



# Remote & Online Learning Policy FAQ

## Background and Purpose

This document clarifies current policy related to remote and online instruction. The answers to questions in this document apply to full-time and temporary, charter and non-charter, remote and online options unless specified within the answer. ***Other federal and state rules and statutes apply to remote and online programs in addition to those described in this resource.***

## Structure of Document

This document organizes frequently asked questions by themes. The document is not meant to be read in a linear fashion; rather, it is intended for the reader to navigate to particular sections based on need using the links below.

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## **General FAQs**

- 1. What are remote, distance, online, and virtual learning? Are they the same? How do virtual public charter schools fit into these definitions?**

While there is no formal definition in Oregon rule or statute for “remote” learning, ODE operationally uses the term “remote” to encompass all educational models of instruction where the student and the teacher are not in the same physical location for more than half of the student’s instructional time. Remote learning instructional models may be primarily online (using internet-based platforms and technology), paper-and-pencil (non-internet based), or a combination of both. “Remote” is inclusive of online, virtual, and non-internet based models.

“Virtual school status” is defined by federal data reporting guidelines as “instruction in which students and teachers are separated by time and/or location and interaction occurs via computers and/or telecommunications technologies.” “Virtual” is thus not as expansive a descriptor as remote learning.

“Virtual school status” is a school-level designation of how much of a school's instruction is provided virtually. All district schools and public charter schools self-report their virtual status designation annually to ODE to meet federal requirements. The four designations as defined by the federal government are:

**Full Virtual:** The school has no physical building where students meet with each other or with teachers on a regularly scheduled basis; all instruction is virtual.

**Focus Virtual:** The school focuses on a systematic program of virtual instruction but includes some regularly scheduled in-person meetings including students and teachers as part of the instructional program.

**Supplemental Virtual:** Students at this school have access to virtual courses, but virtual instruction is not the primary means of instruction.

**Not Virtual:** The school does not offer any virtual instruction.

More information about the various virtual school status designations can be found here: [Virtual Status FAQ](#).

“Virtual school status” and “remote” are not synonymous in the context of data reporting. Remote learning is a broader programmatic definition than virtual status because it includes schools or programs where students learn for all or majority in a separate location from teachers whether online or electronic means are used or not, while “virtual” designates only distance learning which uses the internet.

A “virtual public charter school” is a public charter school that offers online courses and does not serve students from a primary physical location. The online instructional activities are integral to the academic program of the school as described in the charter contract. All virtual public charter schools have full-virtual or focus-virtual school status. [ORS 338.005\(5\)](#), [ORS 338.120](#), [OAR 581-026-0300](#), [Virtual Public Charter School Determination Flow Chart](#).

For more information about the distinction between virtual *schools* and *programs*, see question #15.

“Distance” was used within the context of *Comprehensive Distance Learning*<sup>1</sup> and is synonymous with “remote”. However, ODE is using “remote” to more clearly distinguish between that set of guidance and remote models operating beyond the pandemic context.

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<sup>1</sup>See question #3 for more information on *Comprehensive Distance Learning*

**2. Do the policies in this document apply to remote schools or in-person schools that shift to temporary distance learning? What is the difference?**

The policies cited in this document apply to remote and online instructional models in both permanent and temporary contexts. Permanent, full-time remote learning schools and programs have existed in Oregon for well over a decade. Recently, in-person instructional models have increasingly turned to temporary or emergency distance learning to ensure the continuity of learning during disruptions, such as during the COVID-19 pandemic. The policies in this document apply to all remote learning, temporary and permanent (non-emergency).

*Public charter schools may have some flexibility with certain policies which are identified throughout this FAQ.*

**3. What is the difference between an online school or program and *Comprehensive Distance Learning*?**

[Comprehensive Distance Learning](#) (commonly referred to as “CDL”), was the guidance set forth by ODE for the 2020-2021 school year under the [Executive Order 21-06](#) that adjusted state policies and requirements due to the COVID 19 emergency. *Comprehensive Distance Learning* included specific requirements and recommendations for both existing remote schools and in-person schools transitioning to temporary remote instruction as a response to the pandemic. The executive order that *Comprehensive Distance Learning* extended from is now rescinded and *Comprehensive Distance Learning* is no longer representative of the requirements.

A remote school or program is defined in the above section (including virtual, online, distance, etc.). The requirements for these schools and programs are described in state and federal policy and apply beyond the context of only the 2020-2021 school year.

