



Santa Barbara SCHOOL DISTRICTS

Section 1
6/23/09 Board Brief

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TO: Dr. J. Brian Sarvis, Superintendent

FROM: Robin Sawaske, Associate Superintendent for Education *RS*

DATE: June 18, 2009

RE: New CDS Number for an Alternative School of Choice to Include all District 9th – 12th Grade Independent Study Programs

Attached is a memo from Kathy Abney, principal of La Cuesta Continuation High School describing the critical need to apply for a new CDS number for the secondary district's independent study programs.

I believe it is important to bring an action agenda item to the school board as soon as possible. My plan is to do this at the June 30th board meeting.

Adams Elementary School	Harding Elementary School	Peabody Charter School	Goleta Valley Junior High School	Dos Pueblos High School
Cesar Chavez Charter School	McKinley Elementary School	Roosevelt Elementary School	La Colina Junior High School	La Cuesta Continuation High School
Cleveland Elementary School	Monroe Elementary School	Santa Barbara Charter School	La Cumbre Junior High School	San Marcos High School
Franklin Elementary School	Open Alternative School	Santa Barbara Community Academy	Santa Barbara Junior High School	Santa Barbara High School
		Washington Elementary School		

La Cuesta Continuation High School

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June 8, 2009

To: Robin Sawaske

From: Kathleen Abney *Kathy*

Re: Independent Study Compliance Issues

For the eight years that I have been principal of La Cuesta (and an unknown number of years prior to that), we have been out of compliance in the accounting of attendance for our independent study program and students. When I first inquired about the attendance accounting, I was informed by the district that we were allowed to enroll up to the district cap of 10 per cent of high school students and that students were re-distributed to their home high schools at P1, P2 and P Annual. Therefore, we were not out of compliance. That, as it turns out, was not the case.

There are two means of determining independent study caps in Ed Code—one for the traditional school population, which is based on a district cap of 10 percent; the other is specifically for continuation schools and is also based on a 10 per cent cap.

For many years, the auditors have only looked at district-wide numbers, and based on those we have not been deemed out of compliance. However, since the district is reporting our independent study attendance under the continuation school, we are out of compliance and, according to Ana Hernandez, if the auditors were to ever delve deeper into the attendance accounting than at the district-wide level, we would be in great difficulty from a fiscal standpoint.

At one time, there was an independent study school in the Santa Barbara district, but the school was long ago turned into a program and folded under the CDS code for La Cuesta, a school that until August 2008 enrolled up to 40 students—making it eligible to enroll no more than four independent study students. In 2007-2008, with six teachers in independent study, we could have potentially enrolled 120 students (independent study and Middle College), although our numbers were closer to 110. The maximum allowable enrollment during that school year, based on the La Cuesta numbers, would have been four students.

During the 2008-2009 school year, with five teachers (two independent study and three at Middle College) we had approximately 90 students enrolled; our cap, based on La Cuesta's enrollment, was seven.

The solution to this compliance problem is to create an independent study school encompassing all of the programs that are run within independent study: Middle College, home school (formerly Home School Santa Barbara 9-12), parenting minors, independent study (for students who are working or unable to attend school full-time for other, verified reasons).

I have met with yourself, Erik Smith, Meg Jetté, Ana Hernandez and Nancy Stevens (one of my independent study teachers) concerning this situation. I have also spoken at length with Dr. Mary Jones in the California Department of Education, Educational Options Division. The recommendation from Dr. Jones is that we move forward immediately to apply for a new CDS number for an Alternative School of Choice; she believes from our conversation that we have all the pieces in place to make this happen in a timely manner.

At this point, we are in need of Board approval to move forward to create an Alternative School of Choice for the 2009-2010 school year.

Attachments: CASBO *Pupil Attendance Accounting Strategies* Winter 2009, Page 255
California Education Code Section 51745-51749.3

Student to Teacher Ratio Calculation

There are two sets of instructions for independent study ratio calculations:

1. The Ratio of Average Daily Attendance (ADA) to Supervising Teacher in Independent Study, Pursuant to *Education Code* Section 51745.6, and
2. The 10 Percent Cap on Independent Study in Continuation and Opportunity Education, Pursuant to *Education Code* Section 51745(b)

Teacher-to-ADA Ratio Cap

For School Districts:

Step 1.

From the total number of units of ADA reported on lines A-1 through A-7 of the District's Second Period Report of Attendance (J-18/19-P2), subtract the number of attendance (ADA) units reported for full-time independent study pupils (**excluding** any ADA from short-term independent study supervised by a regular classroom teacher for pupils enrolled in that teacher's class).

Step 2.

Determine a ratio with the difference resulting from Step 1, using the total number of certificated teachers and full-time equivalent (FTE) certificated teachers who directly provided instruction to all pupils whose ADA was reported on lines A-1 through A-7 other than those whose ADA was earned through full-time independent study. (Excluded are employees whose services supplement direct instruction or who perform administrative duties.) For a certificated employee who provides direct instruction as well as supplemental or administrative services, count only the fractional amount of time that employee provided direct instruction. Fractional numbers in the total are to be rounded down, unless the total is less than one (1.0)—for example, 5.3 or 5.6 FTE supervising teachers rounds down to 5 in both instances, but 0.4 FTE is reported as 1.0.

