ILLINOIS STATE BOARD OF EDUCATION

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Current Remote Learning Options Under Illinois Law
Guidance for Schools and Districts

The Illinois State Board of Education recognizes and affirms the fundamental importance of in-person learning for the well-being of students, families, and communities. We know that children learn best – and educators teach best – when they are physically present together in the same space.

That said, there are several sections in the School Code that permit or require a district to offer remote learning in certain circumstances. The below FAQ identifies these School Code sections and summarizes their key requirements. This FAQ is not inclusive of all legal requirements. School and district leaders should consult with their own legal counsel for proper implementation. In the case of students with disabilities receiving special education services, the Individualized Education Program (IEP) team may need to develop or revise the child's IEP to ensure that the remote learning option meets the child's individual needs.

Note: Remote learning under Sections 10-30 and 34-18.66 of the School Code (105 ILCS 5/10-30 and 105 ILCS 5/34-18.66) is applicable only if (1) the governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act, and (2) the state superintendent declares a requirement for the use of remote learning. Remote learning under Sections 10-30 and 34-18.66 of the School Code cannot currently be used because neither of these conditions is currently in place.

I. Remote Educational Programs

105 ILCS 5/10-29

Any school district may establish a Remote Educational Program by resolution of its board. Districts that adopt such a policy can allow a student to participate in a Remote Educational Program when there is a determination by the school district and the parent/guardian that the program will best serve the student's individual learning needs and the student meets the criteria for participation defined in the policy. This option existed in statute prior to the pandemic.

1. **Is a district required to adopt a policy for a Remote Educational Program?**

   No. A district has total discretion over whether to adopt a Remote Educational Program.

2. **If a district adopts a Remote Educational Program by board resolution, can any student in the district participate?**

   No. Participation in a district's Remote Educational Program is limited to those students who meet the criteria defined by the district for participation and will have their individualized learning needs best met through participation in remote learning. The criteria for participation must be outlined in the district's Remote Educational Program policy. Per statute, the criteria must include consideration of, at a minimum, a student's prior attendance, disciplinary record, and academic history.

3. **Can a district limit participation in its Remote Educational Program to students who are at increased risk of severe illness from a communicable disease or who live with someone who is at increased risk of severe illness?**

   Yes. The statute allows a district to define the criteria for participation in its Remote Educational Program in its board-adopted policy. The criteria must include consideration of a student's prior attendance, disciplinary record, and academic history, but it may also include other considerations, such as medical necessity for the student or a member of the student's household.

4. **What are the clock hour requirements for students who participate in a Remote Educational Program under Section 10-29 of the School Code?**

   A student's individualized Remote Educational Program plan must offer instruction and educational experiences "consistent with those given to students at the same grade level in the district."

5. **Who is responsible for developing and approving a remote educational plan for a student with an IEP?**

   Each student participating in a Remote Educational Program pursuant to Section 10-29 of the School Code must have a written remote educational plan approved by the school district and the person authorized to enroll the student. When the student has an Individualized Education Program (IEP), the development and approval of the Remote Educational Program must also be handled through the IEP team process.

   Because remote learning affects a student's placement, services, and how a free appropriate public education (FAPE) is delivered, the IEP team is responsible for determining whether remote instruction is appropriate and for ensuring that all required services and supports can be implemented in that setting. In these cases, the IEP team must:

   - Review the student's current IEP to determine whether remote instruction is an appropriate placement;
   - Develop or amend the IEP to reflect the provision of services in the remote setting; and
   - Ensure alignment with the requirements in Section 10-29(5) of the School Code, including achievement of goals, assessments, progress reports, and teacher-student interaction schedules.

II. Home Instruction for Children and Students Who Are Parents, Expectant Parents, or Victims of Domestic or Sexual Violence (*NEW* eff. July 1, 2025)

105 ILCS 5/10-22.6a

The Ensuring Success in School Act (Public Act 102-0466) creates additional protections for students who are parents, expectant parents, or victims of domestic or sexual violence. As one key example, it expands the home instruction requirement under 105 ILCS 5/10-22.6a of the Illinois School Code. Districts are now required to provide home instruction to any student who is unable to attend school because of pregnancy or pregnancy-related conditions, the fulfillment of parenting obligations related to the health of the child, or health and safety concerns arising from domestic or sexual violence, as defined in Article 26A.

