



Back to School: Independent Study, In-person Learning, and Considerations for Youth in Foster Care, Caregivers, and Birth Parents

As we enter back to school season in California, resource parents, birth parents, education rights holders, schools, and child welfare workers are working together to support students in foster care who are transitioning into new learning environments.

This year, as a result of the Covid-19 pandemic, students and families can choose between in-person school options, or distance learning through independent study. Independent study is different from last year's distance learning options. It is also different from programs that may have been offered in prior years in your school district under the name "independent study." [This guide](#) from the ACLU and the National Center for Youth Law explains how the new independent study option is supposed to work. **Students can switch between independent study and in-person learning during the school year.**

One thing to note is that this new independent study program does not require daily real-time video instruction for students in grade 4 and above, and does not require that students have opportunities to interact with peers. Some students who were in distance learning last year may have had a schedule where they attended class in a virtual environment with other students on a daily basis; school districts are not required to continue this kind of learning, although they can if they would like. On the other hand, some students who were in distance learning last year may have had very few opportunities for synchronous instruction, and under the new rules, would be entitled to weekly synchronous instruction, which could be an improvement upon last's years' program. Note, also, that charter schools are not required to offer independent study, and that some school districts may choose to contract with other school districts to provide independent study options.

The state's new rules set a floor for what districts must offer, but different districts may choose to implement the requirements differently, or to offer more than what is required.

It is very important for youth and supportive adults to understand programs are available in their district in order to make informed decisions about their educational options. We highly recommend that districts, county offices of education, child welfare agencies, and probation departments work together to ensure that **all actors** that are involved in making decisions that impact a system-involved youth's education, or that are based on a youth's educational progress, including the court, child welfare and probation staff, youth, birth parents, caregivers, CFT members, CASAs, and others, have updated and accurate information about current independent study programs in their county. Youth in foster care and their families should have access to the same flexibilities around learning environments that are available to their peers, and also may need additional support to ensure that independent study is providing meaningful opportunities for learning and growth.



Keeping all system actors and families informed of education options is particularly important given the changing nature of the pandemic and the substantial uncertainty many students and families are experiencing around the Delta variant. Changes to district, county, and state education policy may continue to happen over the course of this school year, and setting up a robust network for communication in case of potential changes should be a priority.

We recommend that, at minimum, all children and youth in foster care, their birth parents, caregivers, and education rights holders have a meeting with their district foster youth liaison and relevant school staff to discuss all programmatic options available this school year. Children and youth with special education needs (IEPs, 504 Plans, or pending evaluation) should be prioritized for these group planning discussions, as their unique needs are likely to require greater coordination to properly support. The ACLU and NCYL guide includes 10 Key Questions that should be addressed in these discussions (available on page 2 of the guide in English and Spanish: <https://youthlaw.org/case/independent-study-rights/>). The recommended questions in [Appendix A of ACIN I-37-21](#) may also be helpful in thinking through the pros and cons of independent study, how best to structure an independent study program for a child or youth, and how best to facilitate a transition between in person and virtual learning if that becomes necessary during the course of the school year. All team members should leave the meeting with an understanding of:

- 1) What independent study options are available in the district now, how are they different from or similar to last year's distance learning options, and how might they be structured in a way that best fits the needs of the student and family?
- 2) For students starting in person learning, what considerations might prompt the student and family to discuss switching to independent study? For students starting in independent study, what considerations might prompt the student and family to discuss switching to in person learning?
- 3) What is the process for enrolling in in-person school vs independent study, and who is the point person that the student and family should contact for this process?
- 4) In the case of school closure due to quarantine or other emergencies, who is the point person that the student and family should contact to ensure that educational needs continue to be met?
- 5) Who is in charge of contacting the student and family in case of changes to the educational options in the district? Who can the student and family contact with questions?

Additionally, counties should pay special attention to the educational needs and rights of youth in or exiting congregate care settings, such as STRTPs and juvenile camps and ranches, who have reduced access to families and caregivers to monitor their educational progress on a regular basis.