

FREQUENTLY ASKED QUESTIONS



Limiting Remote Learning- 2021-2022

Category	Question and Answer
General	<p>Q1 – Is a district <u>required</u> to offer remote learning (regardless if over or under 40 hours total)?</p> <p>A – <i>No. State law does not require a school district to offer remote learning.</i></p>
General	<p>Q2 – Is a district permitted to provide remote learning during the 2021-22 school year?</p> <p>A – <i>Yes. State law allows, but limits, remote learning. See Enrollment Handbook, pages 27 and 28.</i></p>
General	<p>Q3 – If provided, is the limit on remote learning 40 consecutive total hours for the year? (For example, one day after another?)</p> <p>A – <i>No, it is not consecutive hours. It is 40 total hours for the school year.</i></p>
General	<p>Q4 – About how many school days would account for a total of 40 hours, for a typical school?</p> <p>A – <i>5 to 6 days.</i></p>
Attendance/ Absent Illness	<p>Q5 – If we allow a student who is sick (flu, for example) to join us remotely (livestreaming with the classroom) if they are well enough to do that, does that count towards the 40-hour limit?</p> <p>A – <i>Yes. Any student attending through remote learning regardless of reason, would count toward the 40-hour limit on remote learning.</i></p>
Remote Learning Defined Attendance/ Absent	<p>Q6 – If a student is counted absent, are they able to still log in and benefit from the instruction without being considered a remote learner?</p> <p>A – <i>If the district does not provide remote learning, the student would be counted as absent. However, a student attending through remote learning should not be marked as absent for the purpose of avoiding the 40-hour limit on remote learning. To help clarify:</i></p> <p><i><u>The following are examples of a student attending through remote learning:</u></i> <i>Attending classes via livestream or logging in to participate during the regularly scheduled school day; each would count toward the 40-hour limit on remote learning.</i></p> <p><i><u>On the other hand, here are examples of modern-day ways of providing homework to an absent student that do not meet the definition of attending as a remote learner:</u></i> providing electronic access to the same materials covered in class. For example: placing worksheets, reading assignments, pre-recorded videos on a shared drive so the student can access them.</p>

Attendance/ Absent Illness	<p>Q7– If a student is sick and responsible for his or her own assignments etc., like in a normal year, does the 40-hour limit apply?</p> <p>A – No, the 40-hour limit on remote learning would not apply because (as described) the student is not attending through remote learning. The student would be counted as absent. Note: If a student is absent, regardless of the reason (illness, quarantine, etc...) the school can, but is not obligated to provide remote learning.</p>
Attendance/ Absent Remote Learning Defined Quarantine	<p>Q8 – If a student on quarantine is counted absent, yet decides to connect with a classroom on-line, do we need to track the hours?</p> <p>A – Yes, the school would need to track the hours if the student is attending through remote learning. The following are examples of a student attending through remote learning: Attending classes via livestream or logging in to participate during the regularly-scheduled school day; each would count toward the 40-hour limit on remote learning.</p> <p>Please keep in mind that a student attending through remote learning should not be marked as absent for the purpose of avoiding the 40-hour limit on remote learning.</p>
Attendance Remote Learning Defined Homebound Quarantine	<p>Q9 – Can we classify quarantined students as Homebound with medical reasons per our current board policy. Will this suffice for attendance?</p> <p>A – <u>There are no changes to Homebound instruction requirements.</u> (See Enrollment Handbook FY22, page 20.) Homebound instruction is different from a student attending through remote learning.</p> <p>As in the past, Homebound Instruction continues to require a licensed teacher to provide in-person instruction to the homebound student and minutes enrolled are based on the actual in-person instruction minutes provided. In contrast, remote learning must approximate the learning experience that would have taken place in the classroom had the student been able to physically attend on a full-time basis and the student's local teacher(s) and staff must make daily meaningful contact by either a telephone call or interactive video conference call. If such services will exceed the 40-hour remote learning limit, then the local board must decide whether to allow the student to temporarily attend through remote learning.</p> <p>For Homebound Instruction; students with an IEP. See Enrollment Handbook page 20-21.</p>
Quarantine Board approval – local	<p>Q10 – If a student is quarantined for more than 40 hours throughout the school year, will we still receive full funding if the local board authorizes the student to attend through remote learning?</p> <p>A – Yes, if authorized by the local board, the student would be counted and funded as regularly enrolled and not capped at \$5,000. However, because state law does not require a school to provide remote learning, it does not need to be the automatic choice for providing learning services when a student normally would be counted as absent.</p> <p>It is up to each local district to decide how best to provide services to a student who is quarantined. Here are options districts may want to consider:</p> <ul style="list-style-type: none"> - count the student as absent for the duration of the quarantine (as with any absence the school could provide homework so that the student can keep up)