1. **When must instruction be provided to students who qualify for home instruction under this section?**

   Provided the required documentation is produced, home instruction must be made available before the birth of the child; for up to three months following the birth of the child or a miscarriage; when the student must care for his or her ill child; and when the student must treat physical or mental health complications or address safety concerns arising from domestic or sexual violence.

2. **What documentation must a student provide in order to qualify for home instruction under this section?**

   a) *Before the birth of the child* – Written note from the student's physician, physician assistant, or advanced practice registered nurse indicating that the pupil is medically unable to attend regular classroom instruction.

   b) *After the birth of the child or a miscarriage* – Not specified.

   c) *When caring for an ill child* – (1) Written note from the child's physician, physician assistant, or advanced practice registered nurse indicating that the child has a serious health condition that would require the student to be absent from school for two or more consecutive weeks; and (2) Written note from the student's parent or guardian indicating that the student is needed to provide care to the child during this period.

   d) *When addressing the physical or mental health complications or addressing safety concerns arising from domestic or sexual violence* – Written note from a health care provider or an employee of the pupil's domestic or sexual violence organization, as defined in Article 26A, indicating that the student needs the care, and it will result in the student being absent for two or more consecutive weeks.

3. **When can the district terminate home instruction?**

   In the case of students receiving home instruction to fulfill parenting obligations related to the health of the child, or to address health or safety concerns arising from domestic or sexual violence, the district may reassess the need for home instruction every two months.

4. **What level of instruction must be provided?**

   The home instruction course must be designed to offer educational experiences that are equivalent to those given to students at the same grade level in the district and to enable the student to return to the classroom.

5. **How does the statute address grading and advancement for students who participate in home instruction?**

   A student who participates in home instruction under Section 10-22.6a may not be penalized for grading purposes or be denied course completion, a return to regular classroom instruction, grade level advancement, or graduation solely on the basis of the student's participation in home instruction or their absence from the regular education program during that period of instruction.

III. Home/Hospital Instruction

105 ILCS 5/14-13.01(a), *23 Ill. Admin. Code 1.520*, and *23 Ill. Admin. Code 226.300*

Home/hospital services are provided to a student when a physician licensed to practice medicine in all of its branches, a licensed physician assistant, or a licensed advanced practice registered nurse determines that the student will be absent or is anticipated to be absent from school for a minimum of 10 days during the school year due to a medical condition. A comprehensive FAQ specific to Home/Hospital Instruction can be found here.

IV. E-Learning

105 ILCS 5/10-20.56

A school board may adopt a policy for an e-learning program wherein students can receive instruction electronically while they are not in the building. E-learning days can only be used in lieu of a scheduled emergency day and are limited to the minimum number of emergency days in the approved school calendar (five). E-learning days exist to preserve the continuity of learning when an emergency would otherwise result in school closing. E-learning days generally cannot be declared preemptively because they are meant to be used "in lieu of a scheduled emergency day," and emergency days, by definition, can't be planned. This option existed in statute prior to the pandemic.

1. **Is a district required to adopt a policy for e-learning?**

   No. A district has total discretion over whether to adopt an E-Learning Program.

2. **What are the procedural requirements for establishing and maintaining an E-Learning Program?**

   Before a school board adopts a new policy for e-learning or renews an existing policy, it must hold a public hearing at a regular or special board meeting where the public will have an opportunity to comment. Notice of such hearing must be provided at least 10 days prior to the hearing in accordance with the requirements outlined in statute. The regional office of education must verify that the program provides access for all students annually before the implementation of any e-learning days in that school year. An E-Learning Program adopted in accordance with these procedural requirements is valid for three years.

3. **Can a district use an e-learning day in lieu of an emergency day if the district feels that conditions related to a communicable disease constitute an emergency and determines to close all district school buildings?**

   This is a decision left to the discretion of the local school district. If a district has an approved e-learning program, it can use an e-learning day in lieu of an emergency day to close buildings under a multitude of circumstances. However, e-learning days are limited to five per year.

