AGENDA

1. Meeting called to order

2. Establish quorum

3. Salute to the flag

4. Adoption of the Agenda

5. Open public forum – Public comments are taken on action, discussion and information items only; or during this time for items not on the agenda which are within the jurisdiction of the Nevada County Board of Education. Individuals wishing to make a public comment may do so now or at the time the agenda item is heard. At this time, comments are limited to three (3) minutes each.

6. Close public forum

7. Public Hearings

   A. Open public hearing to review FY2022-23 Sufficiency of Instructional Materials in the Nevada County Alternative Educational programs, grades 7-12 (EC §60119) (page 1)

   B. Close public hearing.

8. Approval of the Consent Agenda

   These items are expected to be routine and non-controversial. They will be acted upon by the Board at one time without discussion unless a trustee or citizen requests that an item be removed for discussion and separate consideration. In that case the designated item(s) will be considered following approval of the remaining items.

   A. Approval of Minutes of the Regular meeting of August 17, 2022 (page 2)

9. Superintendent's Report

   A. Grand Jury Report, “Nevada County Schools: The Lesson Never Learned” (page 5)

   B. NCSOS Response to Grand Jury Report, “Nevada County Schools: The Lesson Never Learned” (page 20)

10. Staff Reports

    A. Alternative Education, Amy Brooks

    B. Educational Services, Teena Corker

    C. Business Services, Darlene Waddle

    D. SELPA/Special Education, Eli Gallup
11. Action Items
   A. Shall the Nevada County Board of Education approve Resolution 22-03, Sufficiency of
      Instructional Materials for grades 7-12 for Nevada County Alternative Educational
      Programs FY2022-23? (ROLL CALL VOTE) (page 24)
   B. Shall the Nevada County Board of Education approve the Revisions to Board Policy and
      Administrative Regulations 6158(a) Independent Study Policies; and Written Master
      Agreement for Independent Study? (page 26)

12. Information/Discussion Items
   A. 2022-23 Nevada County Academic Tournament Schedule (page 69)

13. Board Reports
    A. Legislative, Julie Baker
    B. Charter Liaison, Timothy May and Louise Johnson
    C. Individual Board Reports

14. Adjournment

Next Meeting Date: Wed., October 12, 2022 at 3:00 PM

Posted: 9/9/2022

Notice: The agenda packet and supporting materials, including materials distributed less than 2 hours prior to the scheduled meeting, can be viewed at the Nevada County Superintendent of Schools office – located at 380 Crown Point Circle, Grass Valley, California. For more information, please call 530.478.6400 ext. 2003.

Notice: In compliance with the Americans with Disabilities Act, if you need special assistance to access or participate in this meeting, including auxiliary aids or services, contact the Nevada County Superintendent of Schools office at 530.478.6400 ext. 2003 at least 48 hours before the scheduled Board meeting so that we may make every reasonable effort to accommodate your needs. (G.C. §§54953.2, §§54954.2(a)(1); Americans with Disabilities Act of 1990, §202 (42 U.S.C. §12132))
NEVADA COUNTY BOARD OF EDUCATION
380 Crown Point Circle
Grass Valley, CA 95945

NOTICE OF PUBLIC HEARING
SUFFICIENCY OF
STATE INSTRUCTIONAL MATERIALS PROGRAM

PURPOSE: This public hearing is being held pursuant to Education Code § 60119, to encourage participation by parents, teachers, members of the community, and bargaining unit leaders on the stipulation of the State Instructional Materials Program, and the sufficiency of instructional materials in the Nevada County Alternative Educational programs, Grades 7-12, Fiscal Year 2022-23

DATE: Wednesday, September 14th, 2022

TIME: The hearing will commence no earlier than 5:00 PM

LOCATION: Nevada County Superintendent of Schools office
Board Room
380 Crown Point Circle
Grass Valley CA 95945

Posted this 2nd day of September, 2022

Scott W. Lay
Nevada County Superintendent of Schools

Posted at the following locations: NCSOS, 380 Crown Point Circle, Grass Valley; TKM, 400 Hoover Lane, Nevada City; and Earle Jamieson Educational Options, 112 Nevada City Hwy., Nevada City.
NEVADA COUNTY BOARD OF EDUCATION
Regular Meeting
Wednesday, August 17, 2022
3:00 p.m.
Nevada County Superintendent of Schools
Boardroom and Teleconference
380 Crown Point Circle, Grass Valley, CA 95945

This meeting is being conducted by teleconference at the following location: 25382 Pappas Rd., Ramona California. Louise Johnson, Board Member, will be participating from the teleconference location. The teleconference location is open to the public and any member of the public has an opportunity to address the Board from the teleconference location in the same manner as if that person attended the regular meeting location. Government Code § 54953(b)(1)

MINUTES

1. Meeting called to order by Board President Nicolai.

2. Established quorum
   - Heino Nicolai present
   - Louise Johnson present via teleconference
   - Susan Clarabut present
   - Timothy May present
   - Julie Baker present

3. Salute to the flag

4. Adoption of the Agenda
   On a motion by Baker and seconded by Clarabut, the Nevada County Board of Education adopted the August 17, 2022 Agenda as presented; all in favor; motion passed unanimously.

5. Opened public forum – Members of the public who wish to address the Board – no comments.

6. Closed public forum

7. Presentation
   A. School Safety – Chris Espedal, NCSOS Director of School Safety

   Espedal reported that Nevada County School Districts and NCSOS Charter Schools are updating their School Safety Plans. The NCSOS website has updated protocols for parents and schools on a variety of safety topics. NCSOS received and distributed 62,000 COVID-19 test kits for Nevada County schools.

   Espedal provided NCOES Ready-Set-Go pamphlets; Evacuation Tags and announced two School Safety Forums taking place. One on September 12th at BRHS and the second on September 13th at NUHS.

   CAUSSSS (Community Agencies United for Safe Schools and Safe Streets) committee meetings continues to bring school administrators, law enforcement, and supporting agencies together to discuss concerns and the climate of the county.

   Safety is the number one priority as our schools continue to work diligently to implement best practices in safety awareness and training on our school sites for staff and students.
8. Approval of the Consent Agenda

These items are expected to be routine and non-controversial. They will be acted upon by the Board at one time without discussion unless a Board member or citizen requests that an item be removed for discussion and separate consideration. In that case the designated item(s) will be considered following approval of the remaining items.

A. Approval of minutes of the Regular meeting of July 13, 2022 (page 1)
B. Annual Report of School Visitations by County Superintendent of Schools Pursuant to Education Code 1240 and the Williams Settlement (page 3)

On a motion by May and seconded by Clarabut, the Nevada County Board of Education approved the Consent Agenda; all in favor; motion passed (Ayes – Clarabut, May, Nicolai, Johnson; Recuse – Baker).

9. Superintendent’s Report

A Back-to-School Safety letter was sent out to schools, staff, community, and media from all the school districts and NCSOS charters expressing a commitment to safety. We’re fortunate to have NC Sheriff’s Office, GVPD, NCPD, CHP and multiple local and state fire agencies be unified and on the same frequency. All these agencies respond when needed.

School started smoothly with one exception, BRHS’s computers crashed the first day of school, however they worked out a plan for students. Several districts had higher enrollment than expected.

NCSOS programs are almost fully staffed. NCSOS held the All Staff Back-to-School meeting this past Friday at Twin Cities Church. It was great to be together again and connect. Twin Cities Church is a great community partner and generously opened their facilities to accommodate us.

Sharyn Turner, Health Services Coordinator for NCSOS, is retiring after 20+ years of service. Replacing Turner will be difficult as she had a skillset like no other. We wish her well; she was a tremendous asset to the community.

10. Staff Reports

A. SELPA/Special Education, Eli Gallup

BCBA’s (Board Certified Behavior Analyst) will be presenting to the Board in the near future, reporting on how they provide supports and services in the schools. Johnson commended Gallup for having BCBA’s and RBT’s (Registered Behavior Technician) as resources for the schools.

Gallup is working with Special Ed Directors as some districts have lawsuits due to distance learning. It was difficult to offer Occupational Therapy via zoom.

Special Ed has extra supports with two TOSA’s (Teachers on Special Assignment). There is an upcoming job fair for paraeducators, and HR has created a robust onboarding program offering great trainings, supports and resources.

B. Alternative Education, Amy Brooks

Current enrollment is 6 students. Professional Development Day was held last week. Staff training included fire safety.

C. Ed Services, Teena Corker

NCSOS’s LCAP was approved by the CDE. District LCAP reviews continue.

Ed Services staff are back; attending trainings; working collaboratively and communicating and working on developing a system of support.
Nancy Jackson, the new CIIS of ELA and Arts is reaching out to schools. Baker shared that the Arts Council has a monthly meet up that Jackson may be interested in attending and will send the info to Coker to share with her.

The San Juan Ridge FRC is planning a 16th birthday celebration on Saturday, September 24th from 1-4 PM. The center will be open to share resources with activities, food, and crafts.

A Latino Family Festival is in the planning for September 15 from 5-8 pm at Condon Park in Grass Valley. The community event is to learn about resources and services available to children and families in Western Nevada County.

D. Business Services, Darlene Waddle

The annual revenue detail report grew from 2 full pages to 4 full pages. There’s a lot of one-time funding with some ongoing funding. As more grant money and funding is received, additional work is growing resulting in the business office growing. A new staff member starts September 1st. There are also unique staffing shortages in the districts without a lot of resources, so NCSOS staff are assisting.

11. Action Items

A. Shall the Nevada County Board of Education approve the Biennial review of Board Policy 2710, Conflict of Interest? (page 6)

On a motion by Baker and seconded by Johnson, the Nevada County Board of Education approved the Biennial review of Board Policy 2710, Conflict of Interest; all in favor; motion passed unanimously.

12. Information/Discussion Items

A. Declaration of Need for Fully Qualified Educators for 2022-23? (page 9)

B. Treasury report from Nevada County Treasurer and Tax Collector detailing the Portfolio of investments for NCSOS as of June 30, 2022 (page 14)

13. Board Reports

A. Legislative, Julie Baker

A great ballot measure is Prop 28 that requires funding be used for arts education programs and goes to local control.

B. Charter Liaison, Timothy May and Louise Johnson –

Meetings are planned to be scheduled in September and October.

C. Individual Board Reports

Johnson reported that this is her final year on the ACSA Board of Region 2 Retired Leaders and Managers.

Nicolai reported receiving the Grand Jury report; provided copies to the Board; and noted the 90-day response requirement. Nicolai will draft an answer; however, it appears many of the recommendations are not under the purview of the Board of Education.

14. Adjournment

Next Meeting Date: September 14, 2022 at 5:00 PM

Heino Nicolai, Board President
Nevada County Board of Education

September 14, 2022
Date
July 13, 2022

Board President
Nevada County Board of Education
380 Crown Point Cir., Grass Valley, CA 95945

RE: Nevada County Schools: The Lesson Never Learned
Report Date: June 23, 2022

Dear Board President,

Enclosed please find a copy of the above report by the 2021-2022 Nevada County Grand Jury.

Attached is a copy of the excerpts from Penal Code sections 933 and 933.05. Please note that subdivision (f) of Penal Code section 933.05 specifically prohibits any disclosure of the contents of a grand jury report by a public agency or its officers or governing body prior to its release to the public, which will occur two days after the date of this letter.

Penal Code section 933.05 requires that you respond separately to specified Findings and Recommendations contained in the report. Subdivisions (a) and (b) of Penal Code section 933.05 mandate the content and format of responses. Penal Code section 933 mandates the deadline for responses.

You are required to submit your response within 90 days as follows:  
Hard copy to:
Judge Scott Thomsen
201 Church Street
Nevada City, CA 95959

Please also send a hard copy or electronic copy of your response to:
Joe D’Andrea, Foreperson
950 Maidu Avenue
Nevada City, CA 95959
grandjury@nccourt.net
Responses are public records. The clerk must maintain a copy of your response. Should you have any questions, please contact me at 530-265-1730 or at the above address.

