**Title: 6400 Flexible Instruction Days**

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| Senate Bill 440  Session of 2019  Amending the Act of March 10, 1949 (P.L. 30, No.14)  Act 64 of 2019, section 1506  (Public Law 91-230, 20 U.S.C. § 1400 et seq.)  ( P. L. 563, No. 195) | **6400 Flexible Instruction Days**  This policy outlines a description, definitions, and requirements for the usage of Flexible Instruction Days and the process of requesting said days.  **Flexible School Day Program Description:**  A Flexible Instruction Day (FID) Program is a tool available to school entities to be used as an alternate approach to delivering instruction if a circumstance arises that prevents instruction in customary manner.  With the passage of Act 64 of 2019, section 1506 was added to the Public School Code. School entities now have the opportunity to develop a Flexible Instruction Day program, enabling the school entity to meet the 180 instructional day requirement of section 1501. The FID program may be online, offline, or a combination of the two. While schools are expected to build make-up days into their local Catholic school calendars, FIDs can support the school entity when circumstances (eg. a disease epidemic, a hazardous weather condition, a law enforcement emergency, the inoperability of school buses or other equipment necessary to the school entity’s operation, damage to a school building, or a temporary school circumstance rendering any portion of a school building unfit or unsafe for use) prevent the delivery of instruction in its customary manner or location. If the school entity chooses to implement a FID program, the number of flexible instructional days may not exceed five (5) days per school year.  **Application to Implement FID’s**  Schools will be required to fill out an application form requiring the following information:   * The procedure for the school entity to notify students, parent(s)/guardian(s), and professional employees that a flexible instructional day is instituted; * The procedure for instituting a flexible instructional day, including whether the school entity will use technology. If technology will be used by the school entity, the procedure shall include information regarding accommodations for students and professional employees without Internet access at home and for digital device access at home and for digital access for families and employees without technology or an insufficient amount of technology for the number of children in the household; * The responsibilities of professional employees and students during a flexible instructional day; * The procedure for identifying student participation during the flexible instructional day for the purpose of enforcing attendance under Article XIII; * Instruction exemplary of a flexible instructional day in each of the following:  1. English language arts in any grade from grades nine through twelve; 2. Mathematics in any grade from grades nine through twelve; 3. Science in any grade from grades nine through twelve. 4. Social Studies in any grade from grades nine through twelve; 5. English Language arts in Kindergarten or in any grade from grades one through eight; 6. Mathematics in kindergarten or in any grade from grades one through eight.  * Assurance of compliance with the Individuals with Disabilities Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.) during a flexible instructional day; * Applications are due in the Diocesan Education Office on or before July 15. (For this first year of enactment application are due by January 1, 2020); * School will be notified by September 1 if its application or renewal is accepted or denied; * An application accepted under this section will remain valid for a period of two (2) years.   ***Union Rights:***   * For those schools whose professional employees are covered under a union contract nothing in this policy shall be construed to supersede or preempt the rights, remedies and procedures afforded to school employees or labor organizations under federal or state law, including the Act of July 23, 1970 ( P. L. 563, No. 195), known as “Public Employee Relations Act,” or any provisions of a collective bargaining agreement negotiated between a school entity and an exclusive representative of the employees in accordance with the “Public Employee Relations Act.”   ***Definition of Terms:***  As used in this policy, the following words and phrases shall have the meanings given them in this subsection:  A *“flexible instruction day”* shall mean a day that satisfies all of the following:   1. Fulfills one of the minimum required days of instruction under section 1501 of the PA School Code. 2. Prevents a school building from opening due to any of the following:  * A disease epidemic * A hazardous weather condition * A law enforcement emergency * The inoperability of school buses or other equipment necessary to the school’s operation * Damage to the school building * Another temporary circumstance rendering any portion of a school building unfit or unsafe for use  1. Provide instruction to students.   A *“school building”* shall mean a building owned by or  under the control of a nonpublic school entity where  classes are taught or extracurricular activities are  conducted on a regular basis  A *“program”* shall mean a program that allows for a  number of flexible instructional days not to exceed  five (5) days during a school year.  A *“department”* shall mean the Diocesan Education  Department or where noted the Pennsylvania  Department of Education.  SEE 6400 ATTACHMENT I |