	<ul style="list-style-type: none"> - allow the student to attend through remote learning for up to 40 hours, count the student as attending; no local board authorization needed. However, see audit documentation-related requirements related to providing remote learning* - allow the student to attend through remote learning for more than 40 hours, count the student as attending; local board authorization is needed. Finally, see audit-related documentation requirements related to providing remote learning* <p>*Audit-related documentation required: See Enrollment Handbook page 28.</p>
Temporary Defined Remote learning	<p>Q11 – What is meant by “temporary” when authorizing a student to <u>temporarily</u> attend for more than the 40-hour limit on remote learning?</p> <p>A – Although not specifically defined in the new law, the term “temporary” may be read to mean the following: for the duration of the extraordinary circumstance (for example: illness, medical condition, or injury) that the local board used to authorize the student to temporarily attend through remote learning for more than the 40-hour limit. For KSDE audit-related purposes, the local board’s authorization must detail the reason the student cannot reasonably attend in person (illness, injury or the other specific extraordinary circumstance) and must include the start and end dates of such temporary attendance and whether the student was authorized to attend part-time or full-time through remote learning.</p>
Attendance Quarantine	<p>Q12 – What about a student who is quarantined but only a paraprofessional is providing support as needed; will the para hours count toward the 40 hours if the school is just sending home the work?</p> <p>A – No, because as described, the student is not attending through remote learning. If a student is absent and responsible for his or her own assignments, that is not attending through remote learning and would not count toward the 40-hour limit. Also, the new state law that limits remote learning specifically states that remote learning is instruction provided by teachers <u>and</u> staff of the local school. Therefore, daily meaningful contact from a para (only) would not meet the definition of providing remote learning.</p>
Special education	<p>Q13 – If a student has an IEP and is homebound, does that student need to be exempted by the local board if provided with more than 40 hours of remote learning services?</p> <p>A – If the student has an IEP and is homebound, then the IEP should be followed. In general, there is no change to audit-related documentation that has previously been required for a homebound student with an IEP: the district need only show that the student has received special education homebound services.</p> <p>However, keep in mind that if the IEP calls for remote learning services (which are different from homebound services) in excess of the 40-hour remote learning limit, then the local board would need to decide whether to allow the individual student to temporarily exceed the limit. State law requires remote learning to approximate the learning experience that would have taken place in the classroom.</p>
Special education	<p>Q14 – If our district has decided it will not offer remote learning to any student and there is a student with a disability and an IEP in our district that is repeatedly sick or</p>

	<p>needs to quarantine and is not making progress, is the district required to offer students with a disability and an IEP remote learning?</p> <p>A – <i>If a student with a disability and an IEP is not making progress, for any reason, the student’s IEP Team must come together and work to determine why the student is not making progress and how to adjust the student’s IEP to ensure the student receives a free appropriate public education. This could include the IEP Team deciding to use remote learning within the required limits as one method of providing the student with a free appropriate public education. A district cannot use the state law on remote learning to avoid its responsibility under both state and federal law to provide a free appropriate public education to a child with a disability.</i></p>
504 Disability	<p>Q15 – What about a 504, would that have the same requirements as an IEP in regard to remote learning?</p> <p>A – <i>Federal law requires that the quality of education services provided to students with or without disabilities must be equal. Therefore, if a district decides to provide remote learning services, those services must be equal quality regardless if for a student with a 504 plan or a non-disabled student authorized to attend through remote learning. School districts should consult with their local board’s attorney as needed to ensure federal and all other applicable laws are followed.</i></p>
Suspension	<p>Q16 – Can a suspended student attend through remote learning?</p> <p>A – <i>Each district must decide how best to provide services to a student who is suspended, which likely includes following established past practices with regard to suspended students.</i></p> <p><i>Regardless, allowing a suspended student to attend through remote learning for more than 40 hours would only be allowed if suspension is considered an extraordinary circumstance such as illness, medical condition or injury and the local board authorized the suspended student to attend through remote learning.</i></p>
Quarantine – teacher/staff	<p>Q17 – If a <u>teacher</u> is quarantined and provides instruction through live video conferencing, will this be counted toward the 40-hour remote learning limit or will this be considered virtual?</p> <p>A– <i>No. As described, the instruction services are not remote learning and are not virtual services. The new state law that limits remote learning addresses <u>students</u> not being able to attend in person. It is silent on the issue of teachers or staff providing instruction from a remote setting. Virtual services are defined as instruction that occurs asynchronously (not happening at the same time); live-streaming instruction is synchronous and therefore not virtual.</i></p>
Board approval - local	<p>Q18 – Must the local board grant an exemption <i>prior</i> to exceeding the 40-hour limit on remote learning?</p> <p>A – <i>No. The local board’s decision on whether to authorize an individual student to exceed the 40-hour limit on remote learning could be addressed at the local board’s next regularly-held meeting.</i></p>