Sincerely,

[Signature]

Joe D’Andrea Foreperson
2022-2023 Nevada County Grand Jury

Enclosures: Penal Code sections 933 and 933.05 (excerpts)
§ 933. Findings and Recommendations (Excerpt)

No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices.

As used in this section “agency” includes a department.

§ 933.05. Responses to Findings (Excerpt)

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.
(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.
(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.
Nevada County Schools:
The Lesson Never Learned

2021-2022 Nevada County Grand Jury

Report Date: June 23, 2022

Release Date: July 8, 2022
Nevada County Schools:
The Lesson Never Learned

Summary

The Nevada County Grand Jury researched and conducted two surveys and has recommendations for the Nevada County Superintendent of Schools office, individual schools, and districts.

The Nevada County Grand Jury focused on three key areas:

- survey responses from the schools and districts
- attendance/enrollment statistics
- review of independent financial audits of school districts

The survey responses indicated the relationship between administrators and teachers is healthy. Covid issues and related problems have been addressed by the entire Nevada County educational system. The Nevada County Grand Jury has given a special commendation in this report.

The Nevada County Grand Jury received a complaint regarding the handling of a Covid related issue. Upon investigating the complaint other issues surfaced. The Nevada County Grand Jury discovered enrollment and district revenues are declining at the same time as pension and other expenses are increasing.

The Nevada County Superintendent of Schools Office needs to make it a priority to work with the districts in a transparent way to ensure current and future solvency. Also, make short-term and long-term plans with the districts, with particular attention to unfunded liabilities, pensions, potential consolidation or unification, decreasing teaching staff, and administrative duplication. These are hard and essential decisions.

The Nevada County Grand Jury reviewed audits and found some school districts were repeatedly non-compliant with some education code requirements and the handling of Associated Student Body funds. These issues need to be remedied.
Glossary

- ADA Average Daily Attendance
- ASB Associated Student Body
- County Western Nevada County
- Jury 2021 – 2022 Nevada County Grand Jury
- NCOE Nevada County Office of Education
- NCSOS Nevada County Superintendent of Schools
- NJUHSD Nevada Joint Union High School District
- PERS Public Employees Retirement System (aka “CalPERS”)
- STRS State Teachers Retirement System (aka “CalSTRS”)

Background

The Nevada County Grand Jury (Jury) received a complaint about the inequities of a district’s handling of Covid protocols. The Jury conducted a survey and discovered other information which changed the direction of the investigation. The information revealed:

- declining enrollment
- declining revenue
- drop in Average Daily Attendance (ADA)
- recurring problematic audit findings

The Jury considered how the Covid pandemic had affected the schools within western Nevada County (County). As a result of the 2020 United States Census, the Jury compiled additional school census enrollment statistics. As of October 2020, County public and charter schools educated approximately 11,000 students. It hasn’t always been this way.

The first schools in the County were private schools established in the early 1850’s. Funding came from contributions of parents, and the schools were often run by local community members. Public schools followed soon thereafter. The first public school opened in Nevada City and was partially funded by a banquet held by women in the community to benefit the school. The first high school was built in 1866. At one time there were as many as 38 school districts. Today, there are nine school districts in the County. In addition, the Nevada County Superintendent of Schools (NCSOS) Office is responsible for the financial oversight and professional development opportunities for personnel in the nine school districts. There are a total of 14 charter schools and 21 non-charter schools within these districts.

Each district has an elected Board of Trustees consisting of five members. The Board provides instructional support and service to schools as well as the responsibility of noninstructional operations (custodial, grounds, physical plants, etc.).
Each district has an appointed Superintendent. The Superintendent leads in developing administrative regulations and organizational structures, decision-making processes, and staff action plans to ensure the district fulfills its mission.

Each school within the district has a principal. The number of administrative support staff, teachers, etc., will vary district to district based on student population and specific district needs.

The NCSOS is an elected position within the Nevada County Office of Education (NCOE). The NCSOS oversees budgets and curriculum for public and charter schools, oversees programs such as special education. The NCSOS is also responsible for providing professional development opportunities for administrative, instructional, and support staff assigned to all western County schools and districts.

The Nevada County Board of Education is the elected governing body of the NCOE. The board has five members; their primary responsibilities are to work with the NCSOS to establish the direction and priorities for the NCOE through its budgetary determinations and to provide leadership to support the success of county school districts. In addition, supervisory oversight is provided for any charter school whose petition was accepted by the NCOE.

The Tahoe-Truckee Unified School District is overseen by the Placer County Office of Education. This district includes students from Nevada, Placer, and El Dorado Counties. This report is focused on schools overseen by the NCOE.

**Approach**

In preparation for this report, the Jury conducted independent research, including:

- Surveys to the following:
  - District Superintendents
  - School Principals
  - Parent Organizations
  - NCSOS
- School District audit reports, budgets, and enrollments
- Interviews
- 2010 and 2020 United States Census data for the County
- Educational Data Partnership, California Department of Education (CDE) Ed Source/FCMAT
- California Education Code
- CDE Fiscal Services
- Prior Grand Jury reports
Discussion

The public school system in western Nevada County consists of one county office of education and nine individual school districts representing kindergarten through grade 12. These public-school districts have enrollments from as few as 83 students in Twin Ridges Elementary School District to 2,500 students in Nevada Joint Union High School District (NJUHSD). There are two high school campuses and various satellite campuses. These encompass several different secondary programs including special needs programs.

The Jury conducted several surveys distributed to the school site councils, principals, and superintendents. The purpose was to ascertain the current state of affairs, and the health and welfare of the schools including the management and response to the pandemic.

The Jury’s analysis of data determined that pandemic protocols were being handled appropriately. The analysis further identified four specific areas (as listed in Background) considered to be dominant themes; some were either new areas or areas that have been broached before by prior Grand Juries.

Declining Enrollment/Average Daily Attendance

Declining enrollment continues to plague the nine school districts in the County. The County public school enrollment has declined 27% over the past decade, 2010-2020, according to the U.S. Census Bureau on school enrollments and the NCSOS. In addition, Educational Systems Data Corporation reported a 2016-2017 total student enrollment of 14,523 students and four years later in 2020-2021 a total county enrollment of 12,544, a decline of 1,979 students (13.6%). County public school enrollment is anticipated to continue to decline further in the coming years as reported by the Independent Auditor’s Report of June 30, 2021, as well as by the U.S. Census Bureau and the NCSOS.

A portion of a district’s annual operating revenue is dependent upon not only enrollment within the district, but also upon the Average Daily Attendance (ADA) of those enrolled students. A lower total district enrollment will create a decline in the total ADA. This decline in funding associated with declining ADA was also noted in the Auditor’s Report of 2021. In addition, the Educational Data Systems Corporation report of October 18, 2021, headline reads: “California Districts Anticipate major hits to their 2022-2023 budgets as enrollments drop”. This is important because the same article goes on to explain that district baseline funding depends on the number of students enrolled, minus the daily average number of absent students.

The 2020 US Census reports the 18 years and younger population in the County continues to decline. The state uses a census day (October 14) of each year to determine funding for the school year. According to Educational Data Systems Corp. research, the 2016-2017 school year showed 11,607 students enrolled in County schools; the following year 2017-2018 enrollment had dropped to 11,077 (4.5%).

¹ Current Expense of Education and Per Pupil Spending, California Department of Education.

Nevada County Schools: The Lesson Never Learned
Nevada County Grand Jury 2021-2022
In summary, 2002-2005 was the height of enrollment in County schools according to Educational Data Research. Enrollment has been declining every year since 2006-2007. The peak of 15,000 students declined to 11,500 in 2018-2019 (-24%). The greatest decline was in the lower grades, which will result in a decline in high school enrollment. Between 2010 and 2019 Kindergarten population decreased 51%, grades 1-4 decreased 28%, grades 5-8 decreased 20% and grades 9-12 decreased 16%.

Clearly there are trends in the County that are creating challenging funding issues for the nine County school districts. These numbers are illustrated in the chart below for each of the nine districts. The state of California mandated the ADA figures for 2019-2020 be used for the 2020-2022 pandemic years (Figure 1), artificially inflating the numbers.

![Chart of ADA for each District from 2011-2021](Image)

Figure 1: ADA for each District from 2011 – 2021

The apparent upturn in student attendance for the past two years is because the state required the use of ADA numbers from 2019-2020. Due to Covid, many students did not attend school, so the state was not recording ADA. The audit reports, discussed later, anticipate a decline in ADA.
The subject of declining enrollments, possible consolidations and or potential unification options have been discussed at other times by previous Grand Juries, most notably the Nevada County Grand Jury Report for 2011-2012. Multiple scenarios were discussed at length in a study from the School Services of California consulting firm. The predictions of the 2011-2012 report have been realized.

**Unfunded Liabilities**

Amplifying the financial concerns County school districts have with declining enrollment and the accompanying decreases in funding, are the ever-increasing costs of unfunded liabilities, more specifically the State Teachers Retirement System (STRS) contributions and Public Employees Retirement System (PERS) contributions.

School districts, employers in this case, are being required to pay an ever-increasing percentage of their general funds to STRS and PERS contributions as part of their employee benefits. Certified and classified employees are also increasing their personal contributions to those same state retirement funds.

The challenge for County school districts is the intersection of declining revenues and the ever-increasing school district’s liabilities to pay for their portion of their employees’ pension obligations. When will this intersection occur? And what are the remedies? Districts receive a large percentage of their general operating budgets from ADA. The general fund for each district must have enough to cover the district’s pension contributions. At what future date will the decrease in funds and the increase in expenses drive the districts to make hard choices to remain solvent?

This is not a new phenomenon; previous Grand Juries have addressed these issues many times, including the 2017-2018 report titled "Will the Public Suffer Due to Unfunded Pension Liabilities?". Responses by districts included:

- “District is projecting additional years of contribution increases to both pensions systems, these increases will create further fiscal and policy challenges to the district in the near future.”
- “We are budgeting for many years of increased contributions to both PERS and STRS. We will decrease other areas of spending to meet these additional costs.”
- “It’s the Legislature’s responsibility or the Governor’s responsibility to pay down unfunded liabilities.”

The burden remains on the school districts to meet their obligations in an environment of declining enrollment. The school districts in the County need to address this scenario to avoid the looming negative impact to the fiscal health and overall quality of education.
The NJUHSD General Fund ending balance decreased by $2,371,000 since 2019 and the total long-term obligations have increased by $4,887,000 since 2019.\textsuperscript{2} Much of those long-term obligations are contributions to pension funds. Again, how does this play out in an environment of declining enrollment?

There are clear trends throughout the County’s school districts:

- Districts are experiencing declining enrollment, leading to declining revenues.
- All districts are experiencing increased costs for unfunded liabilities which are creating cuts in other areas such as deferred maintenance. These cuts in funding for deferred maintenance could create issues in safety if left unattended, and they could lead to potential cuts in instructional personnel.\textsuperscript{3}

As an example of the ADA’s significance to a district’s budget, NJUHSD anticipates a decline of 119 ADA during 2021-22 resulting in a loss of $1,914,782 based on $16,090 per ADA. Not all districts receive the same dollar amount per ADA; however, the funding associated with ADA is a substantial part of the district’s revenue.

There are several factors which could contribute to this decline such as parents home schooling during the pandemic, parents opting for private schools, and a general decline in school age children in the County. The latter two, private schooling and the decline in school aged children, have been the trend for the past decade. The use of 2019 ADA has helped the districts offset the trend of declining enrollment.

The net change in the General Fund balance increased in all nine districts from the previous year. This is good; the concern is where the fund balance increases will come from in the future. As we have shown ADA money is anticipated to decline, and unfunded mandates are increasing.

