

CLIENT ALERT

TIPS AND TAKEAWAYS FOR REMOTE LEARNING DAYS

Several new guidance documents were issued by Governor Pritzker and the Illinois State Board of Education (ISBE) at the end of the day on March 27, 2020. All of the documents may be found on the ISBE website at <https://www.isbe.net/Lists/News/NewsDisplay.aspx?ID=1319>. Here is a list of takeaways for your district as you navigate remote education beginning on or after March 31, 2020.

Calendar Issues



- Officially, schools are closed only through April 7, 2020, yet you can assume that they will remain closed well beyond that date.
- Districts can use up to five “remote learning plan days” to plan for remote learning days. These days can be used all at once or spread out through the remainder of the time that schools remain closed. Use these days wisely to prepare your remote learning plan and consider “saving” one or more plan days for later in the semester to review and revise the plan, if necessary.
- The Act of God days, remote learning days, and remote learning plan days all count toward the 176 days of pupil attendance required under law. There is no need to amend your calendar now; that will be addressed in June.

Remote Learning Day Plan



- If you have an approved e-learning program, use it. Otherwise, you must adopt a Remote Learning Day Plan (RLD Plan) approved by your district superintendent, that addresses:
 - * Accessibility to all students
 - * State learning standards, when applicable
 - * Means for students to confer with an educator, as necessary
 - * Future transitions from remote learning to on-site learning
 - * Unique needs of students in special populations (special ed, EL, homeless or vulnerable student populations)
- Involve your union(s) ASAP to determine how remote learning will occur.
- You must post your RLD Plan on your school or district website and provide a copy to students and staff.

Academic Expectations



- Your first priority must be to keep children emotionally and physically safe, fed, and engaged in learning; communicate with parents, students and staff to determine their needs.
- Focus on the needs of high school seniors to ensure that they meet all graduation requirements; consider whether local graduation requirements beyond State requirements should be waived.

- Students will not be required to master and will not be penalized for failure to master new content. There should be no educational harm to a student's grade due to remote learning, no child's grade should be lowered during the remote learning period; grading may be on a pass / incomplete basis.
- Allocate age-appropriate time expectations for remote learning.
- The 62-page Remote Learning Recommendations [<https://www.isbe.net/Documents/RL-Recommendations-3-27-20.pdf>] are recommendations only, and should be considered in light of your district's or individual school's local needs and capacities.
- Outline district, school, teacher, student, and family responsibilities to further support student engagement.
- The guidance on dual credit may be found at Dual Credit Guidance <https://www.isbe.net/Documents/Joint-Dual-Credit-Guidance-During-Suspension-of-In-Person-Instruction.pdf>

Special Education Considerations



- Act in good faith.
- Consider each child's needs, individually, in light of the remote learning plan for that child's grade.
- Meticulously document all efforts of engagement with families regarding IEPs and Section 504 plans.
- Use service logs to record date/minutes/goals/activities/student responses.
- Consider ways in which paraprofessionals and related service providers may collaborate and engage with students.
- Notify parents of the inability to ensure confidentiality and obtain parent consent to do teletherapy on electronic platforms/apps.

Employment Issues



- Pay all employees their salary, hourly pay, stipend pay, and benefits as if they were performing all of their normal work.
- Employees are expected to participate in work activities in some form. Be prepared to communicate with the applicable unions about the need to (1) continue education through remote learning, (2) provide meals, (3) provide other necessary student and staff support measures, and (4) ensure the performance of essential district functions and operations.
- Notify employees of the new benefits created by the Family First Coronavirus Relief Act and do not unilaterally change the use of benefit days.
- Follow the statutory timelines regarding evaluations and notices of non-renewal of teachers.
- Unless a collective bargaining agreement precludes it, convene the summative evaluation meeting with a teacher remotely if all classroom observations have occurred and all professional practice and student growth data has been collected. If those activities have not occurred, the teacher should be rated as "proficient."
- Unless a collective bargaining agreement precludes it, complete the annual evaluation of non-certified staff remotely if all underlying requirements have been completed.

- Follow all RIF timelines, notice requirements and procedures for non-certified staff.
- Pause all timelines concerning PDPs and remediation plans until schools reopen.

Bidding Requirements



- All construction bids may be communicated, accepted or opened electronically. No other type of bid is exempt from the in-person requirements of the bidding laws.

Policies



- Have your school board waive policies, if necessary, during the remote learning days.

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We recognize that these are unsettling times and that you are being asked to do something that has never been attempted before in Illinois schools. We also recognize that the guidance given today could change tomorrow. The guidance documents repeatedly note that the expectations and recommendations are not intended to replace or supersede federal or state law, contracts, or collective bargaining agreements or established past practice. We are here to support your efforts and offer you the best legal advice that we can. Please contact one of our attorneys to answer your questions relating to COVID-19 and your District's Remote Learning Days Plan.

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