

KTJKLEIN, THORPE & JENKINS, LTD.
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LEGAL ALERT**Guidance on Remote Learning Days and the School Year**

On March 27, 2020, Governor Pritzker issued Executive Order 2020-15, which stated that school districts are still required a minimum term of 185 days to ensure 176 days of actual pupil attendance. However, the Governor suspended the School Code provisions regarding calculating pupil attendance and the school term procedures and delegated authority to State Superintendent of Education to address the minimum requirements of the school calendar and school day, as well as establishing Remote Learning.

On March 27, 2020, State Superintendent Ayala issued a statement explicitly stating that Remote Learning Days will begin statewide on March 31, 2020.

She also stated that Remote Learning Days, Remote Learning Planning Days, and Act of God Days count as actual student attendance days. All of these days count toward the minimum length of the school year and do not need to be made up. Broken down, March 17th through March 30th were Act of God days, do not count as Instructional Days, but do count as attendance days and do not need to be made up. Days off prior to March 17th due to coronavirus/COVID-19 have to be considered Emergency Days, but will count as Instructional Days and do not need to be made up. All Remote Learning Days and Remote Learning Planning Days will count as Instructional Days.

Remote Learning Days and Remote Planning Days

The Illinois State Board of Education has issued emergency rules to address Remote Learning Days. The Emergency Rules state that a Remote Learning Day may be met through either (1) the district's implementation of an e-learning program under Section 10-20.56 of the Illinois School Code or (2) an approved Remote Learning Day Plan that is approved by the school or district superintendent or chief administrator. All Remote Learning Day Plans must be posted on the District's website and provided to students and faculty.

Districts may use five (5) Remote Learning Planning Days, either consecutively or in separate increments, to develop, review or amend its Remote Learning Day Plan and those Planning Days count as pupil attendance days in the calculation of the length of the school term.

For any questions or comments you might have regarding this newsletter, please feel free to contact:

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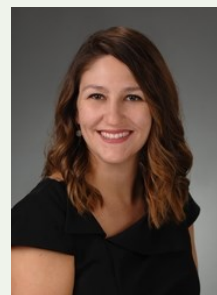
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Remote Learning Day Plans shall address the following:

- Accessibility of the remote instruction to all students
- When applicable, Remote Learning Days activities shall reflect the State learning standards
- Means for students to confer with an educator, as necessary
- The unique needs of students in special populations, including, but not limited to special education students, students who are English learners, students experiencing homelessness and vulnerable student populations
- Transition plan from remote learning to on-sight learning once Remote Learning Days are no longer deemed necessary.

School districts have emphasized that school districts has full autonomy to provide continuous learning opportunities during the Remote Learning Days in order to implement what works best for that school's community. When developing Remote Learning Day Plans, it will be helpful to refer to the Remote Learning Recommendations that the Illinois State Board of Education created, which can be found [here](#). During Remote Learning Days, student work completed must not negatively affect a student's grades or academic standing.

Regarding educational services to special populations, the ISBE has provided limited guidance at this time. Regarding homeless students, the ISBE has encouraged districts to work with the district's Lead Area Homeless Liaison to make sure that homeless children have all of the materials needed to complete assignments as well as access to meals. The ISBE has not yet updated its Special Education Guidance. However, Remote Learning Days will be Instructional Days; therefore, the timelines for "school days" will no longer be tolled and districts will have to provide special education services and FAPE. The Remote Learning Recommendations have a section on special education and related services to help guide districts.

Collective Bargaining and Labor Issues

The emergency rules state that work connected to Remote Learning Day Plans shall be mutually agreed upon between employers and any collective bargaining entity. Additionally, an updated joint statement was put out by the ISBE, the Illinois Federation of Teachers, Illinois Education Association, Illinois Association of School Administrators, and Illinois Principals Association regarding pay and work, which can be found [here](#).

Below are helpful resources from ISBE:

Executive Order 2020-15: <https://www.isbe.net/Documents/EO2020-15.pdf>

Emergency Rules for Part 5: <https://www.isbe.net/Documents/23-5RG-E.pdf>

Remote Learning Recommendations: <https://www.isbe.net/Documents/RL-Recommendations-3-27-20.pdf>

ISBE Guidance on Mandatory Suspension of In-Person Instruction: <https://www.isbe.net/Documents/FAQ-3-27-20.pdf>

Joint Statement of ISBE, the Illinois Federation of Teachers, Illinois Education Association, Illinois Association of School Administrators, and Illinois Principals Association regarding pay and work: <https://www.isbe.net/Documents/Joint-Statement-Updated%203-27-20.pdf>