COVID-19 Rules at My Child's School?



### 1. Does my child need to wear a mask or face shield at school?

Under the state's rules, students in K-12 schools must wear a mask at school unless they cannot wear a mask because of a medical condition. Students whose disabilities also make it difficult for them to consistently wear a mask or follow other health requirements cannot be discriminated against because of their disability. Students do not need to wear masks outdoors. Schools must provide masks to students who do not have one. However, school districts may choose how to enforce the mandatory mask rule. If a school excludes a student who refuses to wear a mask, it must provide "alternative educational opportunities" to that student. This likely means the school district will ask the student to take independent study. The rules on mask requirements may change as a result of health advisories or state or local rules. Visit your county's or your school district's website to find out specific requirements. Additionally, the CA Safe Schools for All Hub consolidates and updates key resources and information related to COVID-19 and schools.

### 2. Does my child need to be vaccinated to go to school?

No, particularly because the vaccine has not yet been approved for students younger than 12 years old. Visit the CA Safe Schools for All Hub for up-to-date resources and information related to COVID-19 and schools.

### 3. Does my child need to take a COVID-19 test to go to school?

It is up to local school districts, but the state is encouraging frequent testing and will provide all funding so such testing could be available to students for free. Contact your school district or visit the website to find out specific requirements. The CA Safe Schools for All Hub consolidates and updates key resources and information related to COVID and schools.

If you have questions or concerns about other back-to-school issues or education services for your child, you can contact [info@youthlaw.org](mailto:info@youthlaw.org), or visit:

- [www.myschoolmyrights.com](http://www.myschoolmyrights.com)
- ["Back to School 2021," Disability Rights Education & Defense Fund](#)
- [California Foster Youth Education Task Force](#)

## CONTRIBUTORS:

Atasi Uppal, Patrick Cremin & Stephanie Horwitz  
National Center for Youth Law

Martha Hernandez & Shelly Spiegel-Coleman  
Californians Together

Ana Mendoza, Emily Silberstein & Victor Leung  
ACLU Foundation of Southern California

Jill Rowland  
Alliance for Children's Rights

Samantha Tran  
Children Now

Vivian Wong  
Youth Justice Education Clinic, Loyola Law School

Sherry Griffith  
California State PTA

Liz Guillen  
Public Advocates Inc.