

## **Guidance on School Responsibilities for Adhering to Instructional Time and Student Attendance Requirements**

### **Introduction and Purpose**

As a result of the recent shifts to virtual, online, or remote learning options, and predictive increase in mobility in response to the COVID-19 pandemic, the Indiana Department of Education (IDOE) recognized the potential for miscommunication regarding expectations around instructional time and attendance requirements. This document aims to clearly translate legal requirements and general expectations for instructional programming and obligations related to reporting attendance across instructional environments for the 2020-2021 school year. As this guidance is reviewed, it is important to note that changes in policy and law may occur in the future that could directly impact the content addressed throughout this document.

This guidance is important for several reasons:

1. Tracking attendance across instructional environments in a thoughtful and intentional way is critical to keeping the public trust in the operational fidelity of schools. The latitude extended to schools in the second half of the 2019-2020 school year in response to COVID-19 was extraordinary and necessary. Future school years, including the 2020-2021 school year, will require a much more formal approach to reporting student attendance and tracking student engagement.
2. Schools have statutory obligations to address truancy and chronic absenteeism regardless of the instructional context. Carefully crafted policies need to be in place at the local level to support the enforcement of truancy and chronic absenteeism statutes.
3. Keeping track of students is foundational to helping students learn. Keeping track of the physical whereabouts of students, as well as their participation and progress in learning, is of utmost importance to achieving the high expectations and favorable outcomes for students.

The purpose of this guidance document is to summarize Indiana law in a clear, concise manner, and remind school corporations and schools of the general expectations regarding instructional time and student attendance. This guidance document refers to the requirements outlined in Ind. Code §§ 20-30-2 and 20-33-2.

### **Instructional Time Requirements**

Instructional time is defined by Indiana Code as time during which students are participating in an approved course, a curriculum, or an educationally related activity under the direction of a teacher; and includes a reasonable amount of passing time between classes. Instructional time does not include lunch or recess.

All schools must provide at least five (5) hours of instructional time for students in grades one (1) through six (6), and at least six (6) hours of instructional time for students in grades seven (7) through twelve (12) in a day in order to count that as a day of instruction conducted during a school year. Please note that IDOE reviews school calendars to determine whether a school met the statutory requirement to provide at least 180 days of instruction during a school year. Please refer to the document, “Instructional Time Requirements for the 2020-2021 School Year” found under the “Resources” section of this document for additional information on instructional time.

## Virtual Instruction Definitions

Indiana Code recognizes three (3) types of virtual education providers: virtual charter schools, virtual programs operated by a school corporation, and virtual public schools operated by a school corporation. Further, virtual instruction may be provided by a traditional, “brick and mortar” school program in response to the need for closure of school facilities. Please refer to the document, “Reporting Virtual Students for the 2020-2021 School Year” found under the “Resources” section of this document for information specific to virtual instruction during the 2020-2021 school year.

- Virtual charter schools  
A “virtual charter school” is any charter school in which more than 50 percent of instruction is provided to students in an interactive learning environment created through technology in which students are separated from their teacher by time or space, or both. A virtual charter school may only be authorized by a statewide charter authorizer, and may not be authorized by a school corporation.
- Virtual programs  
A “virtual program” is defined as a program provided by a school corporation in which more than 50 percent of instruction to students in the program is provided in an interactive learning environment created through technology in which the student is separated from a teacher by time or space, or both. Instruction for credit recovery courses is excluded for purposes of determining the percentage of instruction provided virtually.
- Virtual public schools  
A “virtual public school” is defined as a school in which the lesser of at least 100 students enrolled in a school corporation or 30 percent of the total number of students enrolled in the school corporation receives educational programming in an interactive learning environment created through technology in which the student is separated from a teacher by time or space, or both. Instruction for credit recovery courses is excluded for purposes of determining the percentage of instruction provided virtually. Virtual public

schools exist as independent schools within a school corporation and receive a separate and distinct school identification number.

