

Date of Hearing: May 10, 2017

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 318 (Caballero) – As Introduced February 6, 2017

SUBJECT: Pupil instruction: independent study

SUMMARY: Increases the frequency of communication between a pupil in independent study (IS) and certificated employees of a school district, charter school, or county office of education. Specifically, **this bill:**

- 1) Requires certificated employees and each IS pupil to communicate in person or by a live visual connection no less than once per week to assess whether the pupil is making satisfactory educational progress.
- 2) Provides that an exception to the requirement to communicate weekly may be made on a case-by-case basis by the principal of the program or by a designee of the governing board or body of a participating school district, charter school, or county office of education for justifiable reasons, including for missing a weekly instructional session.
- 3) Requires the parent or guardian of a pupil seeking an exception to make a request in writing and requires the principal or designee to review the request pursuant to uniform standards established by the governing board or body of a participating school district, charter school, or county office of education.
- 4) Provides that if a pupil does not communicate with a certificated employee for more than two weeks and the principal or designee determines that communication is necessary, the principal or designee may require the pupil to communicate by live visual connection.

EXISTING LAW: Requires certificated employees and IS pupils to communicate in person, by telephone, or by any other live visual or audio connection no less that twice per calendar month to assess whether the pupil is making satisfactory educational progress.

FISCAL EFFECT: This bill is keyed non-fiscal

COMMENTS: Independent study, which was authorized in 1976, was originally designed to serve child actors, aspiring Olympic athletes, and other pupils whose schedules precluded regular classroom attendance. Over the years, it has evolved to serve a wider range of pupils. IS is provided as an alternative instructional strategy, not an alternative curriculum. IS pupils work independently, according to a written agreement and under the general supervision of a certificated teacher or teachers. While independent study pupils follow the district-adopted curriculum and meet the district graduation requirements, independent study offers flexibility to meet individual pupil needs, interests, and styles of learning. It is only available as a voluntary option chosen by pupils and parents. According to the California Department of Education, about 168,000 pupils in K-12 were receiving at least 50% of their instruction through IS in 2014-15.

Reason for the bill. Existing law requires IS pupils to communicate with a supervising teacher in person, by telephone, or by any other live visual or audio connection no less that twice per calendar month to assess whether the pupil is making satisfactory educational progress. **This**

bill, with specified exceptions, requires the communication between the pupil and supervising teacher to take place at least once per week and further requires the communication to be either in person or via live visual communication. The primary reason for this change, according to information provided by the author's office, is to enhance child safety by requiring more frequent visual communication between the school and the pupil. The bill arises from an incident in which a six year old boy, who was enrolled in an independent study program, and his 3 year old sister were found dead in a storage unit in Redding, California. The boy's mother and her boyfriend have been charged with child abuse, torture, and murder, and their trial is scheduled to begin in February 2018.

The boy had been enrolled in an independent study program in the Monterey County Home Charter School, which is operated by the Monterey County Office of Education. The author believes that if more frequent visual communication had occurred between the boy and school personnel, then danger signs could have been noticed and appropriate steps taken to intervene. However, the boy's nine year old sister attended a regular school in Monterey County and on at least two occasions school officials reported evidence of possible abuse and neglect to the Monterey County Child Protective Services (CPS). Although CPS made several contacts with the family, the children were allowed to stay. A subsequent state report found that the Monterey CPS violated five state regulations and ignored best practices intended to keep children safe.

Existing law permits more frequent pupil-teacher communication. Existing law governing independent study requires pupil-teacher communication to occur at least twice every calendar month. This is a minimum requirement, and districts can establish policies that require more frequent communication if they desire. Monterey County Office of Education has already adopted the requirement contained in this bill. According to the author's office, however, this should be the minimum requirement for all IS programs in the interest of pupil safety.

Educational impact. Although the author indicates that the primary purpose of this bill to address pupil safety and welfare, the bill could have a positive impact on educational outcomes. Existing law requires contact (visual or audio) at least twice per calendar month, but is silent on how those two contacts should be scheduled over that period. If two contacts occur in the first week of a calendar month and then again in the last week of the next calendar month, then more than seven weeks could transpire between contacts. More frequent communication could help teachers keep closer track of pupil progress and help prevent pupils from falling too far behind.

Arguments in support. The author argues that this bill is needed to protect the health and welfare of children enrolled in IS programs and courses. More frequent in-person or visual contact could help teachers identify situations in which a pupil's welfare may be at risk.

Arguments in opposition. Opponents argue that this bill "will place overly restrictive, overly burdensome, and unnecessary requirements on hundreds of thousands of independent study pupils who are in healthy parent or homeschool family environments or who live in remote rural areas with no access to the internet or who live miles from the nearly [sic] school facility."

REGISTERED SUPPORT / OPPOSITION:

Support

California Teachers Association

County Welfare Directors Association of California
Court Appointed Special Education Advocates for Children, Monterey County
Monterey County Board of Supervisors
Monterey County Office of Education
Monterey County Office of the District Attorney
San Benito County Office of Education
Santa Cruz County Office of Education
An individual

Opposition

Association of Personalized Learning Schools & Services
California Consortium for Independent Study

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