**4. What are the requirements for providing educational services to students within remote and online schools and programs?**

All federal and state requirements for serving students must be followed including state and federal civil rights laws and protections for students. Public charter schools operating remote and online schools or programs must also comply with all federal laws and most state laws<sup>2</sup>. All remote learning instructional models, charter or non-charter, must be accessible and non-discriminatory in admission practices and educational services. This includes, but is not limited to, ensuring appropriate identification and services for students experiencing disability,

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<sup>2</sup> [ORS 338.115](#) describes the laws that apply to public charter schools. Virtual public charter schools must also comply with [ORS 338.120](#). All charter schools must adhere to any other requirements listed in their charter contract.

emergent bilingual students, talented and gifted students, and students experiencing homelessness.

**5. Can a student be homeschooled and enrolled full-time in a public school or public charter school?**

No. In Oregon statute, homeschooling refers to when a child is taught by a parent, legal guardian or private teacher, as provided in [ORS 339.030](#) and [ORS 339.035](#). Families who choose homeschooling must notify their Education Service District (ESD). There are no standards or approved curriculum for homeschooling, nor is there an official homeschool diploma. Homeschooled students may participate in their resident district's interscholastic activities or take some classes from this district if local policy allows. If a student is enrolled in a public school or public charter school more than half-time, then they are not considered homeschooled under Oregon rule and statute and the school must meet all requirements stated in policy.

The term "home-based" instruction is commonly used to describe certain remote learning options; however, it is important to note that if the student is enrolled in public school, then the student's instruction must be under the direction of a licensed teacher as described in questions 7 and 8 below. If a child is taught by a parent, legal guardian or private teacher, as provided in [ORS 339.030](#) and [ORS 339.035](#), then it is considered homeschooling. Please visit [ODE's website](#) for more information about homeschooling.

**6. Are all schools offering remote or online learning also public charter schools?**

No. Not all schools that offer remote learning are virtual public charter schools. A district may offer full-time remote instruction (which may or may not include online learning) to its students through four structures<sup>3</sup>:

- establishing a district-operated online school,
- establishing an online program,<sup>4</sup>
- contracting with a private alternative online school, or
- authorizing a virtual public charter school.

It is common for public schools (charter and non-charter) and alternative schools or programs to offer supplemental online courses.

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<sup>3</sup> Note that these designations refer only to non-emergency, non-temporary instances. When a school offers remote/online instruction due to temporary disruptions to learning (i.e., the COVID-19 pandemic), student data are reported for the in-person school in which they are enrolled. No new school is created.

<sup>4</sup> It is a district decision as to whether an online learning offering will fall under the category of a school or a program. Please see Reporting and Institution IDs for more information on programs.

# Instructional Time, Teacher Licensure, and Attendance

## 7. How is required instructional time calculated for an online instructional model?

Instructional time for all instructional models is defined as time during which students are:

- Engaged in regularly scheduled instruction, learning activities, or learning assessments that are designed to meet Common Curriculum Goals and academic content standards required by [OAR 581-022-2030](#), and
- Working under the direction and supervision of a licensed or registered teacher, licensed CTE instructor, licensed practitioner, or Educational Assistant or paraprofessional<sup>5</sup> who is assigned instructionally related activities and is working under the supervision of a licensed or registered teacher as required by [OAR 581-037-0015](#). ([OAR 581-022-0102](#))

For students participating in **online instruction**, instructional time includes online instruction supported by a licensed or registered teacher through electronic means. For online instruction, up to one hour per course per day may be counted towards the required instructional time where the following criteria are met:

- Every student has access to a licensed or registered teacher through in-person, telephone, or electronic means for each course taken; and
- Every student has regular contact with school personnel for the purpose of attendance and progress monitoring as outlined in the policies maintained by the Oregon Department of Education ([OAR 581-022-2320](#)).

Instructional time may not be claimed for weekends or holidays, per [ORS 336.010 \(School month\)](#) and [187.010 \(Legal holidays\)](#), or any other day during which a licensed or registered teacher is not available to students. ([OAR 581-022-2320](#))

### **Instructional Time and ADM:**

Note that when calculating instructional time for ADM accounting purposes that the [Cumulative Average Daily Membership Policy Manual 2021-22](#) states:

“Session days include prescheduled weekdays during which the majority of students within the same school/grade level are scheduled to be present under the guidance and direction of appropriately licensed instructional staff, and there is an expectation that the majority of students within the school/grade level would be in attendance.” (pg.70)

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<sup>5</sup> An educational assistant, which has the same meaning as the terms “paraprofessional” and “instructional aide” is defined by [ORS 342.120](#) as a classified school employee who does not require a license to teach, who is employed by a school district or education service district and whose assignment consists of and is limited to assisting a licensed teacher in accordance with rules established by the Teacher Standards and Practices Commission.