- **Virtual Instruction**

School corporations and schools are permitted to provide virtual instruction to their students. Virtual instruction may be necessary to maintain continuity of educational programming to students in light of extraordinary circumstances, including but not limited to a global pandemic or act of God that impacts the ability to temporarily operate school buildings and provide in-person instruction. A school that provides educational programming in an interactive learning environment created through technology in which the student is separated from a teacher by time or space, or both, in response to extraordinary circumstances is not considered a virtual school or a virtual program.

## **Instructional Time in Virtual, Online, or Remote Settings**

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Content may be delivered in two contexts during the academic school year. One context is on-site, not separated by time or space, where all students are learning, applying, and practicing content at the same time. Another context is off-site learning where students are separated by time or space and may be learning, applying, and practicing content at different times in different spaces. In general, virtual instruction or any form of remote learning is considered off-site learning. Virtual programs or schools must meet instructional time requirements in order to count a day as a day of instruction conducted during a school year. Specifically, at least five (5) hours of instruction must be provided daily for students in grades 1 through 6 and at least six (6) hours of instruction must be provided daily for students in grades 7 through 12. This requirement applies to any day when a school may provide virtual instruction.

When considering instructional time requirements for content delivered through the off-site context, it is important to extract and focus on the time during which students are academically engaged. For example, a five (5) hour instructional day where content is delivered on-site consists of both academically engaged time as well as non-academically engaged time, such as passing time. As such, a day of off-site, virtual instruction may consist of less than five (5) hours, but correspond to the amount of academically engaged time provided in a non-remote, in-person instructional day.

## **Compulsory Attendance**

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Any individual who is at least seven (7) years of age and less than eighteen (18) years of age is bound by compulsory attendance requirements until the individual either graduates, becomes eighteen (18) years of age, or becomes at least sixteen (16) years of age and meets the requirements to withdraw from school before graduation.

“Attend” means to be physically present and enrolled in a school or another location where the school’s educational program is being conducted during regular school hours on a day in which the educational programming is being offered.

Any student who is enrolled at a public or nonpublic school and accumulates at least ten (10) unexcused absences during a school year is considered habitually truant. Any student who accumulates at least ten (10) absences, excused or unexcused, during a school year is considered chronically absent.

## **Obligations of Schools Regarding Attendance Reporting**

Indiana law requires the following:

- Each governing body of a school corporation and charter school must have an attendance policy that outlines, at a minimum, the definitions and conditions for excused and unexcused absences. While this is not required for nonpublic schools, the IDOE strongly recommends such schools have an attendance policy that aligns with these requirements.
- Each public and nonpublic school must maintain an accurate daily record of attendance for each student. There is an expectation that an accurate daily record of attendance includes an approach to accurately capture virtual attendance.
- Within fifteen (15) days of a new semester, each public high school principal must compile a list of names and last known addresses of students who did not graduate and are no longer enrolled at the school. The list must be made available to Ivy Tech and any training program for dropouts.
- For habitually truant students:
  - Any student between the ages of thirteen (13) and fifteen (15) who is habitually truant may not be issued an operator’s license or learner’s permit to drive a motor vehicle until the student is at least eighteen (18) years of age. Each school or school corporation must submit to the Indiana Bureau of Motor Vehicles (BMV) information to indicate a student’s ineligibility for an operator’s license or learner’s permit due to the student’s habitual truancy. The school or school corporation may periodically review the student’s eligibility.
  - Each superintendent or Attendance Officer must report a student that is habitually absent to an intake officer of the juvenile court or the Indiana Department of Child Services (DCS) to proceed in accordance with Ind. Code § 31-30 through Ind. Code § 31-40.
- For chronically absent students:
  - Each superintendent or Attendance Officer must report a student that is habitually absent from school to an intake officer of juvenile court or DCS to proceed in accordance with Ind. Code § 31-30 through Ind. Code § 31-40.

