



Senate File 2310 and Governor's Proclamation Frequently Asked Questions

Purpose

These are the most frequently asked questions (FAQ) related to guidance issued to help districts and schools implement the requirements of [Senate File 2310](#) of the 88th General Assembly, signed into law on June 29, 2020, by Governor Reynolds. The FAQ is meant to be read with the [original guidance](#). You may also wish to refer to [Governor Reynolds' proclamation from July 17, 2020](#).

Frequently Asked Questions

1. Do the remote learning provisions of SF 2310 and the governor's proclamation apply to all private schools or only accredited non-public schools?

These provisions of Senate File 2310 and the governor's proclamation apply to accredited nonpublic schools, including those accredited by the State Board and those accredited by independent accrediting agencies. The proclamation does not apply to nonaccredited nonpublic schools.

2. What does the governor's proclamation allow regarding remote learning?

Governor Reynolds issued a proclamation authorizing the provision of instruction primarily through remote learning opportunities only if:

- A parent or guardian voluntarily selects the remote learning opportunity; or
- The Department, in consultation with the Department of Public Health, approves of the temporary move to primarily remote learning for an entire building or district because of public health conditions; or
- The school, in consultation with state and local public health, determines that individual students or classrooms must temporarily move to primarily remote learning; or
- A school chooses to temporarily move to online learning because of severe weather instead of taking a snow day.

Remote learning that is not more than half of the instruction provided by the school district in any two-week period is also permissible under Senate File 2310 and the governor's proclamation because the school is not providing instruction primarily through remote learning opportunities.

3. How did the Department and governor determine that schools cannot provide more than half of instruction through remote learning? Where did the 50% come from?

Section 15 of Senate File 2310 states:

Unless explicitly authorized in a proclamation of a public health disaster emergency issued by the governor pursuant to section 29C.6 and related to COVID-19, a brick-and-mortar school district or accredited nonpublic school shall not take action to provide instruction primarily through remote-learning opportunities.

This is in addition to and separate from the “presumed method” language in section 9 of Senate File 2310. Based on a plain language reading of the statute, the Department interprets “primarily” to mean more than half of a school’s instruction.

4. Since schools cannot provide more than half of instruction through remote-learning, how will that be determined?

This means that a school cannot provide more than half of its instruction through remote learning opportunities over any two-week period without explicit authorization by a governor’s proclamation.

The amount of instructional time offered through remote learning is not dependent on the number of families who choose remote instruction. For example, if you have 100 students in your district and 20 of them either choose remote instruction or must be provided with remote instruction for health reasons, only 80 students remain. The calculation of instructional time provided over a two week period is done for the remaining 80 students. If, over any two week period, the district provides at least 50% of instruction in-person for the remaining 80 students the standard is met. This needs to be met for each grade level.

As an additional example, the instructional time should be considered at the level of the school schedule, not the individual student. If a school offers 30 hours of instruction in a five day period, 15 of which are in-person, this meets the standard as long as all of the attending students get 15 hours of in-person instruction *on average*. Every individual child does not need to receive exactly 15 hours of in-person instruction. Individual student schedules and circumstances will vary.

5. May a parent choose to have their child attend school through 100% remote learning?

Yes. The governor’s proclamation authorizes remote learning in many instances, including where a parent or guardian voluntarily selects the option. So parents could choose to have their children do 100 percent learning online, provided it is an option offered by their school based on a family’s personal preference.

6. Is a district or nonpublic school required to honor parent choice to have their child attend school through 100% remote learning?

Districts and nonpublic schools are only required to offer accommodations for remote or online learning if a child, another resident of the child’s residence, or one of the child’s regular caretakers has a significant health condition that increases their risk of COVID-19. The child’s parent or guardian must provide written verification from a licensed healthcare provider. Districts and nonpublic schools have the discretion to honor other requests for continuous learning.

7. According to Iowa law, “in-person instruction is the presumed method of instruction” for the school year. Does this mean schools are required to start the school year in person?

The requirement is for students to return to learning environments that are primarily in-person. School districts and accredited nonpublic schools that plan to start the school year using a hybrid model of both in-person instruction and remote learning can do so, provided that more than half of the instruction is provided in-person. We are confident that we can work together to do so safely, responsibly, and successfully following recommendations from our public health partners.