School District Audit Findings

The County has nine school districts comprised of a total of 27 schools. The Jury reviewed all nine of the district audit reports dated June 30, 2021. The audits were conducted by a Certified Public Accountant. Not all audit report findings require further discussion; however, the following findings do:

- Nevada City School District and Penn Valley School District had a repeat finding of being non-compliant with waivers per the California Education Code Section 41372 (minimum percentage of current cost of education expended for teachers’ salary compensation). Refer to the audit report for details.

\textsuperscript{2} 2020-2021 Audit Report. p 66, Schedule of Financial Trends and Analysis
\textsuperscript{3} District Audit Reports, School District Administration responses to Audit Reports, 2017-2018 Grand Jury report responses (NJUHSD 1\textsuperscript{st} Interim Audit Report Oct. 2021)
• Grass Valley Elementary School District, Penn Valley Union Elementary School District, and NJUHSD had findings related to the handling of Associated Student Body (ASB) funds.

• Penn Valley Union Elementary School District also was found to be non-compliant with California Education Code Sections 32280-32289 (Comprehensive School Safety Plan). Refer to the audit report for details.

• Twin Ridges Elementary School District had multiple repeat auditor findings listed as follows:
  - Purchases and Cash Disbursements
  - Cash Receipts
  - School Accountability Report Card

Commendation

The past two school years 2020-2022 have been very difficult and trying for all concerned, students, parents, and school districts.

The Jury commends all the school districts in the County for their extraordinary efforts for providing educational services to the students of the County under extremely trying times during the nation’s pandemic. Striving to provide these services was made more difficult because of continuously changing virus protocols.

The Jury also commends the teachers and staff in these districts for providing services to the students, while keeping their own families safe and healthy. This devotion to duty exemplifies the higher standards of their profession in the face of an extraordinary national public health crisis.
Findings

F1 All nine school districts in the County are seeing a decline in enrollment which directly affects the ADA, negatively impacting revenue for each district.

F2 Nevada City School District and Penn Valley School District have not provided evidence of a waiver approved by the NCSOS for either 2019-20 or 2020-21 school years.

F3 The Nevada City School District has not complied with California State Education Code 41372, resulting in a deficit of $389,232 in audit finding #2020-001 and an additional $586,089 in audit finding #2021-001, for a total of $975,321 in the two school years.

F4 The Penn Valley School District has not complied with California State Education Code 41372, resulting in a deficit of $96,365 in audit finding #2020-002 and an additional $288,501 in audit finding #2021-001, for a total of $384,866 in the two school years.

F5 Grass Valley School District and Penn Valley School District (two of the nine districts) were found to be non-compliant in handling ASB funds, documentation, or process/procedures related to ASB funds.

F6 Unfunded pension liabilities for both STRS and PERS contributions are increasing, straining district budgets.

F7 Reduced funding for deferred maintenance projects could have negative impact on buildings and grounds, potentially creating safety issues for students and staff. 4

F8 Special governmental funding, such as federal Covid relief funding, is not guaranteed year to year and cannot be depended upon.

4 NJUHSD 2021-22 1st interim report.
Recommendations

The Nevada County Grand Jury recommends the following:

R1 Each District develop and implement a strategic plan which addresses the potential continued loss of revenue and devise contingencies based on the projected revenues.

R2 The NCOE consider consolidation, unification plans, and shared services of two or more districts within their term of office.

R3 Nevada City School District comply with California Education Code Section 41372 (teacher salaries).

R4 Penn Valley School District comply with California Education Code Section 41372 (teacher salaries).

R5 The NCOE validate and assure compliance with California Education Code Sections 41372 and 41374 from Nevada City School District and Penn Valley School District (teacher salaries and class size).

R6 The NCOE provide a mandatory annual workshop to review all processes and procedures for the handling of ASB funds, requiring attendance of representatives from all nine districts.

R7 The NCOE conduct an analysis of past and current revenue and expenditure trends to be used for evaluating the overall future fiscal health of all County school districts.

R8 The NCOE develop and implement planning contingencies to cover deficits the districts may experience when special governmental funding ends and ADA dollars continue to decline.

R9 The NCOE develop and implement policy and procedures requiring all school districts to analyze their budgets to address critical maintenance of buildings and grounds.
Request for Responses

Pursuant to Penal Code § 933.05, the following responses are required:

- The Nevada County Superintendent of Schools: respond to R2, R5, R6, R7 and R8 within 60 days of receipt of this report.

- The Nevada City School District, Board of Trustees: respond to R3 within 90 days of receipt of this report.

- The Penn Valley School District, Board of Trustees: respond to R4 within 90 days of receipt of this report.

- All Nevada County School Districts Boards of Trustees: respond to R1 and R9 within 90 days of the receipt of this report.

- The Nevada County Board of Education: respond to R2, R5-R8 within 90 days of receipt of this report.

Responses are to be submitted to the Presiding Judge of the Nevada County Superior Court in accordance with the provisions of Penal Code section 933.05. Responses must include the information required by section 933.05.
September 8, 2022

Judge Scott Thomsen
201 Church Street
Nevada City, CA 95959

Dear Honorable Scott Thomsen:

The following is the required response to the 2021-2022 Nevada County Grand Jury report titled “Nevada County Schools: The Lesson Never Learned”.

I appreciate the Grand Jury looking into the financial health of our local schools but I was very disappointed in the title “The Lesson Never Learned”. I do not think it is an accurate assessment of our school districts in western Nevada County. I hope the response below helps clear up some of the confusion over state vs county office vs district responsibilities and statutory requirements.

As required by Penal Code Section 933.05, The Nevada County Superintendent of Schools Office response in regard to the Recommendations:

RECOMMENDATIONS:

Recommendation 2

The NCOE consider consolidation, unification plans, and shared services of two or more districts within their term of office.

Proposals for consolidation or unification can be initiated in one of several ways: by the county committee; by local agencies that govern the impacted area, such as city councils or the Board of Supervisors; by school district governing boards in the area proposed to be reorganized; or by a petition of registered voters within the affected territory. My position, the county superintendent of schools, isn’t authorized to initiate the process. My office is charged, by statute, to independently review electorate petitions for sufficiency and, if directed by the county committee, call for an election on the proposed reorganization.

In terms of shared services between districts, this has been happening across the county for decades. Charter schools also use this shared service model. Currently, we have nurses, counselors, business services, and special education services that are shared between districts and schools. In the past this has also included administrative services.
Recommendation 5

The NCOE validate and assure compliance with California Education Code Sections 41372 and 41374 from Nevada City School District and Penn Valley School District (teachers’ salaries and class size).

Education Code 41372 establishes a requirement that an elementary school district spends at least 60% of its general fund expenditures on classroom salaries and benefits, meaning teachers and paraeducators. It was established in 1929 when public school funding was dramatically different than it is now. Over time, all school districts in the state of California have had an increasingly difficult time meeting this requirement. In fact, in 2019/2020, 42% of elementary school districts did not.

An excerpt from a School Services of California article best explains why this is a problem.

“School districts employ many certificated and classified staff members that are not classroom teachers but still provide essential services to students, such as: counselors, psychologists, nurses and health aides, bus drivers, instructional coaches, librarians and library technicians, etc. As illogical as it may seem, the cost of these staff members actually counts against meeting the minimum classroom compensation requirement. Also, other direct classroom expenditures, such as utilities, facilities maintenance, textbooks, and instructional materials also count against meeting the requirement. And, due to the requirements for the appropriate use of supplemental and concentration grant funds, most school districts are dedicating those funds to additional staff and support for classroom instruction, but not necessarily staff assigned to the classroom.

The use of one-time funds can also affect whether a school district can meet the minimum classroom compensation requirement, so school districts should exercise caution in the use of one-time funds if there is concern about meeting the percentage requirement. In particular, the one-time funds that have been provided to local agencies during the last several years, which should not be used to pay for staff since the funds are one time, have been spent on technology, professional development, instructional materials, and other one-time purposes—not on classroom salaries and benefits—so these expenditures count against the requirement as well.

Considering these realities in the way school districts operate and are funded, it is no wonder why so many local school districts are unable to meet the minimum classroom compensation requirement.”

The Nevada City Elementary School District and the Penn Valley Elementary School District did not meet this 60% threshold in the fiscal year 2020/2021. This does not mean the districts did not spend funding on students. Expenditures for counselors, nurses, school office support staff, custodians, maintenance workers, bus drivers, food service workers, instructional coaches, etc. are not included to meet this minimum percentage. Expenditures for books, materials and supplies, operational costs such as buildings and utilities are also not included in this formula. All of these expenditures contribute directly to student services.

The County Superintendent of Schools is required to monitor this minimum percentage and withhold funding from a district if it is not met. However, an exemption from the minimum classroom compensation requirement can be allowed for any one of the following reasons:

- The enforcement of this requirement would result in serious financial hardship for the district
- The school district meets the class size requirements in E.C. 41374 (class sizes of 28 or less)
• The school district's classroom teacher salaries are higher than that of similar districts

Both districts applied for and were granted an exemption and therefore are not penalized for this outdated and irrelevant requirement.

The Nevada County Superintendent of Schools has no authority to validate or assure the school district comply with this education code, it can only grant an exemption for meeting the conditions described above.

The school districts are often not able to comply with this requirement due to the demands to provide other support services to students under grant funding rules, one-time funding expectations and/or operational needs. Both districts had a percentage of minimum classroom expense of over 55%.

Recommendation 6

*The NCOE provide a mandatory annual workshop to review all processes and procedures for the handling of ASB funds, requiring attendance of representatives from all nine districts.*

Each school district, not the Superintendent of Schools or NCOE, is responsible for the training of staff to properly account for Associated Student Body funds. Due to the nature of the program, this is a frequent audit finding for many school districts. All of them have thorough policies and procedures in place to ensure proper handling of the funds, however, with students, parents, community members and staff all voluntarily serving to support Associated Student Body activities, there are some shortfalls. Districts often offer annual training to support all the people involved with these funds. Furthermore, if we were to hold a workshop there is no statutory language that would require attendance for the districts.

Recommendation 7

*The NCOE conduct an analysis of past and current revenue and expenditure trends to be used for evaluating the overall future fiscal health of all County school districts.*

Under AB1200 oversight requirements, the Nevada County Superintendent of Schools (NCSOS) has fiscal oversight responsibility over school districts. The County conducts quarterly reviews and analyzes each of the school district’s financial status (including multi-year projections) and reports this analysis to the California Department of Education. If there are signs of fiscal distress, the County Office provides support and guidance as required by the AB1200 rules to the district.
Recommendation 8

The NCOE develop and implement planning contingencies to cover deficits the districts may experience when special governmental funding ends and ADA dollars continue to decline.

The Nevada County Superintendent of Schools has no authority, obligation or resources to cover school district deficits, however, does provide guidance to administrative staff of districts on best practices for handling one-time special funding and planning for declining ADA.

I hope this information is helpful in understanding the authorities between school districts and county offices of education.