These legal requirements apply to schools, regardless of whether instruction and learning occurs in the on-site or off-site context.

## Reporting Missing Students

A missing student is one that cannot be located by the school. A school should complete the following process if it believes that a student has gone missing:

**STEP ONE:** Send a US certified letter of concern to the student's last known address with a return receipt requested no later than October 1 of the calendar year in which the student did not return to school. If a return receipt is provided to the school, then the student's location was identified, and the student is not considered "missing." If the letter is returned to the school with a "no forwarding address" indicator stamp, then the school should move to "step two."

**STEP TWO:** Email the Indiana Clearinghouse for Information on Missing Children and Missing Endangered Adults (The Clearinghouse) at [stugradrate@isp.in.gov](mailto:stugradrate@isp.in.gov) with the subject line "Unknown Location of Student." The email should include the following information:

- Name, address, and telephone number of the school
- Name and title of school official making the request
- Full name and date of birth of the student in question
- Full name of the parent/legal guardian of the student in question
- Last known address and telephone number/s for the parent/legal guardian of the student in question

The Clearinghouse response will contain information based on an initial inquiry using law enforcement databases to indicate the current known status of the student in question. It may also identify any additional actions to be taken by the school. If the student's location is unknown then the school may report the student as "missing" on the Realtime/Enrollment-Mobility report.

Schools should maintain a copy of the letter of concern sent to the parent via US certified mail; the US postal service certified mail receipt; the email notification sent to the Clearinghouse; and the email verification received by the school from the Clearinghouse indicating the student's last known status.

Tips for what parents should do if their child has gone missing may be found at <https://www.in.gov/amberalert/2335.htm>.

## Student Engagement

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Regardless of the delivery method or context of instruction, academic engagement is paramount for student success. While Indiana Code does not define academic engagement, scholars have defined it as “the quality of students’ participation or connection with the schooling endeavor and hence with activities, values, people, goals, and places that comprise it” (Skinner, Kindermann, & Furrer, 2009). Academic engagement must encompass the academic, behavioral, and emotional enrichment of each student.

Best practice for academic engagement should ensure that learning in the off-site context mirrors the on-site learning experience of interacting with curriculum and resources aligned to the Indiana Academic Standards to introduce, maintain and extend learning. Authentic academic engagement ensures that students’ skills are pushed to the next levels of learning through rigorous and relevant learning activities, regardless of whether the student is remote or in-person. This cannot be accomplished solely through excessive screen time or completion of worksheets. School corporations and schools should work to ensure the same level of rigor is provided for on-site and off-site learning programs in order to provide for the expected levels of student engagement and participation necessary to maintain and extend learning.

## Updating and Creating Robust Attendance Policies

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Given that off-site, virtual instruction may occur both synchronously and asynchronously, consideration must be given to appropriate measures of instructional time and student attendance. Such consideration requires acknowledgement of the interplay of engagement and attendance for students. A traditional attendance policy based on synchronous instructional time may not be a compatible measure of student attendance for remote or virtual instruction. **IDOE strongly recommends school corporations and schools establish attendance and engagement policies for off-site or blended learning that address instructional time requirements. IDOE recommends these policies be distinct from such policies for on-site learning so that expectations are clearly articulated across on-site and off-site learning environments.** Note that attendance policies for on-site and off-site contexts should be closely aligned in the expectations of student attendance and engagement levels, but may diverge in how such expectations are applied or demonstrated.

IDOE has provided a list of considerations for school corporations and schools when developing or updating attendance and engagement policies. IDOE recommends that school corporations and schools maintain a system of recording and monitoring student attendance and engagement in case of an audit by a state agency such as the State Board of Accounts.

- Establish separate attendance policies for virtual, in-person, and blended instruction, with consideration of truancy, chronic absenteeism, and missing for each setting.

Consideration should be given to the treatment and determination of student absences and attendance for purposes of identifying truant, chronically absent, and missing students.

