

SB 153 - Independent Study Law Changes for 2024-25

July 2, 2024

On June 29, 2024, the Governor signed Senate Bill 153 (“SB 153”), otherwise known as the Education Omnibus Budget Trailer Bill. Among other important changes (which will be the subject of separate legal alerts and webinars), SB 153 makes significant amendments to the independent study requirements. **Unfortunately, these amendments trigger necessary changes to independent study board policies that must be made before you commence independent study for the 2024-25 school year; a failure to do so may result in a loss of funding for students.** YM&C will host a webinar to review the necessary changes to the independent study policy on Wednesday, July 17, from 12:00-1:15 PM. To register for the webinar, please [sign up here](#). The following is a summary of the changes to independent study law pursuant to SB 153:

1. “Short-term” Independent Study Lengthened – Exemption for Synchronous Instruction/Live Interaction and Tiered Reengagement Requirements:

Education Code Section 51747 generally requires synchronous instruction and live interaction opportunities, tiered re-engagement strategies, and a plan to transition pupils whose families wish to return to in-person instruction. Previously, Section 51747 stated that these requirements did not apply to pupils participating in an independent study program **for fewer than 15 school days** in a school year. SB 153 retains this exemption but changes that standard slightly to **fewer than 16 school days** in a school year, thus increasing what we often refer to as “short-term independent study” by one day.

2. Timing for Signing Independent Study Agreements

SB 153 requires that independent study agreements for a pupil participating in an independent study program that is scheduled **for more than 15 school days** be fully signed before the commencement of independent study (by the parent/guardian/caregiver, the student, the supervising teacher, and the certificated employee having responsibility for special education programming of the pupil, as applicable). Again, this is an increase of one day from the prior law. For independent study that is scheduled for 15 school days or fewer, SB 153 allows each written agreement to be signed **during the school year in which the independent study program takes place** (by the same signatories), thus providing substantially more flexibility on timing for “short-term” independent study. SB 153 notes,

“The written agreement may be signed at any time during the school year, but it is the intent of the Legislature that parents or guardians of pupils be provided the agreement at or before the beginning of the school year.”

3. Attendance Documentation for Apportionment for Independent Study

SB 153 maintains the requirement that independent study apportionment credit be claimed only to the extent of the time value of pupil work product as personally judged by a certificated teacher employed by the local educational agency or the combined time value of pupil work product and pupil participation in synchronous instruction. However, SB 153 adds an allowance to include asynchronous instruction in the definition of “pupil work product.” SB 153 states, *“pupil work product may include the time value spent by a pupil engaged in asynchronous instruction, including work completed on an online or computer-based instructional activity, regardless of whether pupil work products are produced, if the computer program documents pupil participation.”*

Of major concern is the next sentence added by SB153, “The local educational agency shall maintain documentation of each hour or fraction of an hour of both pupil work products and the time that the pupil engaged in asynchronous instruction.” This stand-alone sentence appears to state that every work product and all asynchronous instruction be documented by hour and fraction of the hour, a practice that would be very atypical of most independent study programs other than purely virtual programs that track instruction automatically. YM&C is concerned that this requirement will be interpreted to require students to track all time spent on independent study, thus confusing “time value” with “actual time.” We will be discussing with lobbyists to gain a further understanding of legislative intent and will provide any gathered insight during the webinar.

If you have any questions regarding this legal alert, please contact **Lisa Corr at lcarr@ymclegal.com or Janelle Ruley at jruley@ymclegal.com**. Also, please plan to attend the webinar on July 17, 2024. Additionally, be on the lookout for forthcoming legal alerts on the remaining portions of SB 153 and other legislative updates.

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