Sincerely,

Scott W. Lay
Nevada County Superintendent of Schools
RESOLUTION 22-03
OF THE NEVADA COUNTY BOARD OF EDUCATION
SUFFICIENCY OF INSTRUCTIONAL MATERIALS
2022-23

WHEREAS, the Nevada County Board of Education (County Board), governing board of the Nevada County Office of Education, in order to comply with the requirements of Education Code §60119, held a public hearing on September 14, 2022, after 5:00 p.m. and which did not take place during or immediately following school hours; and

WHEREAS, the County Board provided a 10-day notice of the public hearing posted in at least three public places within the county that stated the time, place, and purpose of the hearing; and

WHEREAS, the County Board encouraged participation by parents, guardians, teachers, members of the community, and bargaining unit leaders in the public hearing; and

WHEREAS, information provided at the public hearing and to the County Board at the public meeting detailed the extent to which textbooks and instructional materials aligned to the State academic content standards were provided to all pupils, including English learners, in Nevada County Alternative Educational programs; and

WHEREAS, in accordance with Education Code §60119(c) sufficient textbooks or instructional materials were provided to each pupil before the end of the eighth week from the first day pupils attended school; and

WHEREAS, the definition of “sufficient textbooks or instructional materials” means that each pupil has a standards-aligned textbook or instructional materials, or both, to use in class and to take home; and

WHEREAS, in accordance with Education Code section §60119(c), sufficient textbooks or instructional materials aligned to the State academic content standards were provided to each pupil, including English learners, in mathematics, history/social science, science, and English/language arts, including the English language development component of the adopted programs, and, where appropriate, consistent with the content and cycles of the curriculum frameworks; and
WHEREAS, sufficient textbooks or instructional materials were provided to each pupil enrolled in foreign language or health classes, and laboratory science equipment was available for science laboratory classes offered in grades 9-12;

NOW, THEREFORE BE IT RESOLVED, that for the 2022-23 school year, each pupil in Nevada County Office of Education Alternative Educational programs has been provided with sufficient textbooks and/or instructional materials aligned to the State academic content standards and, as appropriate, consistent with the content and cycles of the curriculum frameworks before the end of the eighth week from the first day pupils attended school as specified in Education Code §60119.

PASSED AND ADOPTED at the regular Board meeting of the Nevada County Board of Education on the 14th day of September 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Heino Nicolai, President  
Nevada County Board of Education

Scott W. Lay, Superintendent  
Nevada County Superintendent of Schools
Memo

TO: Nevada County Board of Education
FROM: Teena Corker
DATE: September 14, 2022
Re: Revision to Independent Study Policies and Written Agreement

Governor Newsom signed the Education Omnibus Budget Trailer Bill (AB 181) on June 30, 2022, which was effective immediately and includes significant changes to independent study requirements. These changes directly impact board policies and independent study agreements between families and local educational agencies (LEAs), which must be legally compliant for the LEA to collect attendance apportionment for students participating in independent study.

Revisions to the board policy, administrative regulations and written agreement include:

- **Special Education:** Adding a provision to the requirement that the participation of students with disabilities is articulated in the students’ Individual Education Programs (IEPs), specifying that when parents/guardians request participation in independent study, IEP teams make the determination that students with disabilities can receive a free appropriate public education (FAPE) through independent study (Ed Code Section 51745 (c))

- **Tiered Reengagement:** Modifying the thresholds that trigger when a student enrolled in a traditional independent study program is subject to Tiered Reengagement strategies (Ed Code Section 51747 (d))

- **Exemptions to Long-Term Independent Study Requirements:** Adding students who are enrolled in comprehensive schools who are receiving specified clinical treatments to the list of students exempt from live interaction, synchronous instruction, tiered reengagement, and a transition plan (Ed Code 51747 (i))

- **Written Agreement Requirements:** Bifurcating the timeline to collect written agreements based on the number of school days a student participates in independent study and changing the requirements of who must sign written agreements (Ed Code 51747 (g) and Ed Code 51749 (b)(1)).
Cover sheet

Revised Board Policy and Administrative Regulations:

- Board Policy 6158 (a) Independent Study
- Administrative Regulations 6158 (a) Independent Study
- Earle Jamieson Educational Options - Master Agreement Independent Study (only revision was to dates: 2021-22 updated to 2022-23)
Board Policy 6158(a): Independent Study

The Governing Board authorizes independent study as an optional alternative instructional strategy for students whose needs may be best met through study outside of the regular classroom setting. Independent study shall offer a means of individualizing the educational plan to serve students who desire a more challenging educational experience, whose health or other personal circumstances make classroom attendance difficult, who are unable to access course(s) due to scheduling problems, and/or who need to make up credits or fill gaps in their learning. As necessary to meet student needs, independent study may be offered on a full-time basis or on a part-time basis in conjunction with part- or full-time classroom study.

The Superintendent or designee may provide a variety of independent study opportunities, including, but not limited to, an alternative school or program of choice, a charter school, and an online course.

A student's participation in independent study shall be voluntary. (Education Code 51747, 51749.5)

Independent study for each student shall be under the general supervision of a district employee who possesses a valid certification document pursuant to Education Code 44865 or an emergency credential pursuant to Education Code 44300. Students' independent study shall be coordinated, evaluated, and documented, as prescribed by law and reflected in the accompanying administrative regulation. (Education Code 51747.5)

The minimum period of time for any independent study option shall be three consecutive school days.

General Independent Study Requirements

For the 2022-23 school year and thereafter, the Superintendent or designee may continue to offer and approve independent study for an individual student upon determining that the student is prepared to meet the district's requirements for independent study and is likely to succeed in independent study as well as or better than the student would in the regular classroom setting.

Because excessive leniency in the duration of independent study assignments may result in a student falling behind peers and increase the risk of dropping out of school, independent study assignments shall be completed no more than one week after assigned for all grade levels and types of program. However, when necessary based on the specific circumstances of the student's approved program, the Superintendent or designee may allow for a longer period of time between the date an assignment is made and when it is due, up to the termination date of the agreement.

An evaluation shall be conducted to determine whether it is in a student's best interest to remain in independent study whenever the student fails to make satisfactory educational progress and/or misses two assignments, unless the student's written agreement specifies a lower or higher number of missed assignment based on the nature of the assignments, the total number of assignments, and/or other unique circumstances. Satisfactory educational progress shall be determined based on all of the following indicators: (Education Code 51747)

1. The student's achievement and engagement in the independent study program, as indicated by the student's performance on applicable student-level measures of student achievement and engagement specified in Education Code 52060
2. The completion of assignments, assessments, or other indicators that evidence that the student is working on assignments
3. Learning required concepts, as determined by the supervising teacher
4. Progress towards successful completion of the course of study or individual course, as determined by the supervising teacher
The Superintendent or designee shall ensure that students participating in independent study are provided with content aligned to grade level standards at a level substantially equivalent to in-person instruction. For high schools, this shall include access to all courses offered by the district for graduation. (Education Code 51747)

The Superintendent or designee shall ensure that students participating in independent study for 15 school days or more receive the following throughout the school year: (Education Code 51747)

1. For students in grades 4-8, opportunities for both daily live interaction and at least weekly synchronous instruction
2. For students in grades 9-12, opportunities for at least weekly synchronous instruction

The Superintendent or designee shall ensure that procedures for tiered reengagement strategies are used for all students who are not generating attendance for:

1. More than 10 percent of required minimum instructional time over four continuous weeks of an LEA’s approved instructional calendar,
2. Pupils found not participatory in synchronous instructional offerings pursuant to Section 51747.5 for more than 50 percent of the scheduled times of synchronous instruction in a school month as applicable by grade span, or
3. Pupils who are in violation of the written agreement pursuant to subdivision (g), or who are in violation of their written agreement.

This requirement only applies to students participating in an independent study program for 15 school days or more. The procedures shall include local programs intended to address chronic absenteeism, as applicable, with at least all of the following:

1. Verification of current contact information for each enrolled student
2. Notification to parents/guardians of lack of participation within one school day of the absence or lack of participation
3. A plan for outreach from the school to determine student needs, including connection with health and social services as necessary
4. A clear standard for requiring a student-parent-educator conference to review a student’s written agreement and reconsider the independent study program’s impact on the student’s achievement and well-being

The Superintendent or designee shall develop a plan to transition students whose families wish to return to in-person instruction from independent study expeditiously, and, in no case later, than five instructional days. This requirement only applies to students participating in an independent study program for 15 school days or more. (Education Code 51747)

The Superintendent or designee shall ensure that a written master agreement exists for each participating student as prescribed by law. (Education Code 51747, 51749.5)

Before signing a written agreement, the parent/guardian of a pupil may request that the district conduct a telephone, videoconference, or in-person student-parent-educator conference or other school meeting during which the student, parent/guardian, or their advocate may ask questions about the educational options, including which curriculum offerings and nonacademic supports will be available to the student in independent study. (Education Code 51747)
Master Agreement

A written agreement shall be developed and implemented for each student participating in independent study for three or more consecutive school days. (Education Code 46300, 51747; 5 CCR 11703)

The agreement shall include general student data, including the student’s name, address, grade level, birth date, school of enrollment, and program placement.

The independent study agreement for each participating student also shall include, but are not limited to, all of the following: (Education Code 51747; 5 CCR 11700, 11702)

1. The frequency, time, place and manner for submitting the student’s assignments, reporting the student’s academic progress, and communicating with a student’s parent/guardian regarding the student’s academic progress

2. The objectives and methods of study for the student’s work and the methods used to evaluate that work

3. The specific resources that will be made available to the student, including materials and personnel, and access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work

4. A statement of the Board’s policy detailing the maximum length of time allowed between an assignment and its completion, the level of satisfactory educational progress, and the number of missed assignments which will trigger an evaluation of whether the student should be allowed to continue in independent study

5. The duration of the independent study agreement, including the beginning and ending dates for the student’s participation in independent study under the agreement, with a maximum of one school year

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 student upon completion

7. A statement detailing the academic and other supports that will be provided to address the needs of students who are not performing at grade level, or need support in other areas, such as English learners, students with disabilities with an individualized education program or a Section 504 plan in order to be consistent with their program or plan, students in foster care or experiencing homelessness, and students requiring mental health supports.

8. A statement that independent study is an optional educational alternative in which no student may be required to participate

9. In the case of a suspended or expelled student who is referred or assigned to any school, class, or program pursuant to Education Code 48915 or 48917, a statement that instruction may be provided through independent study only if the student is offered the alternative of classroom instruction

For a student participating in an independent study program that is scheduled for more than 14 school days, each written agreement shall be signed, before the commencement of independent study, by the student, the student’s parent/guardian or caregiver, if the student is under age 18 years, the certificated employee responsible for the general supervision of independent study, and the certificated employee designated as having responsibility for the special education programming of the student, as applicable. Written agreements may be signed using an electronic signature that complies with state and federal standards, as determined by the California Department of Education (CDE).

The parent/guardian’s signature on the agreement shall constitute permission for the student to receive instruction through independent study.
Student-Parent-Educator Conferences

A student-parent-educator conference shall be held as appropriate including, but not limited to, as a reengagement strategy and/or if requested by a parent/guardian prior to enrollment or disenrollment from independent study. Missing student-educator-parent appointments without valid reasons may trigger an evaluation to determine whether the student's placement in independent study is appropriate. (Education Code 51745.5, 51747, 51749.5)

Records for Audit Purposes

The Superintendent or designee shall ensure that records are maintained for audit purposes. These records shall include, but not be limited to: (Education Code 51748; 5CCR 11703)

1. A copy of the Board policy, administrative regulation, and other procedures related to independent study

2. A listing of the students, by grade level, program, and school, who have participated in independent study, along with the units of the curriculum attempted and completed by students in grades K-8 and the course credits attempted by and awarded to students in grades 9-12 and adult education

3. A file of all agreements, with representative samples of each student's work products bearing the supervising teacher's notations indicating that the teacher has personally evaluated the work or personally reviewed the evaluations made by another certificated teacher

4. As appropriate to the program in which the students are participating, a daily or hourly attendance register that is separate from classroom attendance records, maintained on a current basis as time values of student work products judged by a certificated teacher, and reviewed by the supervising teacher if they are two different persons

5. Appropriate documentation of compliance with the teacher-student ratios required by Education Code 51745.6 and 51749.5 (Education Code 51745.6 and 51749.5)

6. Appropriate documentation of compliance with the requirements pursuant to Education Code 51747.5 to ensure the coordination, evaluation, and supervision of the independent study of each student by a district employee who possesses a valid certification document pursuant to Education Code 44865 or an emergency credential pursuant to Education Code 44300 (Education Code 51747.5)

The district shall document each student's participation in live interaction and synchronous instruction pursuant to Education Code 51747 on each school day, as applicable, in whole or in part, for which independent study is provided. A student who does not participate in independent study on a school day shall be documented as non-participatory for that school day for purposes of pupil participation reporting and tiered reengagement pursuant to Section 51747.