Calculating required instructional time should not be confused with determining whether a student is full-time or part-time for ADM accounting<sup>6</sup>. For additional information regarding record keeping and reporting procedures for online education, please see pages 113-114 of the [Cumulative Average Daily Membership Policy Manual 2021-22](#).

The rules regarding instructional time are defined in the Division 22 Standards for Public Elementary and Secondary Schools ([OAR 581-022-0102](#) and [OAR 581-022-2320](#)). The rules for instructional time apply to district-operated schools and programs and public charter schools per [ORS 338.115](#).

## 8. What does “direction and supervision” mean for instructional time requirements?

Students have a right to teachers who are content-area experts regardless of the method of delivery of the instruction. Districts and schools must carefully consider fulfilling the “direction and supervision” criteria of the instructional time rule and the definition of a teacher referenced in the following statute and rules.

- [OAR 581-023-0006](#):
  - A) “Teacher” means:
    - (i) An appropriately licensed staff member with the responsibilities of a teacher in OAR 584-036-0011 or with the responsibilities of teacher described in the definition of a teacher in [ORS 342.120](#); and
    - (ii) For purposes of private alternative education programs, an appropriately licensed or unlicensed staff member with the responsibilities of a teacher in OAR 584-036-0011 or with the responsibilities of teacher described in the definition of a teacher in [ORS 342.120](#).
  - (B) “Teacher” does not include an “Educational Assistant” as defined by [ORS 342.120](#) and [OAR 581-037-0005](#) or “Instructional Assistant” described in 584-036-0011.
- [ORS 342.120](#): “Teacher” includes all licensed employees in the public schools or employed by an education service district who have direct responsibility for instruction or coordination of educational programs and who are compensated for their services from public funds. “Teacher” does not include a school nurse as defined in [ORS 342.455](#) (Definition of “school nurse”) or an instructional assistant.
- [OAR 584-210-0020](#) which describes the Scope and Responsibilities of Teachers of Record wherein (1) A teacher of record performs one or more of the following tasks: plans instruction, establishes a classroom climate conducive to learning, implements

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<sup>6</sup> [Cumulative Average Daily Membership Policy Manual 2021-22](#) pp. 125-126

plans for instruction, evaluates student achievement, and appropriately directs instructional assistants.

Additionally, schools and districts should consider the following questions when designing for remote instruction, ensuring compliance with instructional time requirements, and honoring students' right to teachers with appropriate expertise:

Who has the appropriate content expertise to be responsible for:

- the quality of the curriculum to be assigned to students?
- the design and development of the instructional methods utilized in the delivery of the instruction?
- the delivery of the instruction, real time formative and summative assessment, and adjustment to the teaching plan?
- determining the appropriate type, timing, and evaluation of student assessments?
- determining specific instructional approaches best suited to individual student needs?

For additional clarity about what is required of teachers, see Division 22, Core Teaching Standards [581-022-2415](#).

**9. What does “access to a licensed or registered teacher” mean for the online instructional time requirements?**

For the purpose of required instructional time, access to a licensed or registered teacher refers to a teacher who is available to the student, not scheduled to provide instruction in a different course, participating in professional development, attending other meetings where the teacher cannot attend to the student, or otherwise not available. Additionally, while parents or guardians are often involved and available to assist their students with school, instructional time with a parent or guardian (or other “learning coach” who is not employed by the school or district as a teacher or educational assistant) does not count toward the school’s required instructional minutes.

**10. What are the licensure requirements for remote/online instruction?**

The licensure requirements for remote/online instruction are consistent with licensure requirements for schools across instructional models in accordance with [OAR 584-210-0020](#).

Public charter schools must employ teachers and administrators who have an active TSPC license or TSPC charter school registry ([ORS 338.135](#) and [OAR 584-210-0170](#)). Licensed and registered charter school personnel may be assigned outside the scope of the endorsements on the license or registration without limitation. In addition to the requirements for public charter

schools, virtual public charter schools must only employ TSPC licensed administrators and TSPC licensed teachers must teach at least 95% of the instructional hours in virtual public charter schools ([ORS 338.120](#)).