4. **What are the clock hour requirements during an e-learning day?**

   Each student participating in an e-learning day must receive at least five clock hours of instruction or schoolwork.

Please see next page for a chart comparing the current remote learning options under Illinois law.

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That said, there are several sections in the School Code that permit or require a district to offer remote learning in certain circumstances. The below chart identifies these School Code sections and summarizes their key requirements. The chart is not inclusive of all legal requirements. School and district leaders should consult with their own legal counsel for proper implementation.

	Remote Educational Programs *105 ILCS 5/10-29*	**Home Instruction Under § 10-22.6a** (*NEW* eff. July 1, 2025) *105 ILCS 5/10-22.6a*	**Home/Hospital Services** *105 ILCS 5/14-13.01(a)* *23 Ill. Admin. Code 1.520* *23 Ill. Admin. Code 226.300*	**E-Learning** *105 ILCS 5/10-20.56*
Student Eligibility	Students for whom remote learning "will best serve the student's individual learning needs" as determined by the "school district, pursuant to adopted school board policy and a person authorized to enroll the student." The adopted school board policy shall include "criteria for determining that a Remote Educational Program will best serve a student's individual learning needs." ➢ The criteria must include consideration of, at a minimum, a student's prior attendance, disciplinary record, and academic history. The district may include additional criteria, including a medical need, but is not required to do so.	Any student who is unable to attend school because of pregnancy or pregnancy-related conditions, the fulfillment of parenting obligations related to the health of the child, or health and safety concerns arising from domestic or sexual violence, as defined in Article 26A. Each category of student requires different documentation, as outlined in the statute, to substantiate the need for home instruction.	When a physician licensed to practice medicine in all of its branches, a licensed physician assistant, or a licensed advanced practice registered nurse determines that the student will be absent or is anticipated to be absent from school for a minimum of 10 days during the school year due to a medical condition.	All students when an e-learning day is used in lieu of an emergency day.
District Required to Provide	No	Yes, if required documentation is provided.	Yes, if required documentation is provided.	No

This chart provides a partial crosswalk comparing a non-exhaustive list of instructional programs and plans. The chart is not inclusive of all legal requirements. All requirements in statute and rule should be carefully reviewed with legal counsel.

	Remote Educational Programs *105 ILCS 5/10-29*	**Home Instruction Under § 10-22.6a** (*NEW* eff. July 1, 2025) *105 ILCS 5/10-22.6a*	**Home/Hospital Services** *105 ILCS 5/14-13.01(a)* *23 Ill. Admin. Code 1.520* *23 Ill. Admin. Code 226.300*	**E-Learning** *105 ILCS 5/10-20.56*
Requirements for Developing Policy/Plan	A school district may (but is not required to) establish a Remote Educational Program by resolution of its board. The school district must send the board adopted policy and any amendment thereto to ISBE at RemoteEdPolicy@isbe.net. School districts also must submit "data on student participation" in a format to be specified by ISBE at a later date. Each student participating must have a written Remote Educational Program that has been approved by the school district and a person authorized to enroll the student.	N/A	N/A	A school board must hold a public hearing for the initial proposal or renewal of an e-learning program before it is adopted. Notice of such public hearing must be provided at least 10 days prior to the hearing by the methods specified in the statute. Program must be verified by Regional Office of Education or Intermediate Service Center for the school district annually before the implementation of any e-learning days in that school year
Clock Hour Requirements	A student's individualized Remote Educational Program plan must offer instruction and educational experiences "consistent with those given to students at the same grade level in the district."	The home instruction program must be designed to offer educational experiences that are equivalent to those given to students at the same grade level in the district and that are designed to enable the student to return to the classroom.	Not less than five hours per week unless a physician certifies in writing that the child should receive fewer hours. Shall be determined in relation to the child's educational needs and physical and mental health needs.	At least five clock hours of instruction or schoolwork per day for each student who would normally receive a full day of instruction.

This chart provides a partial crosswalk comparing a non-exhaustive list of instructional programs and plans. The chart is not inclusive of all legal requirements. All requirements in statute and rule should be carefully reviewed with legal counsel.