The Superintendent or designee also shall maintain a written or computer-based record such as a grade book or summary document of student engagement, for each class, of all grades, assignments, and assessments for each student for independent study assignments. (Education Code 51747.5)

The signed, dated agreement, any supplemental agreement, assignment records, work samples, and attendancerecords may be maintained on file electronically. (Education Code 51747)
Nevada County Board of Education – Independent Study

Program Evaluation

The Superintendent or designee shall annually report to the Board the number of district students participating in independent study, the average daily attendance generated for apportionment purposes, student performance as measured by standard indicators and in comparison, to students in classroom-based instruction, and the number and proportion of independent study students who graduate or successfully complete independent study. Based on the program evaluation, the Board and Superintendent shall determine areas for program improvement as needed.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

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Federal References

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Management Resources References

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Adopted by the Nevada County Board of Education: August 25, 2021; Revised September 14, 2022
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Definitions

Live interaction means interaction between the student and classified or certificated staff, and may include peers, provided for the purpose of maintaining school connectedness, including, but not limited to, wellness checks, progress monitoring, provision of services, and instruction. This interaction may take place in person, or in the form of Internet or telephonic communication. (Education Code 51745.5)

Student-parent-educator conference means a meeting involving, at a minimum, all parties who signed the student's written independent study agreement pursuant to Education Code 51747 or the written learning agreement pursuant to Education Code 51749.6. (Education Code 51745.5)

Synchronous instruction means classroom-style instruction or designated small group or one-on-one instruction delivered in person, or in the form of Internet or telephonic communications, and involving live two-way communication between the teacher and student. Synchronous instruction shall be provided by the teacher of record for that student pursuant to Education Code 51747.5. (Education Code 51745.5)

Educational Opportunities

Educational opportunities offered through independent study may include, but are not limited to: (Education Code 51745)

1. Special assignments extending the content of regular courses of instruction

2. Individualized study in a particular area of interest or in a subject not currently available in the regular school curriculum

3. Continuing and special study during travel

4. Volunteer community service activities and leadership opportunities that support and strengthen student achievement

5. Individualized study for a student whose health, as determined by the student's parent/guardian, would be put at risk by in-person instruction

In addition, when requested by a parent/guardian due to an emergency or illness, independent study may be used on a short-term basis to ensure that the student is able to maintain academic progress in the student's regular classes.

No course required for high school graduation shall be offered exclusively through independent study. (Education Code 51745)

Equivalency

The district's independent study option shall be substantially equivalent to classroom instruction to enable participating students to complete the district's adopted course of study within the customary timeframe. Students in independent study shall have access to the same services and resources that are available to other students in the school and shall have equal rights and privileges. (5 CCR 11700, 11701.5)

Students participating in independent study shall have access to internet connectivity and devices adequate to participate in the educational program and complete assigned work. (Education Code 51747)

The district shall not provide independent study students and their parents/guardians with funds or items of value that are not provided for other students and their parents/guardians. Providing access to Internet connectivity and local educational agency-owned devices adequate to participate in an independent study program and complete assigned work consistent with Education Code 51747, or to participate in an independent study course, as authorized by Education Code 51749.5, shall not be considered funds or other things of value. (Education Code 46300.6, 51747.3)
Eligibility for Independent Study

Students are eligible for independent study as authorized in law, and as specified in board policy and administrative regulation.

For the 2022-23 school year and thereafter, the Superintendent or designee may approve the participation of a student who demonstrates the motivation, commitment, organizational skills, and academic skills necessary to work independently provided that experienced certificated staff are available to effectively supervise students in independent study. The Superintendent or designee may also approve the participation of a student whose health would be put at risk by in-person instruction. A student whose academic performance is not at grade level may participate in independent study only if the program is able to provide appropriate support, such as supplemental instruction, tutoring, counseling, ongoing diagnostic assessments, and/or differentiated materials, to enable the student to be successful. For an elementary student, the Superintendent or designee may consider the parent/guardian’s level of commitment to assist the student.

A student participating in independent study must be a resident of the county or an adjacent county. Full-time independent study shall not be available to students whose district residency status is based on their parent/guardian’s employment within district boundaries pursuant to Education Code 48204. (Education Code 46300.2, 51747.3)

A student with disabilities, as defined in Education Code 56026, may participate in independent study if the student’s individualized education program specifically provides for such participation.

If a parent or guardian of an individual with exceptional needs requests independent study pursuant to paragraph (5) of subdivision (a), the pupil’s individualized education program team, shall make an individualized determination as to whether the pupil can receive a free appropriate public education in an independent study placement. A pupil’s inability to work independently, the pupil’s need for adult support or the need for special education or related services shall not preclude the individualized education program team from determining that the pupil can receive a free appropriate education in an independent study placement.

A temporarily disabled student shall no receive individual instruction pursuant to Education Code 48206.3 my means of independent study.

Students age 21 or older, and students age 19 or older who have not been continuously enrolled in school since their 18th birthday, may participate in independent study only through an adult education program for the purpose of enrolling in courses required for a high school diploma by Education Code 51225.3 or the Governing Board.

No more than 10 percent of the students enrolled in a continuation high school or opportunity school or program, not including pregnant students and parenting students who are primary caregivers for one or more of their children, shall be enrolled in independent study.

Monitoring Student Progress

The independent study administrator and/or supervising teacher shall promptly and directly address any failure by the student to meet the terms of the student’s written agreement. The following supportive strategies may be used:

1. A letter to the student and/or parent/guardian
2. A meeting between the student and the teacher and/or counselor
3. A meeting between the student and the independent study administrator, including the parent/guardian if appropriate
4. An increase in the amount of time the student works under direct supervision

When the student has failed to make satisfactory educational progress or missed the number of assignments specified in the written agreement as requiring an evaluation, the Superintendent or designee shall conduct an evaluation to determine whether or not independent study is appropriate for the student. This evaluation may result in termination of the independent study agreement and
the student's return to the regular classroom program or other alternative program.

A written record of the findings of any such evaluation shall be treated as a mandatory interim student record which shall be maintained for three years from the date of the evaluation. (Education Code 51747)

Responsibilities of Independent Study Administrator

The responsibilities of the independent study administrator include, but are not limited to:

1. Recommending certificated staff to be assigned as independent study teachers at the required teacher-student ratios pursuant to Education Code 51745.6 and supervising staff assigned to independent study functions who are not regularly supervised by another administrator
2. Approving or denying the participation of students requesting independent study
3. Facilitating the completion of written independent study agreements
4. Ensuring a smooth transition for students into and out of the independent study mode of instruction
5. Approving all credits earned through independent study
6. Completing or coordinating the preparation of all records and reports required by law, Board policy, or administrative regulation

Assignment and Responsibilities of Independent Study Teachers

Each student's independent study shall be coordinated, evaluated, and carried out under the general supervision of an independent study administrator who possesses a valid certification document pursuant to Education Code 44865 or emergency credential pursuant to Education Code 44300, registered as required by law, and who consents to the assignment. (Education Code 44865, 51747.5; 5 CCR 11700)

The ratio of student average daily attendance for independent study students age 18 years or younger to full-time equivalent certificated employees responsible for independent study shall not exceed a fixed ratio of 25:1 pursuant to Education Code Section 51745.6 (d).

The responsibilities of the supervising teacher shall include, but are not limited to:

1. Completing designated portions of the written independent study agreement and signing the agreement
2. Supervising and approving coursework and assignments
3. Maintaining records of student assignments showing the date the assignment is given and the date the assignment is due
4. Maintaining a daily or hourly attendance register in accordance with item #4 in the section on "Records for Audit Purpose" in the accompanying Board policy
5. Providing direct instruction and counsel as necessary for individual student success
6. Regularly meeting with the student to discuss the student's progress
7. Determining the time value of assigned work or work products completed and submitted by the student
8. Assessing student work and assigning grades or other approved measures of achievement
9. Documenting each student's participation in live interaction and/or synchronous instruction pursuant
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to Education Code 51747 on each school day for which independent study is provided.

The Superintendent or designee shall ensure that independent study teachers have access to professional development and support comparable to classroom-based teachers.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

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Management Resources References

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Nondiscrimination In District Programs And Activities -
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6172
Gifted And Talented Student Program -
https://simobl.eboardsolutions.com/SU/nbCE1Vwv4VoSW9wYnRxK9w=

6181
Alternative Schools/Programs Of Choice -
https://simobl.eboardsolutions.com/SU/bWFkIGoGT1hG4oip1XBLLg=

6181
Alternative Schools/Programs Of Choice -
https://simobl.eboardsolutions.com/SU/uMuQgT6H10wceH5iWsvPQ=

6183
Home And Hospital Instruction -
https://simobl.eboardsolutions.com/SU/xnD9WONnURmFSplusad3J7AA=

6184
Continuation Education -
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6184
Continuation Education -
https://simobl.eboardsolutions.com/SU/SSCrVI4Qm29hltrvWYAWQ=

6185
Community Day School -
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6185
Community Day School -
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6200
Adult Education -
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6200
Adult Education -
https://simobl.eboardsolutions.com/SU/3wpusWng1ySGplusikkPaagdew=
Earle Jamieson Educational Options
Independent Study (IS) Master Agreement: 2022-23
112 Nevada City Highway, Nevada City, CA Ph: (530)272-5464

<table>
<thead>
<tr>
<th>Student Name:</th>
<th>Student Ph:</th>
<th>Grade:</th>
<th>Birth Date:</th>
<th>Age:</th>
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<tbody>
<tr>
<td>Address:</td>
<td>Duration (# days) of Agreement:</td>
<td>Begin Date:</td>
<td>End Date:</td>
</tr>
<tr>
<td>City/State/Zip:</td>
<td>Is Teacher of Record:</td>
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Conditions of the Independent Study agreement:

This Independent Study Agreement is for the student who enrolls in independent study when the student’s parent/guardian determines that the student’s health would be at-risk with in-person instruction. Independent study is available to all students regardless of grade, with certain requirements (Ed. Code 51749.5). A student with disabilities, as defined in Ed Code 56026, may participate in independent study if the student’s individualized education program provides for such participation.

Assignments not turned in by the due date shall be considered “missed assignments”. No attendance credit may be given for missed assignments. Whenever the student fails to make satisfactory educational progress and/or misses two assignments, an evaluation shall be conducted to determine whether it is in a student’s best interest to remain in independent study, unless the student’s written agreement specifies

- a lower or higher number of missed assignments based on the nature of the assignments,
- the total number of assignments, and/or
- other unique circumstances arise.

The student will be subject to truancy issues if assignments are not turned in which turns the independent study days into student absences. The written agreement shall be signed, before the commencement of independent study, by the student, the student’s parent/guardian, or caregiver, if the student is under age 18 years, the certificated employee responsible for the general supervision of independent study, and the certificated employee designated as having responsibility for the special education programming of the pupil, as applicable. Written agreements may be signed using an electronic signature that complies with state and federal standards, as determined by the California Department of Education. The parent/guardian signature on the agreement shall constitute permission for the student to receive instruction through independent study. The parent/guardian accepts responsibility and understands the parent/student will be subject to the Student Attendance Review Board (SARB) if absences accumulate due to missed assignments. In addition, future Independent Study requests may be denied by school administration.

Method utilized to evaluate the student’s work shall be the responsibility of the teacher of record or principal’s designee. The objective will be to assess work for completion of assignments and student’s achievement. Oral and written tests may be administered when necessary to assess the student’s achievement of the goals and objectives of the agreement. The teacher evaluated the completed work, assigns attendance and academic credit.

