



# Illinois State Board of Education

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## **MEMORANDUM**

To: District Superintendents  
Regional Superintendents of Schools

From: Ralph Grimm, Acting Chief Education Officer

Re: Definition of an Instructional Day

Date: November 9, 2018

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The implementation of [Public Act 100-0465](#) has resulted in the Illinois State Board of Education (ISBE) receiving a number of questions from the field regarding requirements for a minimum number of instructional hours or minutes for a day to be considered a day of student attendance. This memorandum seeks to provide preliminary clarification to those inquiries and provide districts with support for their approach to student engagement and learning. Additional guidance on this particular issue will be forthcoming. We also have received questions regarding chronic absenteeism and student absences; additional guidance on those issues will also be forthcoming.

### **Background**

Signed into law on August 31, 2017, [Public Act 100-0465](#), also known as the Evidence-Based Funding for Student Success Act (the "Act"), made sweeping changes to education funding in Illinois. In making changes to state financial support to schools, the Act also repealed Section 18-8.05 of the School Code, which required an instructional day to be a minimum of five hours. As such, there is no current statutory minimum number of hours or minutes that constitutes an instructional day. This change provides districts with maximum flexibility to ensure that student needs determine the method and timelines of instructional days rather than the needs of regulatory and compliance systems.

### **What constitutes an instructional day?**

As noted above, there is no statutory minimum number of hours or minutes that constitutes an instructional day. Districts should work with their school boards and collective bargaining units to define an instructional day, keeping in mind that all decisions should be made based on what will improve outcomes for students.

### **Must all instruction be classroom-based?**

No. An instructional day need not be confined to classroom-based instruction. Students learn in a variety of ways and settings. Districts may define student engagement and student learning in any number or combination of ways: classroom instruction, online instruction, independent research projects, work-based learning and internships, to name a few. ISBE encourages districts to use the flexibility afforded in law to innovate with respect to new ways of engaging students in learning that center on student competencies and mastery of subject matter.

**What constitutes student attendance?**

Attendance can be counted when the student is participating in learning anywhere and anytime. Students who are engaged in learning for any portion of an instructional day may be counted for purposes of attendance.

**What constitutes a student absence?**

Students are absent when they have not engaged in learning, as defined by the district, for a given instructional day.

**Must all students be engaged in educational programming and learning for the same schedule each day?**

No. Students learn in a variety of ways and environments. They may have different schedules and modes of instruction, depending upon individual student needs.

**How are Individualized Education Programs (IEPs) impacted by the flexibility afforded by the Act?**

Instructional and related services within IEPs designed to meet the needs of students with disabilities are not impacted by the changes in law. The needs of the students, as specifically detailed in his/her IEP, provide the basis for the method, mode, and timelines of instruction.

**How is truancy impacted by this flexibility?**

Pursuant to Section 26-2a of the School Code, “[a] ‘truant’ is defined as a child who is subject to compulsory school attendance and who is absent without valid cause, as defined under this Section, from such attendance for more than 1% but less than 5% of the past 180 school days.” [\[105 ILCS 5/26-2a\]](#) Therefore, a student who has not engaged in learning, as defined by the district, without valid cause for more than 1% but less than 5% of the past 180 school days is considered to be truant.

**What are considered valid causes for student absences?**

Pursuant to Section 26-2a of the School Code, a “[v]alid cause for absence shall be illness, observance of a religious holiday, death in the immediate family, family emergency, and shall include such other situations beyond the control of the student as determined by the board of education in each district, or such other circumstances which cause reasonable concern to the parent for the safety or health of the student.” [\[105 ILCS 5/26-2a\]](#)

**What is chronic absenteeism?**

As defined in Section 26-18 of the School Code, “ ‘chronic absence’ means absences that total 10% or more of school days of the most recent academic school year, including absences with and without a valid cause and out-of-school suspensions for an enrolled student.” [\[105 ILCS 5/26-18\]](#)

**Have changes been made to the required number of days in the school calendar?**

Pursuant to Section 10-19 of the School Code, districts must have a “minimum term of at least 185 days to insure 176 days of actual pupil attendance.” [\[105 ILCS 5/10-19\]](#) The Act eliminated certain provisions related to teacher inservice trainings and parent-teacher conferences being creditable toward a district’s minimum number of instructional days. Section 3-11 of the School Code remains unchanged. It allows the regional superintendent to “arrange for or conduct district, regional, or county institutes, or equivalent professional educational experiences, not more than 4 days annually. Of those 4 days, 2 days may be used as a teacher’s and educational support personnel workshop, when approved by the regional superintendent, up to 2 days may be used for conducting parent-teacher conferences, or up to

2 days may be utilized as parental institute days as provided in Section 10-22.18d. Educational support personnel may be exempt from a workshop if the workshop is not relevant to the work they do. A school district may use one of its 4 institute days on the last day of the school term.” [\[105 ILCS 5/3-11\]](#)

**How will this affect submission of school calendars?**

ISBE will change the calendar system for the 2019-20 school year to collect the number of days in a calendar, but will no longer require that calendars reflect the number of minutes in an instructional day.

**Is there a need to code half days on school calendars?**

No. Districts are free to determine the minimum number of hours for instructional days. Any day reported by a district to involve student engagement and learning will be recognized as an instructional day, regardless of the length of the day or method of student participation.

**The law previously allowed school districts to plan for 174 instructional days with specific combinations of instructional minutes, teacher inservice trainings, and parent-teacher conferences. Is this still allowed?**

No. The Act made significant modifications to the structure of instructional time but no longer allows for a calendar with fewer than 176 instructional days. However, calendar provisions are in transition, so districts that have approved calendars for 174 instructional days for the 2018-19 school year will not be required to modify calendars for this school year.

**Must a district modify the current (2018-19) school year calendar if it does not have 176 days?**

No. A district’s 2018-19 school year calendar currently approved and on file with ISBE will be accepted as filed for this school year.

**How are collective bargaining agreements impacted?**

Districts are encouraged to work with legal counsel to determine how this flexibility impacts collective bargaining agreements.

**Must districts make up interrupted days?**

A district will not be required to make up instructional days interrupted due to reasons beyond their control (e.g., weather-related issues), provided student learning has occurred. Districts are encouraged to make efforts to maintain the continuity of the learning environment during such interrupted days, where possible, when all students have access.

**Must a school district make any changes to current instructional times and formatting in response to these changes?**

No. Districts are not required to make any changes to instructional times in response to the flexibility afforded by the Act. Decisions as to whether or not to make changes should be based on student outcomes and the best interests of the children being served.

**For More Information**

Should you have questions or concerns, please email [instructionalday@isbe.net](mailto:instructionalday@isbe.net) and we will provide technical assistance and support.