Any school or district that contracts with a third party education service provider should ensure the contract protects the school's or district's ability to meet all of the federal and state requirements for public education. This may include, but is not limited to:

- Appropriate teacher qualifications, licensure, training, and supervision;
- Access to data and information necessary for required reporting (e.g. third party teacher information);
- Authority to investigate and respond to complaints;
- Direction and oversight to ensure accessibility and appropriateness of content and instruction;
- Student and staff information protections (e.g. FERPA); and
- Any other provisions to ensure the district or school is compliant with federal and state laws.

Students have a right to teachers who are content-area experts regardless of the method of delivery of the instruction. If districts assign teachers to courses for which the teacher does not hold the appropriate content area endorsement, the district must weigh the risk of TSPC receiving a complaint regarding the improperly endorsed teacher or the teacher being reported as "Out of Field" on the district's accountability reports. This may lead to complaints or weakened public trust from families and the community if students are not being served well.

#### **11. Who is the teacher of record for remote/online instruction?**

The teacher of record is the educator responsible for students' learning for each subject area. This determination should be made by considering the licensure and instructional time requirements as described above.

#### **12. What are the attendance requirements for remote and online instructional models?**

As noted in the [Cumulative Average Daily Membership Policy Manual 2021-22](#), remote instructional models must take daily attendance<sup>7</sup>. Attendance should be demonstrated in a set 24-hour window that the school establishes and communicates to families prior to the school year. The 24-hour window is not required to be from 12:00 a.m. to 11:59 p.m. Attendance for all instructional models will be defined to include both participation in class activities and substantive interaction with a licensed or registered teacher during a school day or substantive

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<sup>7</sup> Remote instructional models include any instructional model where the student and the teacher are not in the same physical location for more than half of the student's instructional time.

interactions with educational assistants, paraprofessionals, and Tribal Attendance Promising Practices (TAPP) family advocates that support meaningful learning and/or attend to student mental health and wellbeing.

Substantive interactions can be evidenced by any of the following or reasonable equivalents:

- Active participation in a video class;
- A meaningful series of two-way communications between student and teacher via chat, text message, communication app or email;
- A sustained phone call between the teacher or educational assistants/paraprofessionals and the student, or, for younger students, with the parent or guardian of the student

Schools have a foundational responsibility to notify parents and families of their student's attendance. [ORS 339.071](#) remains in place in both in-person and distance learning/online instruction to inform parents and families if a student is unexpectedly absent (not pre-excused) by the end of the school day to verify safety of the student. Schools should design systems for both in-person and distance learning that allow the end of the school day to fall at a reasonable time for this notification.

The 10-day drop rule applies to the 2021-22 school year and schools and districts must use the active and inactive roll as required under [OAR 581-023-0006\(4\)](#). For virtual schools, there is a requirement to provide notice of a student's withdrawal to the sponsoring district. ([ORS 338.120\(1\)\(n\)](#)) Students who may be gone for more than 10-days and return to school should be easily reengaged and re-entered without a full re-enrollment process.

These policies will apply for the 2022-23 school year as required by the Cumulative Average Daily Membership (ADM) Policy Manual.

## Reporting and Institution IDs

### 13. What is the difference between an online "school" versus "program"?

From the perspective of a student or family, there may be very little difference between a school and a program. However, from a governance and data perspective, the difference has important implications.

Public schools are all assigned an institution ID by ODE. As a result of this institution ID, student enrollment and student scores on state tests and other indicators of the academic experience are collected and publicly reported at the school level (not combined with any other schools or educational settings). Programs, by contrast, generally do not have ODE-assigned institution IDs and therefore do not have public reporting regarding any aspect of their program or learning outcomes. Stated in another way, when there is an institution ID the state is able to connect enrollment and accountability data to the specific place where learning is occurring---the public

can see that the school enrolls a specific number of students and those students have specific academic outcomes. By contrast, when there is **not** an institution ID, as is the case with a program, data about students' educational experiences are combined with other educational settings (schools or the district<sup>8</sup>) and the specific outcomes of the specific program are not made publicly visible.

Some districts operate remote and virtual programs that fully integrate students into the local services offered by their neighborhood school while students participate in the remote or online instruction. Other district- or ESD-operated remote and online programs "feel" like unique schools and students participate in instructional activities with teachers and staff who are employed specifically for these programs. In this latter case, districts may even brand these programs as schools; however, the students are not technically enrolled in a school but rather enrolled in a program of the district and accounted for at the district level.

