



# AB 130 – Education Trailer Bill Implementation Guidance for Independent Study

In compliance with AB 130, school districts and county offices of education are required to provide all of their enrolled TK-12 students with an independent study (IS) option for the 2021-2022 school year. For special education students, however, participation in independent study continues to be subject to IEP team determination as already provided in the law.

Districts and county offices have different options available in order to satisfy this mandate (i.e. local program option/s, interdistrict attendance agreement with another district/s, or contracting with a county office of education) as well as discretion in terms of program design, within certain general parameters.

This guidance document is to provide a high-level recommended task list to help with AB 130 compliance.

## **Required Independent Study Option for 2021-2022 – District and County Office Compliance:**

1. If not previously determined, each district and county office should immediately convene a meeting of its governing body for discussion and action on whether it will offer an IS option locally or provide a virtual option through an interdistrict attendance agreement and/or a contract with a county office of education.
  - This may be considered at a special meeting of the governing body consistent with the currently applicable provisions of the Brown Act, including board member and public virtual attendance and participation (i.e. via Zoom) to facilitate/ expedite the process.
  - This meeting should occur sufficiently in advance of the scheduled first day of instruction to ensure that any and all necessary board policies, agreements, and/or contracts can be adopted/ approved, required notices to parent/guardians sent/posted, and IS enrollment elections/ interdistrict attendance agreements processed.
2. If the decision is made to provide the IS option locally, in order to qualify for apportionment for IS students, the governing body will need to take immediate steps to adopt a formal written policy (or amendments to an existing IS policy) that includes all of the information required in the statutes as amended by AB 130.
  - Although the language of AB 130 does not specify that the required policy be formally adopted prior to issuance of enrollment option notices, given the information required to be sent/posted and information required to be shared and discussed with parents/guardians and students during any requested pre-enrollment meetings, it is highly recommended that adoption of a compliant policy (or policy update) be completed prior to posting and issuance of the required notices. Regardless, board policy must be adopted before the start of instruction in order to qualify for any apportionment for IS students.

- If applicable, districts and county offices should address any adopted board bylaw requiring multiple readings prior to adoption of board policy to avoid prejudicial delays and/or complaints concerning board non-compliance.
  - Program design should also be carefully reviewed and analyzed in light of existing collective bargaining agreements with regard to both certificated and classified staffing implications (i.e. transfers, reassignments, limitations on duties within job descriptions, etc.).
  - Other existing board policies should also be reviewed to ensure consistency with new IS policy and procedures (i.e., student right to attendance in neighborhood school).
3. Districts and county offices must notify all parents and guardians of the in-person and IS educational options available to students for the 2021-2022 school year, posting all required information on its website.
    - If IS will be available locally, the notice must comply with requirements set forth in the amended statute.
    - If IS will be available through interdistrict attendance agreement or through a county office of education, information regarding how to apply/enroll should be provided.
  4. Districts and county offices providing a local IS program option should simultaneously be developing and/or updating independent study agreements to ensure that all additional (new) components required by AB 130 are included.
  5. Within thirty (30) days of the first day of instruction, districts and county offices shall secure all mandated parent/guardian/student signatures (which may be obtained electronically) on the written IS agreements.

**The most pressing tasks associated with compliance are clearly:**

1. Deciding whether to provide a local IS option or to secure an agreement with another district for the interdistrict attendance of district students for an IS program, and;
2. Developing and getting approval of the resulting compliant IS policy or IDT master agreement(s).  
If offering a local option, we do recommend careful coordination between departments to ensure that implementation (on which eligibility for apportionments is keyed) will not be prevented or delayed by processes such as labor agreements, job descriptions, available staffing, etc., particularly given the right of parents/guardians/students to exit IS and return to in-person instruction within five (5) instructional days of request.

We recognize districts and county offices may have many more questions given their unique circumstances and local conditions, we recommend that you work closely with your legal counsel and auditors for specific guidance.