Additional academic and other supports will be provided to address the needs of students who are not performing satisfactorily, or need support in other areas, such as English learners, individuals with exceptional needs in order to be consistent with the student’s individualized education program or plan, pursuant to Section 504 of the
Federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), students in foster care or experiencing homelessness, and students requiring mental health supports.

Student and Parent/Guardian understand that independent study is an OPTIONAL EDUCATIONAL ALTERNATIVE to classroom instruction consistent with the district’s course of study and agree to participate voluntarily in the program and agree to accept all teacher assignments as given on assignment contracts(s). NO STUDENT MAY BE REQUIRED TO PARTICIPATE.

Assignments completed and submitted by due date will earn full academic and attendance credit. To receive full credit, all work in all subjects must be completed. The manner, time, frequency and place for submitting work is specified on the assignment contract. All parties agree that failure to complete this Agreement may result in the lowering of a grade and will require evaluation of whether or not the student may participate in a future Independent Study Contract. Nevada County Superintendent of School’s Board Policy (BP 6158(a)), states an evaluation shall be conducted to determine whether it is in a student’s best interest to remain in independent study whenever the student fails to make satisfactory educational progress and/or misses two assignments, unless the student’s written agreement specifies a lower or higher number of missed assignments based on the nature of the assignments, the total number of assignments, and/or other unique circumstances (Ed Code 51749).

Upon signature below and the attached Assignment Contract for Master Agreement, the student’s enrollment status in the student information system will be changed to indicate student is on an Independent Study Agreement. This Agreement, Student IS Assignment Contract (separate document) and work samples will be retained at the school site for three (3) years for audit purposes.

Responsibilities of School, Student and School

SCHOOL RESPONSIBILITIES:

- This Agreement is in effect from __________ to __________ for the __________ school year.
- The major objective for the duration of this Agreement is to enable the student to keep current with __________ grade studies for the period covered by this Agreement.
- According to District policy for Independent Study in grades 7-12, no more than five (5) days may elapse between when an assignment is made by the teacher and the date it is due, unless an exception is made in accordance with District policy.
- Earie Jamieson Educational Options site will provide the teacher services, materials and other necessary items and resources as specified for each assignment (e.g., textbooks, supplemental text material, one-to-one support, etc.). This includes providing access to necessary connectivity and devices adequate to participate in the educational program and complete assigned work.
- The student will complete, during the term of this agreement, the course work listed under the Student IS Assignment Contract. All course work will be consistent with the Nevada County Superintendent of School’s adopted curriculum. The Student IS Assignment Contract has the course descriptions, objectives, study methods, evaluation methods and resources covered by this agreement.
- For students in grades 7-8, teacher will provide opportunities for both daily live interaction and at least weekly synchronous instruction for all students throughout the school year. For students in grades 9-12, teachers will provide opportunities for at least weekly synchronous instruction for all students throughout the school year.
  - “Live interaction” means interaction between the student and certificated and classified staff, and may include peers, provided for the purpose of maintain school connectedness, including but not limited to: wellness checks, progress monitoring, provision of services and instruction. This interaction may take place in person or in the form of internet or telephonic communication.
  - “Synchronous instruction” means classroom-style instruction or designated small group or one-on-one instruction delivered in person, or in the form of internet or telephonic communications and involving live, two-way communication between the teacher and student. Synchronous instruction shall be provided by the teacher of record for that student.
STUDENT RESPONSIBILITIES:

I understand that:

- Independent Study is a form of education that I have voluntarily chosen and I will always have a classroom option available.
- I am entitled to textbooks and supplies, supervision by a certified teacher, and all the services and resources received by other students enrolled in my grade. This includes the necessary connectivity and devices to participate in the educational program and complete assigned work.

I agree to:

- Be supervised by and meet regularly with the assigned Independent Teacher, in accordance with the frequency, date, time and location specified in the Student Assignment Contract document.
- Complete my assigned work by its due date, as explained by my teacher and described in my written assignments. On average, I will complete at least 5 hours of work each day.

PARENT/GUARDIAN/CAREGIVER RESPONSIBILITIES:

I understand that the major objective of Independent Study is to provide a voluntary educational alternative for my student. I agree to the conditions listed under “Student”. I understand that:

- Learning objectives are consistent with and evaluated in the same manner that they would be if he/she were enrolled in a the in-person school setting.
- I am responsible for supervising my student while he/she is completing the assigned work for ensuring the submission of all completed assignments necessary for evaluation. For students under the age of 18 years, who cannot make a scheduled meeting, I am responsible to call to excuse and reschedule.
- I am liable for the cost of replacement or repair for willfully damaged books and other school property checked out to my student (Technology Agreement under separate document).
- It is my responsibility to provide any needed transportation for my student’s scheduled meetings and any other travel covered by this agreement.
- I have the right to appeal to the school administrator any decision about my student’s placement or school program in accordance with Nevada County Superintendent of Schools policies and procedures.

AGREEMENT:

We have read all pages of this agreement and hereby agree to all conditions set forth within.

Parent/Guardian ___________________________ Date

Pupil ___________________________ Date

Teacher of Record/Certificated Designee ___________________________ Date

Teacher of Special Education Programming, as applicable ___________________________ Date
Earle Jamieson Educational Options
Student IS Assignment Contract: 2022-23
112 Nevada City Highway, Nevada City, CA Ph: (530)272-5464

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Student is required to report to their teacher as follows for submitting work:
Manner of Reporting: (circle one): One-on-one  Small Group  Email  Fax

Time: ____________________________________________
Frequency: ____________________________________________
Place of Meeting: ____________________________________________

Frequency and method for communicating with student’s parent/guardian on progress: ____________________________________________

(Ed Code 51749 requires the frequency, time, place and manner for submitting the student’s assignments, reporting the student’s academic progress, and communicating with a student’s parent/guardian regarding the student’s academic progress, BP 6158(a)). These shall all be specified within this Agreement.

Methods of Evaluation:

Attendance credit for each subject below will be determined by the supervising teacher according to the percentage of assigned work completed and objectives met by the due date.

Academic credit (grade, points, comments, etc.) for each subject will be determined by the supervising teacher according to the quality of assigned work submitted. The section is to be completed before the student leaves on contract by the supervising teacher.

<table>
<thead>
<tr>
<th>Subject</th>
<th>Assignment/Objective/Resources Description of what student is expected to read, write, complete, etc.</th>
<th>Academic Credit/Evaluation*</th>
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Independent Study Master Agreement (BP 6158(a)/AR 6158(a)) 2022-23
*Academic Credit/Evaluation is filled out AFTER the student returns the work and the work has been evaluated.

A review to examine or discuss progress was/was not needed. Comments:

_________________________________________________________________
_________________________________________________________________
_________________________________________________________________
_________________________________________________________________

Classroom Teacher Signature  Date
(to be signed prior to student's departure)

TEACHER: Please complete Academic Credit/Evaluation sections AFTER student returns and work assignments are evaluated. Submit this contract to the attendance clerk with an original student work sample when work has been evaluated. Samples should have student name, date, subject and marks of evaluation.

Assignments in the subjects described above were: (check one):
    _____ completed and submitted by due date earning full attendance credit
    _____ not submitted by the due date earning no attendance credit
    _____ partially completed by due date earning _______ days of attendance credit

Classroom Teacher Signature  Date

Special Education Teacher  Date
    _____ Attached is original homework samples with this assignment contract
Cover sheet

Original Board Policy and Administrative Regulations:

- Board Policy 6158 (a) Independent Study
- Administrative Regulations 6158 (a) Independent Study
Nevada County Board of Education – Independent Study

Board Policy 6158(a): Independent Study

The Governing Board authorizes independent study as an optional alternative instructional strategy for students whose needs may be best met through study outside of the regular classroom setting. Independent study shall offer a means of individualizing the educational plan to serve students who desire a more challenging educational experience, whose health or other personal circumstances make classroom attendance difficult, who are unable to access course(s) due to scheduling problems, and/or who need to make up credits or fill gaps in their learning. As necessary to meet student needs, independent study may be offered on a full-time basis or on a part-time basis in conjunction with part- or full-time classroom study.

The Superintendent or designee may provide a variety of independent study opportunities, including, but not limited to, through a program or class within a comprehensive school, an alternative school or program of choice, a charter school, and an online course.

A student’s participation in independent study shall be voluntary. (Education Code 51747, 51749.5)

Independent study for each student shall be under the general supervision of a district employee who possesses a valid certification document pursuant to Education Code 44865 or an emergency credential pursuant to Education Code 44300. Students’ independent study shall be coordinated, evaluated, and documented, as prescribed by law and reflected in the accompanying administrative regulation. (Education Code 51747.5)

The minimum period of time for any independent study option shall be three consecutive school days.

General Independent Study Requirements

For the 2021-22 school year, the district shall offer independent study, as specified in Education Code 51745, to meet the educational needs of students unless the district has obtained a waiver. (Education Code 51745)

For the 2022-23 school year and thereafter, the Superintendent or designee may continue to offer and approve independent study for an individual student upon determining that the student is prepared to meet the district’s requirements for independent study and is likely to succeed in independent study as well as or better than the student would in the regular classroom setting.

Because excessive leniency in the duration of independent study assignments may result in a student falling behind peers and increase the risk of dropping out of school, independent study assignments shall be completed no more than one week after assigned for all grade levels and types of program. However, when necessary based on the specific circumstances of the student’s approved program, the Superintendent or designee may allow for a longer period of time between the date an assignment is made and when it is due, up to the termination date of the agreement.

An evaluation shall be conducted to determine whether it is in a student’s best interest to remain in independent study whenever the student fails to make satisfactory educational progress and/or misses two assignments, unless the student’s written agreement specifies a lower or higher number of missed assignment based on the nature of the assignments, the total number of assignments, and/or other unique circumstances. Satisfactory educational progress shall be determined based on all of the following indicators: (Education Code 51747)

1. The student’s achievement and engagement in the independent study program, as indicated by the student’s performance on applicable student-level measures of student achievement and engagement specified in Education Code 52060

2. The completion of assignments, assessments, or other indicators that evidence that the student is working on assignments

3. Learning required concepts, as determined by the supervising teacher

Adopted by the Nevada County Board of Education: August 25, 2021
4. Progress towards successful completion of the course of study or individual course, as determined by the supervising teacher

The Superintendent or designee shall ensure that students participating in independent study are provided with content aligned to grade level standards at a level of quality and intellectual challenge substantially equivalent to in-person instruction. For high schools, this shall include access to all courses offered by the district for graduation. (Education Code 51747)

The Superintendent or designee shall ensure that students participating in independent study for 15 school days or more receive the following throughout the school year: (Education Code 51747)

1. For students in grades 4-8, opportunities for both daily live interaction and at least weekly synchronous instruction
2. For students in grades 9-12, opportunities for at least weekly synchronous instruction

The Superintendent or designee shall ensure that procedures for tiered reengagement strategies are used for all students who are not generating attendance for more than three school days or 60 percent of the instructional days in a school week, or who are in violation of their written agreement. This requirement only applies to students participating in an independent study program for 15 school days or more. The procedures shall include, but are not necessarily limited to, all of the following: (Education Code 51747)

1. Verification of current contact information for each enrolled student
2. Notification to parents/guardians of lack of participation within one school day of the absence or lack of participation
3. A plan for outreach from the school to determine student needs, including connection with health and social services as necessary
4. A clear standard for requiring a student-parent-educator conference to review a student's written agreement and reconsider the independent study program's impact on the student's achievement and well-being

The Superintendent or designee shall develop a plan to transition students whose families wish to return to in-person instruction from independent study expeditiously, and, in no case later, than five instructional days. This requirement only applies to students participating in an independent study program for 15 school days or more. (Education Code 51747)

The Superintendent or designee shall ensure that a written master agreement exists for each participating student as prescribed by law. (Education Code 51747, 51749.5)

The district shall provide written notice to the parents/guardians of all enrolled students of the option to enroll their child in in-person instruction or independent study during the 2021-22 school year. This notice shall be posted on the district's web site, and shall include, at a minimum, information about the right to request a student-parent-educator conference before enrollment, student rights regarding procedures for enrolling, disenrolling, and reenrolling in independent study, and the instructional time, including synchronous and asynchronous learning, that a student will have access to as part of independent study. (Education Code 51747)

Upon the request of the parent/guardian of a student, before making a decision about enrolling or disenrolling in
independent study and entering into a written agreement to do so, the district shall conduct a telephone, videoconference, or in-person student-parent-educator conference or other meeting during which the student, parent/guardian, or their advocate may ask questions about the educational options, including which curriculum offerings and nonacademic supports will be available to the student in independent study. (Education Code 51747)

Master Agreement

For the 2021-22 school year only, the district shall obtain a signed written agreement for independent study no later than 30 days after the first day of instruction.

