



The Idaho Department of Education is issuing the following guidance in response to questions received about tracking attendance when delivering virtual or hybrid instruction. This guidance outlines expectations for virtual and hybrid instruction delivery as well as procedures and policies for tracking attendance in compliance with Idaho law and to ensure consistency across LEAs regardless of how instruction is delivered.

The Department's objectives in offering this guidance are:

- to protect the academic integrity of the school day;
- to promote compliance with Idaho Code in recording student attendance for funding purposes;
- to expand knowledge of LEA policies and procedures and state laws governing virtual and hybrid instruction for students, parents, and educators; and
- to support LEAs in establishing policies and procedures to meet state standards for tracking attendance.

### **Tracking Attendance for Virtual Instruction**

Idaho Code section 33-1612 identifies three models for instruction delivery: in-person, virtual, and hybrid/blended. Regardless of the delivery method, IDAPA Rule 08.02.01.250 relating to average daily attendance (ADA) applies. Further, Idaho Code section 33-1619 provides that when offering virtual or hybrid instruction, school districts should refer to section 33-5207 for the manner by which to count and report ADA. Even though Idaho Code section 33-5207 is found in the section governing Public Charter Schools, it also applies to traditional school districts.

Pursuant to Idaho Code section 33-5207(11), a student may be counted based on either their actual attendance hours or the percentage of coursework completed, but never in excess of the equivalent of one full-time student. LEAs must have an approved district-level policy that clearly articulates how to count and report student attendance. This requirement still applies even if the LEA offers virtual instruction through an accredited virtual provider or Idaho Digital Learning Alliance (IDLA).

### **Instruction in Virtual or Hybrid Environments**

For an existing brick-and-mortar school to offer virtual or hybrid instruction, the LEA must be able to document and provide upon request proof that it has met all necessary requirements. Documentation may be prepared at the school or district level and must include written procedures detailing how the requirements outlined in Idaho Code section 33-5205(3) are met.

Those procedures shall include:

- utilization of a learning management system to deliver courses;

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- assurance that teachers will be consistently available to guide students through course material and to provide individualized learning methods and assess student work, including those of students with special learning needs;
- adherence to a detailed plan for offering professional development tailored to the virtual school environment;
- identification of ways that virtual school students will receive appropriate teacher-to-student interaction, including timely and frequent feedback on student progress;
- identification of ways that virtual schools will verify student attendance and award course credit;
- demonstration of a plan for providing technical support relevant to online course delivery; and
- facilitation of opportunities for students to interact with each other.

These written procedures are essential to ensure that LEAs providing virtual instruction are in compliance with Idaho Code, specifically sections 33-1612(1)(a)-(c), 33-1619, 33-5202A(11), 33-5205 (3) (a)-(i), and 33-5207(11). An LEA's procedures should be developed using best practices and incorporate stakeholder input. This promotes consistency, accuracy and alignment with education laws and rules and helps to facilitate the Department's duty to accurately calculate payments made to LEAs.

If requested, LEAs offering instruction in a virtual or hybrid environment must also be able to provide documentation of:

- assurance that virtual instruction upholds the same academic quality and rigor as in-person instruction;
- clearly defined roles, responsibilities and performance expectations for educators delivering virtual or hybrid instruction;
- measures to ensure students are consistently meeting established learning goals;
- a formal, systematic process for evaluating program effectiveness; and
- evidence that all content and curriculum is aligned with Idaho Content Standards.

If virtual courses are offered as part of an existing campus and are only available to students primarily enrolled at that campus, the LEA does not need to submit a new building number request form to the Department.

When an existing LEA establishes a new standalone virtual school, it must be formally approved by the school board and the LEA must submit a [New Building Number Request](#) to the Department by June 30<sup>th</sup>, prior to the new school opening. If the school serves grades 9–12, it is also required to complete the official accreditation process.

### **Inclement Weather/Emergency Closures**

Idaho Code section 33-1612 (2)(j) allows an LEA to temporarily change from offering in-person instruction to offering virtual or hybrid instruction during a state of emergency. Counting hours from a virtual day toward ADA when in-person learning is canceled and buildings are closed due to inclement weather falls outside the scope of this section. The legislative committee testimony in support of this bill indicates that the legislature's intention was to encourage schools to reopen, and give instruction on how to reopen, after the COVID 19 pandemic. For example,

using subsection (j) to justify hybrid instruction for a snow day(s) is outside of the definition of “state or local emergency” for schools that are not classified as hybrid.

Additionally, Idaho Code section 46-1002(3) defines emergency as an “occurrence or imminent threat of a disaster or condition threatening life or property that requires state emergency assistance to supplement local efforts to save lives and protect property or to avert or lessen the threat of a disaster.” Further, section 46-1011 states that a local disaster emergency may be declared only by the mayor or chairman of the county commissioners.

As a reminder, Idaho Code 33-512(1)(c) allows for “(ii) up to a total of eleven (11) hours of emergency school closures due to adverse weather conditions and facility failures” when approved by the school board. The eleven (11) hours of emergency school closures do not need to be utilized if the LEA already sufficiently exceeds the minimum hours required in this section of code.

Substituting a virtual day for a snow day is unlikely to provide the same level of academic integrity and instruction as in-person learning. Since these days are not part of the traditional calendar, teachers typically lack prepared lessons and students are less likely to have access to essential tools, such as digital devices, to create a productive academic environment.

### **Accountability**

If an LEA fails to follow Idaho law regarding student attendance, the Department may conduct an audit or review of the LEA’s attendance records. Should the review demonstrate that attendance was improperly tracked or reported, the Department is authorized to recalculate the LEA’s ADA and recover any overpaid funds. This may include withholding future payments or requiring direct repayment of the disallowed amount.