

## Instruction

### Remote Educational Program <sup>1</sup>

The Superintendent shall develop, maintain, and supervise a remote educational program consistent with Section 10-29 of the School Code. The remote educational program shall provide an opportunity for qualifying students to participate in an educational program delivered by the District in a location outside of a school.

The remote educational program shall:<sup>2</sup>

1. Align its curriculum with the Illinois State Learning Standards and Board policies 6:10, *Educational Philosophy and Objectives* and 6:15, *School Accountability*.

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The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

<sup>1</sup> This policy is optional, but school boards that wish to implement a remote educational program must adopt a policy with statutorily prescribed content. 105 ILCS 5/10-29. Before adopting this policy school officials should consider how a remote educational program fits into the district's mission statement for instruction. School officials should consult the board attorney and a representative from ISBE for advice when implementing this program. A remote educational program will be subject to ISBE rules once ISBE promulgates and adopts them.

The Illinois Virtual School qualifies as an educational program delivered by the district in a location outside of a school because, as stated on ISBE's website,

[A]ll students enroll in the Illinois Virtual School (IVS) through their regular school. The student's school (public or private) must first agree to participate in IVS.

See the IVS website at: [www.ilvirtual.org/schools/index.cfm](http://www.ilvirtual.org/schools/index.cfm).

Homes or other locations outside of a school building for remote educational programs are not "public school facilities." 105 ILCS 5/10-29(e).

<sup>2</sup> Item #1 in the following list is a statutory remote educational program requirement. 105 ILCS 5/10-29(a)(2). The Illinois State Learning Standards may be found at: [www.isbe.net/Pages/Learning-Standards.aspx](http://www.isbe.net/Pages/Learning-Standards.aspx) and 23 Ill.Admin.Code §1, App. D. See also, 105 ILCS 5/2-3.25d and 5/27-1.

Item #2 in the following list is also a statutory remote educational program requirement. 105 ILCS 5/10-29(a)(2).

2. Offer instruction and educational experiences consistent with those given to students at the same grade level in the District through compliance with Board policies 6:30, *Organization of Instruction* and 6:300, *Graduation Requirements*.
3. Provide instructors that meet the teacher qualifications in Board policy 5:190, *Teacher Qualifications*. Instructors are responsible for the following elements of the program:
  - a. Planning instruction,
  - b. Diagnosing learning needs,
  - c. Prescribing content delivery through class activities,
  - d. Assessing learning,
  - e. Reporting outcomes to administrators and parents/guardians, and
  - f. Evaluating the effects of instruction.
4. Provide a remote educational program anytime during the period of time from and including the opening date to the closing date of the District's regular school term. It may operate on any calendar day, notwithstanding whether it is a student attendance day or institute day on the School District's calendar or any other provision of law restricting instruction on that day. The District's regular school term is established by Board policies 2:20, *Powers and Duties of the School Board; Indemnification*, and 6:20, *School Year Calendar and Day*. The

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<sup>3</sup>Statutory remote educational program requirement. 105 ILCS 5/10-29(a)(3). Consult the board attorney for advice because the listed statutory responsibilities for instructors of remote educational programs may impact wages, hours, and terms and conditions of employment. In addition, 105 ILCS 5/10-29(d) requires these responsibilities to be subject to local collective bargaining agreements. When the district has an applicable collective bargaining agreement, replace item # 3 in the policy with the following sentence for those covered employees:

Provide instructors that meet the teacher qualifications in Board policy 5:190, *Teacher Qualifications*. Instructors are responsible for the elements of the program consistent with the applicable collective bargaining agreement.

For employees not covered by a collective bargaining agreement, the law controls and the policy should reflect the board's additional local remote education requirements, if any.

remote educational program may be offered outside of the regular school term as part of any authorized summer school program.<sup>4</sup>

5. Calculate the number of clock hours a student participates in instruction in alignment with Board policy 6:20, *School Year Calendar and Day*.<sup>5</sup>
6. Limit participation to students who are juniors or seniors or demonstrate individual educational need(s). Approval of students in the program will be on a space-available basis.<sup>6</sup>
7. Authorize the Superintendent or designee to approve students for participation in the program when the student shows evidence of:<sup>7</sup>

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<sup>4</sup> Statutory remote educational program requirement. 105 ILCS 5/10-29(a)(4) and 5/10-19. Delete the last sentence if the district will not offer the remote educational programs during summer. If the district holds year-round classes in some buildings, it must classify each student's participation in the remote educational program as either on a year-round or a non-year-round schedule for purposes of claiming general State aid.

<sup>5</sup> Statutory remote educational program requirement that must be covered in policy. 105 ILCS 5/10-29(a)(1)(E). Clock hours of instruction by students in a remote educational program meeting the requirements of 105 ILCS 5/10-29 may be claimed for general State aid purposes in accordance with and subject to the limitations of Section 18-8.05 of the School Code. 105 ILCS 5/10-29(c). Alternatively, a remote educational program may also be used for instruction delivered to a student in the home or other location outside of a school building that is not claimed for general State aid purposes. 105 ILCS 5/10-29(f).

<sup>6</sup> Must be covered in policy if any limitations on participation are imposed. 105 ILCS 5/10-29(a)(1)(B). This language is a suggestion for limitation on participation. Replace this sentence with the district's specific limitations regarding the number of students or grade levels that may participate in a remote educational program. If a district has no limitations this sentence may be deleted.

<sup>7</sup> The introductory phrase must be covered in policy. 105 ILCS 5/10-29(a)(1)(C). If a district has its own description of the process it will use to approve participation in the remote educational program, replace this sentence with the district's language.