A written agreement shall be developed and implemented for each student participating in independent study for three or more consecutive school days. (Education Code 46300, 51747; 5 CCR 11703)

The agreement shall include general student data, including the student's name, address, grade level, birth date, school of enrollment, and program placement.

The independent study agreement for each participating student also shall include, but are not limited to, all of the following: (Education Code 51747; 5 CCR 11700, 11702)

1. The frequency, time, place and manner for submitting the student's assignments, reporting the student's academic progress, and communicating with a student's parent/guardian regarding the student's academic progress

2. The objectives and methods of study for the student's work and the methods used to evaluate that work

3. The specific resources that will be made available to the student, including materials and personnel, and access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work

4. A statement of the Board's policy detailing the maximum length of time allowed between an assignment and its completion, the level of satisfactory educational progress, and the number of missed assignments which will trigger an evaluation of whether the student should be allowed to continue in independent study

5. The duration of the independent study agreement, including the beginning and ending dates for the student's participation in independent study under the agreement, with a maximum of one school year

6. A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment which are to be earned by the student upon completion

7. A statement detailing the academic and other supports that will be provided to address the needs of students who are not performing at grade level, or need support in other areas, such as English learners, students with disabilities with an individualized education program or a Section 504 plan in order to be consistent with their program or plan, students in foster care or experiencing homelessness, and students requiring mental health supports.

8. A statement that independent study is an optional educational alternative in which no student may be required to participate

9. In the case of a suspended or expelled student who is referred or assigned to any school, class, or program pursuant to Education Code 48915 or 48917, a statement that instruction may be provided through independent study only if the student is offered the alternative of classroom instruction

10. Before the commencement of independent study, the agreement shall be signed and dated by the student, the student's parent/guardian or caregiver if the student is under age 18 years, the certificated employee responsible for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the student.

However, for the 2021-22 school year, the district shall obtain a signed written agreement for independent study from the student, or the student's parent/guardian if the student 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, no later
than 30 days after the first day of instruction.

Written agreements may be signed using an electronic signature that complies with state and federal standards, as
determined by the California Department of Education (CDE). (Education Code 51747)

The parent/guardian’s signature on the agreement shall constitute permission for the student to receive instruction
through independent study.

**Course-Based Independent Study**

The district’s course-based independent study program for students in grades K-12 shall be subject to the following
requirements: (Education Code 51749.5)

1. A signed learning agreement shall be completed and on file for each participating student pursuant to
   Education Code 51749.6

2. Courses shall be taught under the general supervision of certificated employees who hold the appropriate
   subject matter credential and are employed by the district or by another district, charter school, or county office
   of education with which the district has a memorandum of understanding to provide the instruction,

3. Courses shall be annually certified by Board resolution to be of the same rigor and educational quality and to
   provide intellectual challenge that is substantially equivalent to in-person, classroom-based instruction, and shall
   be aligned to all relevant local and state content standards. For high schools, this shall include access to all
courses offered by the district for graduation. The certification shall, at a minimum, include the duration, number of
   equivalent daily instructional minutes for each school day that student is enrolled, number of equivalent total
   instructional minutes, and number of course credits for each course, consistent with that of equivalent
   classroom-based courses. The certification shall also include plans to provide opportunities for students in
   grades 4-8 to receive both daily face-to-face interaction and at least weekly synchronous instruction, and for students in
   grades 9-12 to receive at least weekly synchronous instruction.

4. Students enrolled in independent study courses shall meet the applicable age requirements established pursuant
   to Education Code 46300.1, 46300.4, 47612, and 47612.1, and the applicable residency and enrollment
   requirements established pursuant to Education Code 46300.2, 47612, 48204, and 51747.3.

5. For each student participating in an independent study course, satisfactory educational progress shall be
determined based on the student’s achievement and engagement in the independent study program, as
indicated by their performance on applicable student-level measures of student achievement and student
engagement set forth in Education Code 52060, completion of assignments, assessments, or other indicators
that evidence that the student is working on assignments, learning of required concepts, as determined by the
supervising teacher, and progress toward successful completion of the course of study or individual course, as
determined by the supervising teacher.

If satisfactory educational progress in an independent study class is not being made, the teacher shall notify the
student and, if the student is under age 18 years, the student’s parent/guardian. The teacher shall conduct an
evaluation to determine whether it is in the student’s best interest to remain in the course or whether the
student should be referred to an alternative program, which may include, but is not limited to, a regular school
program. A written record of the evaluation findings shall be a mandatory interim student record maintained for
three years from the date of the evaluation. If the student transfers to another California public school, the
record shall be forwarded to that school.

Procedures for tiered reengagement strategies shall be used for all students who are not making satisfactory
educational progress in one or more courses or who are in violation of the written learning agreement, as
described in the section “Learning Agreement for Course-Based Independent Study” below. These procedures
shall include, but are not necessarily limited to, the verification of current contact information for each enrolled
student, notification to parents/guardians of lack of participation within one school day of the absence or lack
of participation, a plan for outreach from the school to determine student needs, including connection with
health and social services as necessary, and a clear standard for requiring a student-parent-educator
conference to review a student's written agreement and reconsider the independent study program's impact on the student's achievement and well-being.

6. Examinations shall be administered by a proctor.

7. Statewide testing results shall be reported and assigned to the school at which the student is enrolled and shall be included in the aggregate results of the district. Test results also shall be disaggregated for purposes of comparisons with the test results of students enrolled in classroom-based courses.

8. A student shall not be required to enroll in courses included in the course-based independent study program.

9. The student-teacher ratio in the courses in this program shall meet the requirements of Education Code 51745.6.

10. For each student, the combined equivalent daily instructional minutes for courses in this program and all other courses shall meet applicable minimum instructional day requirements, and the student shall be offered the minimum annual total equivalent instructional minutes pursuant to Education Code 46200-46208.

11. Courses required for high school graduation shall not be offered exclusively through independent study.

12. A student participating in this program shall not be assessed a fee that is prohibited by Education Code 49011.

13. A student shall not be prohibited from participating in independent study solely on the basis that the student does not have the materials, equipment, or access to Internet connectivity necessary to participate in the course.

14. A student with disabilities, as defined in Education Code 56026, shall not participate in course-based independent study, unless the student's individualized education program specifically provides for that participation.

15. A temporarily disabled student shall not receive individual instruction pursuant to Education Code 48206.3 through course-based independent study.

16. The district shall maintain a plan to transition any student whose family wishes to return to in-person instruction from course-based independent study expeditiously, and, in no case, later than five instructional days.

Learning Agreement for Course-Based Independent Study

Before enrolling a student in a course within this program, the Superintendent or designee shall provide the student and, if the student is under age 18 years, the student’s parent or guardian with a written learning agreement that includes all of the following: (Education Code 51749.6)

1. A summary of the district’s policies and procedures related to course-based independent study pursuant to Education Code 51749.5

2. The duration of the enrolled course(s) and the number of course credits for each enrolled course, consistent with the Board certifications made pursuant to item #2 above

3. The duration of the learning agreement, which shall not exceed a school year or span multiple school years

4. The learning objectives and expectations for each course, including, but not limited to, a description of how satisfactory educational progress is measured and when a student evaluation is required to determine whether the student should remain in the course or be referred to an alternative program, which may include, but is not limited to, a regular school program

5. The specific resources that will be made available to the student, including materials and personnel, and access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work
6. A statement detailing the academic and other supports that will be provided to address the needs of students who are not performing at grade level, or need support in other areas, such as English learners, students with disabilities with an individualized education program or a Section 504 plan in order to be consistent with their program or plan, students in foster care or experiencing homelessness, and students requiring mental health supports.

7. A statement that enrollment is an optional educational alternative in which no student may be required to participate. In the case of a student who is suspended or expelled, or who is referred or assigned to any school, class, or program pursuant to Education Code 48915 or 48917, the agreement also shall include the statement that instruction may be provided to the student through course-based independent study only if the student is offered the alternative of classroom instruction.

8. The manner, time, frequency, and place for submitting a student's assignments, for reporting the student's academic progress, and for communicating with a student's parent/guardian regarding a student's academic progress.

9. The objectives and methods of study for the student's work, and the methods used to evaluate that work.

10. A statement of the adopted policies regarding the maximum length of time allowed between the assignment and the completion of a student's assigned work, the level of satisfactory educational progress, and the number of missed assignments allowed before an evaluation of whether the student should be allowed to continue in course-based independent study.

11. A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the learning agreement, to be earned by the student upon completion.

12. Before the commencement of an independent study course, the learning agreement shall be signed and dated by the student, the student's parent/guardian or caregiver, if the student is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of the independent study course, and all persons who have direct responsibility for providing assistance to the student. For purposes of this paragraph "caregiver" means a person who has met the requirements of Family Code 6550-6552.

However, for the 2021–22 school year only, the district shall obtain a signed written agreement for independent study from the student, or the student's parent/guardian if the student is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of the independent study course, and all persons who have direct responsibility for providing assistance to the pupil no later than 30 days after the first day of instruction.

Written agreements may be signed using an electronic signature that complies with state and federal standards, as determined by the CDE. (Education Code 51749.6)

The student's or parent/guardian's signature shall constitute permission for the student to receive instruction through independent study. (Education Code 51749.6)

The Superintendent or designee shall retain a physical or electronic copy of the signed learning agreement for at least three years and as appropriate for auditing purposes. (Education Code 51749.6)

**Student-Parent-Educator Conferences**

A student-parent-educator conference shall be held as appropriate including, but not limited to, as a reengagement strategy and/or if requested by a parent/guardian prior to enrollment or disenrollment from independent study. Missing student-educator-parent appointments without valid reasons may trigger an evaluation to determine whether the student's placement in independent study is appropriate. (Education Code 51745.5, 51747, 51749.5)

**Records for Audit Purposes**

The Superintendent or designee shall ensure that records are maintained for audit purposes. These records shall include, but not be limited to: (Education Code 51748; 5CCR 11703)

Adopted by the Nevada County Board of Education. August 25, 2021
1. A copy of the Board policy, administrative regulation, and other procedures related to independent study

2. A listing of the students, by grade level, program, and school, who have participated in independent study, along with the units of the curriculum attempted and completed by students in grades K-8 and the course credits attempted by and awarded to students in grades 9-12 and adult education

3. A file of all agreements, with representative samples of each student's work products bearing the supervising teacher's notations indicating that the teacher has personally evaluated the work or personally reviewed the evaluations made by another certificated teacher

4. As appropriate to the program in which the students are participating, a daily or hourly attendance register that is separate from classroom attendance records, maintained on a current basis as time values of student work products judged by a certificated teacher, and reviewed by the supervising teacher if they are two different persons

5. Appropriate documentation of compliance with the teacher-student ratios required by Education Code 51745.6 and 51749.5 (Education Code 51745.6 and 51749.5)

6. Appropriate documentation of compliance with the requirements pursuant to Education Code 51747.5 to ensure the coordination, evaluation, and supervision of the independent study of each student by a district employee who possesses a valid certification document pursuant to Education Code 44865 or an emergency credential pursuant to Education Code 44300 (Education Code 51747.5)

