

SENATE BILL 654

When Can a School System Use Remote Instruction to Count
Towards the Required Instructional Days/Hours?

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Shifting to Remote Instruction under SB 654

- ▶ Signed into law on August 30, 2021, Senate Bill 654 limits the authority of school systems to switch to remote instruction and count the remote instruction as instructional hours under the calendar law;
- ▶ The annual requirement under calendar law 115C-84.2(a) is a minimum of 185 days or 1,025 hours of instruction covering at least nine calendar months.

Shifting to Remote Instruction under SB 654

Temporary Use of Remote Instruction When Necessary Due to COVID-19 Exposure.

For the 2021-2022 school year, the law allows school systems to:

- ▶ “shift individual schools or individual classrooms that are providing in-person instruction to temporary remote instruction”;
- ▶ if the remote instruction is “necessary due to COVID-19 exposures”;
- ▶ when the exposure “results in insufficient school personnel or required student quarantine.”

Shifting to Remote Instruction under SB 654

Temporary Shift of Individual Classes or Schools Due to COVID-19 Exposure.

This limited authority to shift to remote instruction further requires that the school system:

- ▶ “report any shift by a school or classroom from in-person to temporary remote instruction... to the Department of Public Instruction within 72 hours of the shift”; and
- ▶ “shall return to in-person instruction as soon as personnel are available or the required quarantine(s) are complete.”

Shifting to Remote Instruction under SB 654

Use of Remote Instruction for Emergency Situations.

- ▶ This law permits the use of remote instruction for up to five (5) days or thirty (30) hours during a school year when schools are unable to open due to severe weather conditions, energy shortages, power failures, or other emergency situations. The pandemic would constitute an emergency situation.
- ▶ The five (5) days or thirty (30) hours is a cumulative cap for the school year whether the shift to remote instruction is for weather condition or other emergencies, including the pandemic. This five (5) days or thirty (30) hours may be used in emergency situations for a district wide shift to remote instruction.

Virtual Instruction under SB 654

Allowable Use of Virtual Instruction

- ▶ For the 2021-2022 school year, the law permits virtual instruction with the consent of a student's parent or legal guardian “in accordance with a virtual instruction plan submitted to DPI no later than October 1, 2021.”
- ▶ The law goes on to state: “No public school unit shall use virtual instruction to satisfy the minimum required number of instructional days or hours after June 30, 2022, without express authorization from the General Assembly, except for local school administrative units that were assigned a school code to operate a school with virtual instruction as the primary means of instruction as of May 1, 2021.”

Policy 3102: Online Instruction

Remote Instruction

- ▶ “When warranted by an emergency situation and where authorized by law, the superintendent may temporarily direct schools, in full or in part, to conduct classes remotely, with the understanding that ongoing remote instruction requires Board approval. In the event that the superintendent directs schools to conduct classes remotely, the superintendent shall notify the Board of the decision and supporting rationale as soon as practicable and before announcing the decision to employees, students, and parents or guardians. Board policies remain in effect during periods of remote instruction, except that the Board reserves the right to deviate from any policy when adherence is impossible or impractical under the circumstances and the deviation is not inconsistent with law. To the extent practicable or when required by law, affected employees, students, and parents or guardians will be notified of the change in advance. For purposes of this policy, an “emergency situation” includes a natural disaster, inclement weather, public health emergency, or other situation that threatens the health and safety of employees, students, or the community.”

CONCLUSION

- ▶ **SB 654 limits the school system's authority to use remote instruction as counting toward the required 185 days or 1,025 instructional hours.**
- ▶ **Individual classes or schools may be shifted temporarily to remote instruction when necessary due to COVID-19 exposures that result in insufficient school personnel or required student quarantine for the 2021-22 school year.**
- ▶ **The district may be shifted to remote instruction up to 5 days or 30 hours for emergency situations, including the pandemic.**
- ▶ **Virtual instruction for the 2021-22 school year is permitted with the consent of a student's parent or legal guardian in accordance with a virtual instruction plan submitted to DPI.**
- ▶ **After the 2021-22 school year, virtual instruction may be done only with the expressed authorization of the General Assembly except if the school system was assigned a school code to operate with virtual instruction as the primary means of instruction.**
- ▶ **Other than the noted allowable uses for remote and virtual instruction, SB 654 states that "a public school unit shall not use remote instruction to satisfy the minimum required number of instructional days or hours for the school calendar."**

Any Questions ??