- Utilize course progress, student engagement, participation in synchronous and asynchronous instruction, student/teacher interaction, system activity and login time, student logs, and completion of daily work and long-term projects as evidence of student engagement and attendance for off-site learning.
- Establish minimum time expectations on a daily or weekly basis for off-site learning.
- Establish clear definitions of what it means to be “absent” for off-site learning.
- Augment attendance policies to provide families with clarity about expectations for participation and academic engagement in the off-site context.
- Combine factors to determine student attendance: e.g., time per week (actual attendance hours logged), progress (completed assignments per week), and communication (response time & interaction w/ teachers).
- Keep records of student engagement with learning materials. IDOE recommends that any virtual school or program maintain documentation demonstrating each student was provided with the minimum hours of instruction as evidence of engagement in the event of an audit.
- Establish a routine to balance needs of family and stress of situation with the need to maintain consistent instruction; encourage unplugging/offline after a set time each day.
- Implement systems to maintain consistent communication with families by phone/email.
- Consult with your student information system (SIS) provider to confirm attendance policies can be supported.
- Evaluate student work in a timely manner to more easily determine who is “there” and who is not. Evaluations should provide feedback that is specific, clear, and actionable.

## State-Level Reporting

Beginning with the 2020-2021 school year, schools will be submitting student-level information to the State through Data Exchange. Schools will be expected to track daily student attendance from the beginning of the school year using the following codes.

- **In Attendance:** This code should be used when a student is considered “in attendance” at the physical school building, pursuant to the local attendance policy. This code should be used for non-virtual students. **(NEW)**
- **Virtual:** This code should be used when a student is considered “in attendance” at the virtual program or virtual school, pursuant to the local attendance policy. This code should be used for virtual students. **(NEW)**
- **Virtual due to COVID-19:** This code should be used when a school must provide virtual instruction in lieu of in-person instruction due to COVID-19, and a student is considered “in attendance” pursuant to the local attendance policy. This code should be used for non-virtual students. **(NEW)**

- **Excused Absence:** This code should be used when a student is not “in attendance” and such absence is deemed “excused”, pursuant to the local attendance policy. This code should be used for both virtual and non-virtual students.
- **Unexcused Absence:** This code should be used when a student is not “in attendance,” and such absence is deemed “not excused,” pursuant to the local attendance policy. This code should be used for both virtual and non-virtual students.
- **Exempt:** This code should be used when a student is not “in attendance” but is participating in one of the activities that is exempt by statute from consideration as an “absence”. This code should be used for both virtual and non-virtual students. **(NEW)**
- **Suspended:** This code should be used when a student has been suspended pursuant to the local discipline policy. This code should be used for both virtual and non-virtual students. **(NEW)**
- **Expelled:** This code should be used when a student has been expelled pursuant to the local discipline policy. This code should be used for both virtual and non-virtual students. **(NEW)**

## Resources

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- [IDOE Academic Engagement Memo](#)
- [Instructional Time Requirements for the 2020-2021 School Year](#)
- [Reporting Virtual Students for the 2020-2021 School Year](#)
- Sample Academic Engagement policies
  - [Kansas](#): Provides examples of truancy and attendance guidelines for off-site learning. Examples include the utilization of a combination of measures to indicate adequate participation and attendance of students, including hours recorded/logged in, lesson and assignment completion rates, and communication between students and teachers. Examples of how to define “truancy” and potential interventions to address truancy in the off-site context are also provided.
  - [Colorado](#): Provides examples of three methods for recording attendance in a virtual or blended setting. These three methods include minimum login time requirements, specific task completion for a given time period, and minimum lesson/unit completion requirements. Examples of how to determine student absences and truancy in an off-site context are also provided.
  - [Wisconsin](#): Provides examples of how to define and track student attendance in a virtual or blended setting. Examples include the utilization of project completion on a weekly basis, and two-way communication between students and teachers.