The district shall document each student's participation in live interaction and synchronous instruction pursuant to Education Code 51747 on each school day, as applicable, in whole or in part, for which independent study is provided. A student who does not participate in independent study on a school day shall be documented as nonparticipatory for that school day. (Education Code 51747.5)

The Superintendent or designee also shall maintain a written or computer-based record such as a grade book or summary document of student engagement, for each class, of all grades, assignments, and assessments for each student for independent study assignments. (Education Code 51747.5)

The signed, dated agreement, any supplemental agreement, assignment records, work samples, and attendance records may be maintained on file electronically. (Education Code 51747)

Program Evaluation

The Superintendent or designee shall tri-annually (Dec./Mar./June) report to the Board the number of district students participating in independent study, the average daily attendance generated for apportionment purposes, student performance as measured by standard indicators and in comparison to students in classroom-based instruction, and the number and proportion of independent study students who graduate or successfully complete independent study. Based on the program evaluation, the Board and Superintendent shall determine areas for program improvement as needed.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

**State References**

- 5 CCR 11700-11703
- 5 CCR 19819
- Ed. Code 17289
- Ed. Code 41976.2
- Ed. Code 42238
- Ed. Code 42238.05

**Description**

- Independent study
- State audit compliance
- Exemption for facilities
- Independent study programs; adult education funding
- Revenue limits
- Local control funding formula; average daily attendance

Adopted by the Nevada County Board of Education: August 25, 2021
Ed. Code 44865 Qualifications for home teachers
Ed. Code 46200-46208 Incentives for longer instructional day and year
Ed. Code 46300-46307.1 Methods of computing average daily attendance
Ed. Code 47612.5 Charter schools operations, general requirements
Ed. Code 48204 Residency requirements
Ed. Code 48206.3 Home or hospital instruction; students with temporary disabilities
Ed. Code 48220 Classes of children exempted
Ed. Code 48340 Improvement of pupil attendance
Ed. Code 48915 Expulsion; particular circumstances
Ed. Code 48916.1 Educational program requirements for expelled students
Ed. Code 48917 Suspension of expulsion order
Ed. Code 49011 Student fees
Ed. Code 51225.3 Graduation requirements; courses that satisfy college entrance criteria
Ed. Code 51745-51749.6 Independent study
Ed. Code 52522 Adult education alternative instructional delivery
Ed. Code 52523 Adult education as supplement to high school curriculum; criteria
Ed. Code 56026 Individual with exceptional needs
Ed. Code 58500-58512 Alternative schools and programs of choice
Fam. Code 6550 Authorization affidavits

Federal References
20 USC 6301 Highly qualified teachers

Management Resources References
California Department of Education Publication
Education Audit Appeals Panel Decision Lucerne Valley Unified School District, Case No. 03-02 (2005)
Website AASA The School Superintendents Association - https://simblieboardsolutions.com/SU/MQaF8AO8c3lshSIfGc13QQuEQ==

Cross References
0410 Nondiscrimination In District Programs And Activities - https://simblieboardsolutions.com/SU/xtNSzPFEwldGeuswAW==
0420.4 Charter School Authorization - https://simblieboardsolutions.com/SU/aDghAvOC5pRdOGWBdSoplusBw==
0420.4 Charter School Authorization - https://simblieboardsolutions.com/SU/opP6QggQuf6fyaRQgy2g==
0470 COVID-19 Mitigation Plan - https://simblieboardsolutions.com/SU/gx6z1OE0WF1n2Des17d7Ia==
0500 Accountability - https://simblieboardsolutions.com/SU/36n1bVBSdshNQ2wNcoUHslshhA==
3260 Fees And Charges - https://simblieboardsolutions.com/SU/lyhT3OZsHslshMDQhHN4dCFxg==
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Adult Education -
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Adult Education -
https://simbl.eboardsolutions.com/SU/3wplusWng1ySGrulskPaaqdew==
Nevada County Board of Education - Independent Study

Administrative Regulation 6158 (a): Independent Study

Definitions

*Live interaction* means interaction between the student and classified or certificated staff, and may include peers, provided for the purpose of maintaining school connectedness, including, but not limited to, wellness checks, progress monitoring, provision of services, and instruction. This interaction may take place in person, or in the form of Internet or telephonic communication. (Education Code 51745.5)

*Student-parent-educator conference* means a meeting involving, at a minimum, all parties who signed the student's written independent study agreement pursuant to Education Code 51747 or the written learning agreement pursuant to Education Code 51749.6. (Education Code 51745.5)

*Synchronous instruction* means classroom-style instruction or designated small group or one-on-one instruction delivered in person, or in the form of Internet or telephonic communications, and involving live two-way communication between the teacher and student. Synchronous instruction shall be provided by the teacher of record for that student pursuant to Education Code 51747.5. (Education Code 51745.5)

Educational Opportunities

For the 2021-22 school year, the district shall offer independent study to meet the educational needs of students as specified in Education Code 51745 unless the district has obtained a waiver. (Education Code 51745)

Educational opportunities offered through independent study may include, but are not limited to: (Education Code 51745)

1. Special assignments extending the content of regular courses of instruction
2. Individualized study in a particular area of interest or in a subject not currently available in the regular school curriculum
3. Individualized alternative education designed to teach the knowledge and skills of the core curriculum, but not provided as an alternative curriculum
4. Continuing and special study during travel
5. Volunteer community service activities and leadership opportunities that support and strengthen student achievement
6. Individualized study for a student whose health, as determined by the student's parent/guardian, would be put at risk by in-person instruction

In addition, when requested by a parent/guardian due to an emergency or illness, independent study may be used on a short-term basis to ensure that the student is able to maintain academic progress in the student’s regular classes.

No course required for high school graduation shall be offered exclusively through independent study. (Education Code 51745)

Equivalency

The district's independent study option shall be substantially equivalent in quality and quantity to classroom instruction to enable participating students to complete the district's adopted course of study within the customary timeframe. Students in independent study shall have access to the same services and resources that are available to other students in the school and shall have equal rights and privileges. (5 CCR 11700, 11701.5)

Adopted by the Nevada County Board of Education: August 25, 2021
Students participating in independent study shall have access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work. (Education Code 51747)

The district shall not provide independent study students and their parents/guardians with funds or items of value that are not provided for other students and their parents/guardians. Providing access to Internet connectivity and local educational agency-owned devices adequate to participate in an independent study program and complete assigned work consistent with Education Code 51747, or to participate in an independent study course, as authorized by Education Code 51749.5, shall not be considered funds or other things of value. (Education Code 46300.6, 51747.3)

Eligibility for Independent Study

Students are eligible for independent study as authorized in law, and as specified in board policy and administrative regulation.

For the 2022-23 school year and thereafter, the Superintendent or designee may approve the participation of a student who demonstrates the motivation, commitment, organizational skills, and academic skills necessary to work independently provided that experienced certificated staff are available to effectively supervise students in independent study. The Superintendent or designee may also approve the participation of a student whose health would be put at risk by in-person instruction. A student whose academic performance is not at grade level may participate in independent study only if the program is able to provide appropriate support, such as supplemental instruction, tutoring, counseling, ongoing diagnostic assessments, and/or differentiated materials, to enable the student to be successful. For an elementary student, the Superintendent or designee may consider the parent/guardian’s level of commitment to assist the student.

A student participating in independent study must be a resident of the county or an adjacent county. Full-time independent study shall not be available to students whose district residency status is based on their parent/guardian’s employment within district boundaries pursuant to Education Code 48204. (Education Code 46300.2, 51747.3)

A student with disabilities, as defined in Education Code 56026, shall not participate in independent study unless the student’s individualized education program specifically provides for such participation. (Education Code 51745)

A temporarily disabled student shall not receive individual instruction pursuant to Education Code 48206.3 by means of independent study. (Education Code 51745)

No more than 10 percent of the students enrolled in a continuation high school or opportunity school or program, not including pregnant students and parenting students who are primary caregivers for one or more of their children, shall be enrolled in independent study. (Education Code 51745)

Monitoring Student Progress

The independent study administrator and/or supervising teacher shall promptly and directly address any failure by the student to meet the terms of the student’s written agreement. The following supportive strategies may be used:

1. A letter to the student and/or parent/guardian
2. A meeting between the student and the teacher and/or counselor
3. A meeting between the student and the independent study administrator, including the parent/guardian if appropriate
4. An increase in the amount of time the student works under direct supervision

When the student has failed to make satisfactory educational progress or missed the number of assignments specified in the written agreement as requiring an evaluation, the Superintendent or designee shall conduct an evaluation to determine whether or not independent study is appropriate for the student. This evaluation may result in termination of the independent study agreement and the student's return to the regular classroom program or other alternative program.

A written record of the findings of any such evaluation shall be treated as a mandatory interim student record which shall be maintained for three years from the date of the evaluation. (Education Code 51747)

**Responsibilities of Independent Study Administrator**

The responsibilities of the independent study administrator include, but are not limited to:

1. Recommending certificated staff to be assigned as independent study teachers at the required teacher-student ratios pursuant to Education Code 51745.6 and supervising staff assigned to independent study functions who are not regularly supervised by another administrator
2. Approving or denying the participation of students requesting independent study
3. Facilitating the completion of written independent study agreements
4. Ensuring a smooth transition for students into and out of the independent study mode of instruction
5. Approving all credits earned through independent study
6. Completing or coordinating the preparation of all records and reports required by law, Board policy, or administrative regulation

**Assignment and Responsibilities of Independent Study Teachers**

Each student's independent study shall be coordinated, evaluated, and carried out under the general supervision of a district employee who possesses a valid certification document pursuant to Education Code 44865 or emergency credential pursuant to Education Code 44900, registered as required by law, and who consents to the assignment. (Education Code 44865, 51747.5; 5 CCR 11700)

The ratio of student average daily attendance for independent study students age 18 years or younger to full-time equivalent certificated employees responsible for independent study shall not exceed the equivalent ratio for all other education programs in the district, unless a new higher or lower ratio for all other educational programs offered is negotiated in a collective bargaining agreement or the district enters into a memorandum of understanding that indicates an existing collective bargaining agreement contains an alternative ratio. (Education Code 51745.6)

The responsibilities of the supervising teacher shall include, but are not limited to:

1. Completing designated portions of the written independent study agreement and signing the agreement
2. Supervising and approving coursework and assignments
3. Maintaining records of student assignments showing the date the assignment is given and the date the assignment is due
4. Maintaining a daily or hourly attendance register in accordance with item #4 in the section on “Records for Audit Purpose” in the accompanying Board policy
5. Providing direct instruction and counsel as necessary for individual student success
6. Regularly meeting with the student to discuss the student's progress
7. Determining the time value of assigned work or work products completed and submitted by the student
8. Assessing student work and assigning grades or other approved measures of achievement

Adopted by the Nevada County Board of Education: August 25, 2021
9. Documenting each student’s participation in live interaction and/or synchronous instruction pursuant to Education Code 51747 on each school day for which independent study is provided.

The Superintendent or designee shall ensure that independent study teachers have access to professional development and support comparable to classroom-based teachers.

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**State References**

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<td>California Department of Education Publication</td>
<td>01-05 Guidelines for Piloting Textbooks and Instructional Materials, rev. January 2013</td>
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<td>Education Audit Appeals Panel Decision</td>
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Charter School Authorization -
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<td></td>
<td>Nevada Theatre</td>
</tr>
<tr>
<td>STEAM Expo – Grades K-12</td>
<td>Thursday – Saturday, March 23-25, 2023</td>
<td>Registration due: TBD</td>
<td>Nevada County Fairgrounds</td>
</tr>
<tr>
<td>TechTest Jr. (part of the STEAM Expo)</td>
<td>TBD</td>
<td>TBD</td>
<td>TBD</td>
</tr>
</tbody>
</table>