Step 3.

For purposes of computing the maximum ADA to be funded for independent study, multiply the ADA portion of the ratio computed in steps 1 and 2 by the combined number of full-time and FTE certificated independent study teachers. (Exclude from this computation any ADA attributed to independent study as a temporary alternative to classroom-based study that is supervised by the pupil's regular classroom teacher. Do not include in the number of teachers those certificated persons who exclusively provide administrative or supplementary services. If a certificated person is responsible for both administration and direct instruction, count only the amount of time the employee provided direct instruction.)

Districts shall be funded on the lesser of the maximum ADA computed per these instructions or the actual ADA reported for independent study.

EDUCATION CODE

SECTION 51745-51749.3

51745. (a) Commencing with the 1990-91 school year, the governing board of a school district or a county office of education may offer independent study to meet the educational needs of pupils in accordance with the requirements of this article. Educational opportunities offered through independent study may include, but shall not be limited to, the following:

(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. Independent study shall not be provided as an alternative curriculum.

(4) Continuing and special study during travel.

(5) Volunteer community service activities that support and strengthen pupil achievement.

(b) Not more than 10 percent of the pupils participating in an opportunity school or program, or a continuation high school, calculated as specified by the State Department of Education, shall be eligible for apportionment credit for independent study pursuant to this article. A pupil who is pregnant or is a parent who is the primary caregiver for one or more of his or her children shall not be counted within the 10 percent cap.

(c) No individual with exceptional needs, as defined in Section 56026, may participate in independent study, unless his or her individualized education program developed pursuant to Article 3 (commencing with Section 56340) of Chapter 4 of Part 30 specifically provides for that participation.

(d) No temporarily disabled pupil may receive individual instruction pursuant to Section 48206.3 through independent study.

(e) No course included among the courses required for high school graduation under Section 51225.3 shall be offered exclusively through independent study.

51745.6. (a) The ratio of average daily attendance for independent study pupils 18 years of age or less to school district full-time equivalent certificated employees responsible for independent study, calculated as specified by the State Department of Education, shall not exceed the equivalent ratio of pupils to full-time certificated employees for all other educational programs operated by the school district. The ratio of average daily attendance for independent study pupils 18 years of age or less to county office of education full-time equivalent certificated employees responsible for independent study, to be calculated in a manner prescribed by the State Department of Education, shall not exceed the equivalent ratio of pupils to full-time certificated employees for all other educational programs operated by the high school or unified school district with the largest average daily attendance of pupils in that county. The computation of those ratios shall be performed annually by the reporting agency at the time of, and in connection with, the second principal apportionment report to the Superintendent of Public Instruction.

(b) Only those units of average daily attendance for independent study that reflect a pupil-teacher ratio that does not exceed the

ratio described in subdivision (a) shall be eligible for apportionment pursuant to Section 42238.5, for school districts, and Section 2558, for county offices of education. Nothing in this section shall prevent a school district or county office of education from serving additional units of average daily attendance greater than the ratio described in subdivision (a), except that those additional units shall not be funded pursuant to Section 42238.5 or Section 2558.

(c) The calculations performed for purposes of this section shall not include either of the following:

(1) The average daily attendance generated by special education pupils enrolled in special day classes on a full-time basis, or the teachers of those classes.

(2) The average daily attendance or teachers in necessary small schools that are eligible to receive funding pursuant to Article 4 (commencing with Section 42280) of Chapter 7 of Part 24.

(d) The pupil-teacher ratio described in subdivision (a) in a unified school district participating in the class size reduction program pursuant to Chapter 6.10 (commencing with Section 52120) may, at the school district's option, be calculated separately for kindergarten and grades 1 to 6, inclusive, and for grades 7 to 12, inclusive.

(e) The pupils-to-certificated-employee ratio described in subdivision (a) may, in a charter school, be calculated by using a fixed pupils-to-certificated-employee ratio of 25 to one, or by being a ratio of less than 25 pupils per certificated employee. All charter school pupils, regardless of age, shall be included in pupil-to-certificated-employee ratio calculations.

51746. It is the intent of the Legislature that school districts and county offices of education offering independent study shall provide appropriate existing services and resources to enable pupils to complete their independent study successfully and shall ensure the same access to all existing services and resources in the school in which the pupil is enrolled pursuant to Section 51748 as is available to all other pupils in the school. In addition, the services and resources may include, but need not be limited to, any of the following:

(a) A designated learning center or study area staffed by appropriately trained personnel.

(b) The services of qualified personnel to assess the achievement, abilities, interests, aptitudes, and needs of participating pupils to determine each of the following:

(1) Whether full-time independent study is the most appropriate alternative for the pupil being referred.