Board approval - local	<p>Q19 - Can we make one exemption list at end of May (2022) for the students affected? A – No. The local board's decision on whether to authorize an individual student to exceed the 40-hour limit should be addressed promptly and as part of the local board's regularly-held meetings.</p>
Board approval - local	<p>Q20 – If a student will not exceed 40 hours of remote learning, is local Board approval needed? A – No.</p>
Board approval - local	<p>Q21 – Will this require a lot of extra local board meetings; what if we have students who need to be absent in the middle of the month? A– No, it should not require special local board meetings. Such a decision could be addressed at the local board's next regularly-held meeting.</p>
Information needed by local board	<p>Q22 – What information must be provided to the local board for it to decide whether to authorize an <u>individual</u> student to temporarily attend through remote learning in excess of 40-hour limit?</p> <p>A– The following information would need to be made available to the local board so that it could decide whether to authorize an individual student to exceed the 40-hour limit on remote learning:</p> <ul style="list-style-type: none"> - the specific reason (illness, injury or other extraordinary circumstance) the student cannot reasonably attend in person - the start and end dates proposed for such temporary attendance - whether the student would attend part-time or full-time through remote learning <p>(Please see the audit requirements in the KSDE Enrollment Handbook, page 28.)</p> <p>Note: Because individual student information is protected by federal and state law, the local board would need to ensure that such information was not provided nor discussed publicly. Therefore, as needed, local boards should consult with counsel. When authorizing any individual student to attend through remote learning, it is suggested that the local board, in its public meeting, refer generally to the list of student(s) and not to any information directly related to an individual student.</p>
Reporting requirements KSDE Audit	<p>Q23 – If we have a student attending through remote learning, what documentation will be required for our annual KSDE USD audit? A – Please see the audit requirements in the KSDE Enrollment Handbook, page 28. Also, click here to go to KSDE Fiscal Auditing's webpage to access all audit guides and calculators related to enrollment: Fiscal Auditing (ksde.org)</p>
Reporting requirements KSDE Audit	<p>Q24 – Will KSDE have a form for us to fill out where we report the individual students to the State Board of Education and the time students attended through remote learning? A – Yes. Districts will be required to report this information to KSDE at regular intervals during the 2021-22 school year. As soon as specific details on this reporting requirement are available, we will release them through the KSDE Superintendent and Board Clerks listservs.</p>

	<p><i>Meanwhile, please be prepared to provide KSDE auditors (at the time of your district's 21-22 USD audit) with a list of any and all students attending through remote learning, regardless if attending for under or over 40 hours and regardless if attending on a part-time or full-time basis.</i></p> <p><i>To see required audit-related documentation for remote learning; go to the KSDE Enrollment Handbook, page 28. Webpage: Fiscal Auditing (ksde.org)</i></p>
<p>School Term requirement</p> <p>Waiver</p>	<p>Q25 – Can the annual 1116-hour (186 day) School Term requirement be waived due to COVID-19?</p> <p>A – No. However, the new state law allows a <u>school district</u> to apply to the state board for authorization to exceed the 40-hour limit and provide up to 240 hours of remote learning. The state board can grant the application if:</p> <ul style="list-style-type: none"> - the district certifies that: due to <u>disaster</u>, conditions resulting from widespread or severe property damage caused by the disaster or other conditions restrict the operation of public schools for an inordinate period of time <u>and</u> - the state board determines that the school district cannot reasonably adjust its schedule to meet state law unless allowed to provide up to 240 hours of remote learning. <p>The same new state law also allows a school district to apply to the state board to waive the 240-hour limit on remote learning for the same reasons (a disaster restricting the operation of public schools for an inordinate period of time).</p>

For more information, contact:

Laurel Murdie, Director
 Fiscal Auditing
 785-296-4976

Dale Brungardt, Director
 School Finance
 (785) 296-3872



Kansas State Department of Education
 900 S.W. Jackson Street, Suite 102
 Topeka, Kansas 66612-1212
www.ksde.org

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