7a is a statutory remote educational program requirement. 105 ILCS 5/10-29(a)(6).

7b is a statutory remote educational program requirement that must be covered in policy. 105 ILCS 5/10-29(a)(1)(C). The district must ensure that the student receives all programming and related services required in his or her IEP. 23 Ill.Admin.Code §226.360. The law is silent whether a student who has a plan under Section 504 of the federal Rehabilitation Act of 1973 (504 plan) needs prior approval, but the student's remote educational plan must deliver content in a manner consistent with the student's 504 plan.

- a. Enrollment in the District pursuant to Board policies 7:60, *Residence* and 7:30, *Student Assignment and Intra-District Transfer*.
  - b. Prior approval from their individualized educational program (IEP) team, if applicable.
  - c. How the remote educational program best serves the student's individual learning needs.
  - d. A consistent, appropriate attendance record, no disciplinary record, and a 2.5 minimum grade point average.
8. Include a process for developing and approving a written remote educational plan for each student participating in the program.<sup>8</sup>
  9. Require students to complete their participation in the program within 12 months, unless the student's participation is extended by the District.<sup>9</sup>
  10. Require students to participate in all assessments administered by the District pursuant to State and federal law and Board policy 6:340, *Student Testing and Assessment Program*.<sup>10</sup>
  11. Align with the requirements of Board policy 7:340, *Student Records*.<sup>11</sup>

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7c is a statutory remote educational program requirement that must be covered in policy. 105 ILCS 5/10-29(a)(1)(A). A student and his or her parent/guardian will need to inform the district of how a remote educational program will best serve the student's individual learning needs.

7d must be covered in policy. 105 ILCS 5/10-29(a)(1)(A). It may be customized, but the language must address, at a minimum, consideration of a student's prior attendance, disciplinary record, and academic history. The board may want to require the same minimum GPA standards that it requires for eligibility to participate in interscholastic activities. See also 6:270, *Guidance and Counseling Program*.

<sup>8</sup> Statutory remote educational program requirement that must be covered in policy. 105 ILCS 5/10-29(a)(1)(D). A written remote educational plan must meet the requirements of 105 ILCS 5/10-29(a)(5). It must be approved by the school district and a person authorized to enroll the student under 105 ILCS 5/10-20.12b. Any amendments to a student's written remote educational plan must also be approved in the same manner. See f/n 9 & 13 for a discussion of the length of a written remote educational plan.

<sup>9</sup> Statutory remote educational program requirement. 105 ILCS 5/10-29(a)(7). A district may extend participation longer than 12 months when it: (1) evaluates the student's progress in the program, (2) determines that the student's continuation in the program will serve the student's individual learning needs, and (3) amends the student's remote educational plan, addressing any changes for the upcoming term of the program.

<sup>10</sup> Statutory remote educational program requirement. Id. at 10-29(a)(6).

12. Comply with other State and federal laws and align with all applicable Board policies. This includes the Superintendent submitting a copy of this policy to the Illinois State Board of Education along with any amendments to it and any data on student participation.<sup>12</sup>
13. Be monitored by the Board pursuant to Board policy 2:240, *Board Policy Development* and included as a topic for discussion in the annual report required by Board policy 6:10, *Educational Philosophy and Objectives*. It shall include a discussion of the process for renewal of the program when applicable.<sup>13</sup>

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<sup>11</sup> Remote educational programs present specific student records and privacy issues that should be examined with the board attorney. Both federal (Family Educational Rights and Privacy Act, 20 U.S.C. §1232g) and State (Illinois School Student Records Act, 105 ILCS 10/) laws govern student school records and these laws differ in many respects.

<sup>12</sup> The first sentence is a statutory remote educational program requirement that must be covered in policy. 105 ILCS 5/10-29(a)(1)(G). Consult the board attorney to discuss other issues that may pertain to the district's specific circumstances. The second sentence is a statutory remote educational program requirement. 105 ILCS 5/10-29(g). The law provides no guidance how to accomplish this requirement other than granting ISBE rulemaking authority. 105 ILCS 5/10-29(h).

<sup>13</sup> Must be covered in policy. 105 ILCS 5/10-29(a)(1)(F). A description of the process for renewing a remote educational program at the expiration of its *term* is required. Dual uses of the word *term* occur in this law. Depending upon the type of remote educational program, *term* suggests the district's entire remote educational program may need renewal from time to time. The Act provides little guidance other than that the district must describe the process in its policy. The annual report required by Board policy 6:10, *Educational Philosophy and Objectives*, is one option to describe the process. Replace this sentence with the district's language if a different process is developed.

105 ILCS 5/10-29(a)(7) also references *term*. There, *term* requires that a student's "written remote educational plan" not extend the student's participation in the remote educational program longer than 12 months, unless the district extends participation. See f/n 9 for further discussion.

LEGAL REF.: 105 ILCS 5/10-29.

23 Ill.Admin.Code §226.360.

CROSS REF.: 2:20 (Powers and Duties of the School Board; Indemnification), 2:240 (Board Policy Development), 5:190 (Teacher Qualifications), 6:10 (Educational Philosophy and Objectives), 6:15 (School Accountability), 6:20 (School Year Calendar and Day), 6:30 (Organization of Instruction), 6:300 (Graduation Requirements), 6:340 (Student Testing and Assessment Program), 7:30 (Student Assignment and Intra-District Transfer), 7:60 (Residence), 7:340 (Student Records)