(2) If the answer to paragraph (1) is affirmative, the determination of the most appropriate individualized plan and resources to be made available to pupils enrolled in full-time independent study.

51747. A school district or county office of education shall not be eligible to receive apportionments for independent study by pupils, regardless of age, unless it has adopted written policies, and has implemented those policies, pursuant to rules and regulations adopted by the Superintendent of Public Instruction, that include, but are not limited to, all of the following:

(a) The maximum length of time, by grade level and type of program, that may elapse between the time an independent study assignment is made and the date by which the pupil must complete the

assigned work.

(b) The number of missed assignments that will be allowed before an evaluation is conducted to determine whether it is in the best interests of the pupil to remain in independent study, or whether he or she should return to the regular school program. A written record of the findings of any evaluation made pursuant to this subdivision shall be treated as a mandatory interim pupil record. The record shall be maintained for a period of three years from the date of the evaluation and, if the pupil transfers to another California public school, the record shall be forwarded to that school.

(c) A requirement that a current written agreement for each independent study pupil shall be maintained on file including, but not limited to, all of the following:

(1) The manner, time, frequency, and place for submitting a pupil's assignments and for reporting his or her progress.

(2) The objectives and methods of study for the pupil's work, and the methods utilized to evaluate that work.

(3) The specific resources, including materials and personnel, that will be made available to the pupil.

(4) A statement of the policies adopted pursuant to subdivisions (a) and (b) regarding the maximum length of time allowed between the assignment and the completion of a pupil's assigned work, and the number of missed assignments allowed prior to an evaluation of whether or not the pupil should be allowed to continue in independent study.

(5) The duration of the independent study agreement, including the beginning and ending dates for the pupil's participation in independent study under the agreement. No independent study agreement shall be valid for any period longer than one semester, or one-half year for a school on a year-round calendar.

(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 pupil upon completion.

(7) The inclusion of a statement in each independent study agreement that independent study is an optional educational alternative in which no pupil may be required to participate. In the case of a pupil who is referred or assigned to any school, class, or program pursuant to Section 48915 or 48917, the agreement also shall include the statement that instruction may be provided to the pupil through independent study only if the pupil is offered the alternative of classroom instruction.

(8) Each written agreement shall be signed, prior to the commencement of independent study, by the pupil, the pupil's parent, legal guardian, or caregiver, if the pupil 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. For purposes of this paragraph "caregiver" means a person who has met the requirements of Part 1.5 (commencing with Section 6550) of the Family Code.

51747.3. (a) Notwithstanding any other provision of law, a local educational agency, including, but not limited to, a charter school, may not claim state funding for the independent study of a pupil, whether characterized as home study or otherwise, if the agency has provided any funds or other thing of value to the pupil or his or her parent or guardian that the agency does not provide to pupils who attend regular classes or to their parents or guardians. A charter school may not claim state funding for the independent study of a pupil, whether characterized as home study or otherwise, if the

charter school has provided any funds or other thing of value to the pupil or his or her parent or guardian that a school district could not legally provide to a similarly situated pupil of the school district, or to his or her parent or guardian.

(b) Notwithstanding paragraph (1) of subdivision (d) of Section 47605 or any other provision of law, community school and independent study average daily attendance shall be claimed by school districts, county superintendents of schools, and charter schools only for pupils who are residents of the county in which the apportionment claim is reported, or who are residents of a county immediately adjacent to the county in which the apportionment claim is reported.

(c) The Superintendent of Public Instruction shall not apportion funds for reported average daily attendance, through full-time independent study, of pupils who are enrolled in school pursuant to subdivision (b) of Section 48204.

(d) In conformity with Provisions 25 and 28 of Section 2.00 of the Budget Act of 1992, this section is applicable to average daily attendance reported for apportionment purposes beginning July 1, 1992. The provisions of this section are not subject to waiver by the State Board of Education, by the State Superintendent of Public Instruction, or under any provision of Part 26.8 (commencing with Section 47600).

51747.5. (a) The independent study by each pupil or student shall be coordinated, evaluated, and, notwithstanding subdivision (a) of Section 46300, shall be under the general supervision of an employee of the school district or county office of education who possesses a valid certification document pursuant to Section 44865 or an emergency credential pursuant to Section 44300, registered as required by law.

(b) School districts and county offices of education may claim apportionment credit for independent study only to the extent of the time value of pupil or student work products, as personally judged in each instance by a certificated teacher.

51748. School districts and county offices of education shall not be eligible to receive apportionment for independent study attendance by any pupil who is not otherwise identified in the written records of the district or county board by grade level, program placement, and the school in which he or she is enrolled.

51749. The Superintendent of Public Instruction, upon the next revision of the California Basic Educational Data System, or its equivalent, following the effective date of this article, shall include all data collection elements necessary to compile an annual statewide profile of pupils participating in independent study, including data on the number and percentage of pupils pursuing their coursework through independent study who successfully complete the requirements for a high school diploma.

51749.3. The Superintendent of Public Instruction shall establish rules and regulations for the purposes of implementing this article.