



Senate File 160: In-Person Instruction Requirements

Introduction

[Senate File \(SF\) 160](#) was signed into law on January 29, 2021. This law became effective upon enactment. The law requires Iowa districts, *including preschool programs*, and accredited nonpublic schools to provide parents and guardians with the option to send their children to school in-person full-time. *This does not include enterprise preschool programs.*

Requirements

Session Law SF 160 Citation	Requirement	Implications for Districts and Schools
§ 1.1	Requirements go into effect no later than the first Monday that is at least two weeks after the effective date of SF 160.	<p>The requirement of SF 160 to provide a full-time in-person option goes into effect on Monday, February 15. This is the date by which all districts and nonpublic schools not currently offering a full-time in-person option must allow parents and guardians to choose the in-person option.</p> <p>The requirement of SF 160 to provide notice to parents/guardians about the new option goes into effect immediately. Responses from parents/guardians may be used to appropriately staff classes and roster students, but the five-day period in SF 160 does not provide a basis to delay implementation of the full-time in-person option.</p> <p><i>This means that parents must be given five calendar days before February 15 to make this choice, and schools must be prepared to implement that choice on February 15. It would not be permissible to offer the choice for the first time on February 15.</i></p>
§ 1.1	Requirements end June 30, 2021.	SF 160 is in effect until the end of this school year, which is June 30, 2021.
§ 1.1	Districts and accredited nonpublic schools must	Parents must have the choice to send their

Iowa Department of Education guidance should be viewed as advisory unless it's specifically authorized by state statute, according to Iowa Code section 256.9A. This does not apply to administrative rules, declaratory orders, or materials required by federal law or courts.

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	provide parents and guardians with the opportunity to select full-time in-person instruction as the instructional environment for their student(s).	<p>kids to school full-time in-person. If a district or nonpublic school already provides this option, there may be no action necessary. However, if a district or nonpublic school currently operates hybrid and online models, they will need to offer a full-time in-person option.</p> <p>Rule of thumb: If instructional time* is being counted toward the minimum calendar, it must be offered in-person.</p> <p>Full-time may be defined differently for each district or school depending on their calendar. <i>Please see the following section for examples of districts meeting and not meeting the minimum requirements of SF 160.</i></p> <p><i>*Professional development days still count toward instructional time.</i></p>
§ 1.1	The requirement for full-time in-person instruction may be explicitly waived by a disaster proclamation of the governor related to COVID-19.	The full-time in-person requirement may be waived by governor’s emergency proclamation related to COVID-19, if necessary.
§ 1.1	Any district or nonpublic school not currently providing an option for full-time in-person instruction must allow parents/guardians at least five days to decide whether to choose this option for their student(s).	If a district or nonpublic school is currently operating only hybrid and online/remote options, the district/school must notify all parents/guardians that they may now select full-time in-person learning for their student(s). Parents/guardians must be given five days to decide.
§ 1.2	<p>Instruction provided by districts and nonpublic schools will be deemed to meet the instructional time requirements of Iowa law only if it complies with all requirements of Iowa law including SF 160, is delivered pursuant to 2020 Iowa Acts Chapter 1107 (SF 2310), or is delivered pursuant to an emergency proclamation by the governor related to COVID-19.</p> <p>(Note: 2020 Iowa Acts Chapter 1107 is SF 2310 from the prior legislative session.)</p>	<p>Any district or nonpublic school that does not offer a full-time in-person option per SF 160 and also meets the requirements of SF 2310 from the prior legislative session will not be deemed to meet the instructional time requirements of Iowa Code section 279.10 regarding minimum calendar. An exception to this requirement is an emergency proclamation made by the governor.</p> <p>This means all districts must offer a full-time in-person option and an online/remote option to be considered compliant with the minimum calendar. A hybrid option is not required but is</p>

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		permitted. <i>Snow day exception: A district/school may still have virtual snow days. However, this is only applicable to this school year and no more than five may be held in a row.</i>
§ 2	<p>To the extent that waivers to provide primarily remote learning are permitted by the governor for the remainder of the 2020-2021 school year, in granting a waiver of the requirements of SF 160 or 2020 Iowa Acts Chapter 1107, the Department must consider the following data in addition to any other information:</p> <ul style="list-style-type: none"> • The number of teachers employed by the district or school who are quarantining due to COVID-19; • Scarcity of substitute teachers; • Scarcity of food service workers; and • Scarcity of bus drivers. 	<p>The Department will continue to accept applications for waivers of the requirements of SF 2310 and SF 160 with updated criteria that must be considered. Waiver applications are allowed by governor's proclamation and will continue as long as they are permitted.</p> <p>Criteria that must be considered are listed. Districts and schools may also submit additional information.</p>

Examples of Meeting and Not Meeting Senate File 160 Requirements

Meeting SF 160 Requirements	Not Meeting SF 160 Requirements
<p>☑ A district has school in session four and a half days per week with one half-day of early release for teacher professional development.</p> <p>Why? This meets SF 160 requirements as long as students can attend in-person all four and a half days and a virtual/remote option is offered for students with a medical necessity due to COVID. The PD time can still be counted toward the minimum instructional hours for the district.</p>	<p>⊖ A district has four days of in-person instruction and one virtual/remote day each week.</p> <p>Why? This district would need to provide in-person instruction for families who choose full-time in-person instruction on the day that is currently only virtual/remote.</p>
<p>☑ A district operating on an hours calendar condenses their required hours to a four-day week.</p> <p>Why? This is permitted as long as all instructional hours are satisfied during the four-day week and all hours offered are available for in-person instruction. The district cannot make the fifth day virtual/remote.</p>	<p>⊖ A district is using a hybrid delivery model with A/B groups attending in-person every other day. The district provides a virtual/remote option for students with a medical need and for those whose families choose that option. In response to SF 160, the district removes the virtual/remote option and requires in-person attendance for all students every day.</p> <p>Why? The district needs to provide a virtual/remote option for students with a medical need related to COVID-19, whether for the student or a caretaker or</p>

Meeting SF 160 Requirements	Not Meeting SF 160 Requirements
	relative. The district does not have to offer the virtual/remote option to all students.

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. For additional COVID-19 guidance and information, please visit the Department’s [COVID-19 webpage](#).

Updated information italicized.