8. Can schools start the school year primarily remotely?

Not unless one of the exceptions applies. Providing remote learning as the primary method of instruction can only be done with explicit authorization by the governor in a public health disaster emergency proclamation. The governor's proclamation allows remote learning as the primary method of instruction in four circumstances:

- a. When a parent or guardian voluntarily selects the remote learning opportunity; or
- b. When the Department of Education, in consultation with the Department of Public Health, approves of the temporary move to primarily remote learning for an entire building or district because of public health conditions; or
- c. When the school, in consultation with state and local public health, determines that individual students or classrooms must temporarily move to primarily remote learning; or
- d. A school chooses to temporarily move to online learning because of severe weather instead of taking a snow day.

Accommodations must also be made for any student to learn remotely if they, a caregiver, or a person they live with has a health condition that would increase their risk of COVID-19.

9. Can schools start the school year with a hybrid model that includes both in-person and remote instruction?

Yes, provided that at least half of the school's instruction to students is done in-person. Over any two week period, no more than half of the instruction can take place remotely.

10. Can schools switch back and forth among models as circumstances change?

Yes, schools will be able to switch back and forth as needed due to public health considerations and other emergency circumstances. However, switching to remote learning as the primary method of instruction can only be done in the circumstances outlined in the governor's proclamation. To make such a change for an entire building or district requires the approval of the Department of Education, in consultation with the Department of Public Health.

11. We planned to start the year remotely or to provide less than 50% of our instruction in-person. How do we get a waiver from the Department to continue with our plan?

The governor's proclamation does not specifically provide for a waiver but does allow for the Department of Education to "approve of the temporary move to primarily remote learning for an entire building or district because of public health conditions," in consultation with the Department of Public Health.

Guidance is being created by the Iowa Department of Education and the Department of Public Health to assist schools in determining when it may be prudent to pursue a temporary move to remote learning. Schools should continue to plan for all three types of learning and be prepared to adjust quickly based on the current public health conditions in their districts. It is not anticipated that the Department will approve long-term plans for districts to provide instruction primarily through remote learning given the possibility of changing future public health conditions.

12. We need to adjust our Return-to-Learn Plan. Is there a date by which the changes are due?

No, but your changes should be made as soon as possible and before you begin classes.

13. How does SF 2310 and the governor’s proclamation impact school districts that are approved providers for online coursework? Are they exempt from the 50% instruction requirement?

A district or nonpublic school that is also an approved provider of online coursework may not unilaterally decide for all students in the district or nonpublic school to move to online-only instruction. They may offer online content in the virtual school; the district cannot decide to do so for the entire district or for another attendance center except as authorized by the governor’s proclamation.

14. What information will be provided to districts and nonpublic schools to help them determine procedures should a COVID-19 positive case be identified in a building?

Decisions on when to temporarily move to primary remote learning for an entire building or district because of public health conditions will be done in consultation with the Department of Public Health.

The Iowa Department of Education and the Department of Public Health are developing additional guidance to help schools manage virus activity when positive cases are identified among students, teachers or staff. This additional guidance will be provided in early August and will inform schools what to do regarding quarantining students and teachers, or when determining whether to close a classroom or school building.

15. If a family chooses to use remote or online learning provided through the district 100% of the time, is that considered homeschooling? How does it affect funding?

If a family chooses to use the district’s online platform full-time they are still considered fully enrolled in the district. In that case, participation is required, and instruction is under the monitoring and supervision of the district’s teachers. Participating in remote or online learning provided by the district is not the same as homeschooling and does not affect funding that will be generated for the district. This is not the same as a parental choice to homeschool their child (competent private instruction or independent private instruction), which does affect the certified enrollment count.

16. If a family chooses to open enroll into an online school for the 2020-2021 school year, how is district funding affected?

If a family chooses to open enroll to an online school for the 2020-2021 school year, the student(s) will be counted in the resident district’s certified enrollment. The open enrollment billing process would apply. The family may still choose to re-enroll in the resident (home) district for the 2021-2022 school year or at any time in the 2020-2021 school year. If the family chooses to re-enroll in the home district during the 2020-2021 school year, billing will be adjusted accordingly.

Questions and Additional Guidance

If you have questions, please contact your [school improvement consultant](#). If they are unable to assist you, they will connect you with the appropriate person.