**14. Our district is considering how to best offer online options to students and families. Do we need to start a new school with a new Institution ID, or can we start a program within a current school?**

Online learning offerings can take the form of a district-run virtual school, a public charter school, an alternative school or program, or a district (or ESD)-run online program. The four structures are differentiated in how student data are reported in that:

- Remote and online alternative *schools*, charter *schools*, and district-operated *schools* are assigned an institution ID by ODE and student data are reported in all data collections for that school.
- Remote and online *programs* (alternative or not) do not receive an institution ID and students are reported in all data collections as either enrolled in the district (their "school" is the district, that is their "attending" ID), or at their neighborhood school.

While student data for an online program are captured within reporting for students' neighborhood school or district, this means an online program itself has no independent accountability at the state or federal level. Ultimately, it is a district decision whether to start a new online school or an online program within a current school or at the district level. The Department recommends that districts establish remote and online learning options as schools, with unique institution IDs, when a significant number of students will be enrolled and a majority of the students' educational experiences will take place with staff and structures dedicated to the remote or online model. This allows for the highest level of transparency to protect the public trust.

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<sup>8</sup> Typically, district- or ESD operated programs account for students at the neighborhood school ID or the district ID.

**15. How does the “Distance Learning Flag” in the cumulative ADM collections relate to remote instructional models?**

New for the 2021-22 school year, schools and districts are required to report whether individual students receive more than half of their instructional time in a remote instructional model. This designation is required by the American Rescue Plan (ARP) Act, which established the Elementary and Secondary School Emergency Relief (ESSER) fund. As part of the ESSER reporting requirements, ODE must periodically report disaggregated data on the number (and attendance) of students who are physically returning to school. Schools and districts will report this data using the “Distance Learning Flag” in cumulative ADM.

Please see the [Cumulative ADM Distance Learning Flag FAQ](#) for more information.

## **Instructional Materials**

**16. What are the instructional material requirements for multi-subject, digital instructional materials?**

Instructional materials used as the major instructional vehicle, or the substantial and ongoing component of instruction, for any content area on [Oregon’s Instructional Materials Adoption Cycle](#) must be approved by the Oregon State Board of Education **or** adopted by the district’s local school board through an [independent adoption](#) process. As outlined in [OAR 581-011-0087 Digital, Electronic, or Web-based Materials and Media](#), “Instructional Material may include digital content or software in a format such as electronic and internet or web-based materials or media...Contract, review, and evaluation process involving digital, electronic, or web-based materials and media shall be the same as print materials.”

When conducting an independent adoption, districts must provide their local school board with the information in sections 1 through 7 of [OAR 581-022-2350](#) to inform the local school board’s review and independent adoption of instructional materials. The information required is:

- (1) The subject, category, and grade level(s) in which the instructional materials will be used;
- (2) The title of the instructional materials;
- (3) The publisher of the instructional materials;
- (4) The copyright date of the instructional materials;
- (5) The date on which the district intends to install the instructional materials for use in the school system; and
- (6) A statement that a completed criteria checklist showing the degree to which the instructional materials meet the criteria established by the State Board of Education is

on file in the district office. (Criteria checklists for the specific subject/category are available from the Department of Education.)

(7) A statement of assurance that the independently adopted instructional materials will comply with the most current National Instructional Materials Accessibility Standard (NIMAS) specifications regarding accessible instructional materials.

If the digital instructional materials cover multiple subject areas, each subject must be evaluated separately using the corresponding [adoption criteria](#).

Schools and districts must take special consideration when adopting instructional materials for remote and online learning models to ensure they are culturally responsive and meet the requirements for accessibility. Additionally, many digital materials currently available allow for very limited modifications or teacher flexibility. Oftentimes these materials are not designed for an Oregon student audience and will include specific references to other state contexts that may not have relevance to students. These are important considerations when evaluating instructional materials. Please refer to [Digital Instructional Materials: Requirements and Recommendations](#).

The rules related to instructional materials adoptions do not apply to public charter schools. Therefore, each public charter school may establish their own criteria and rationale for selecting the instructional materials for their instructional program. ([ORS 338.115](#))

#### **17. Is there a list of ODE approved digital instructional materials?**

Oregon Department of Education's lists of approved instructional materials are organized by subject-area on ODE's [Adopted Instructional Materials webpage](#). Many of the approved materials are available in a digital format. At this time, ODE does not have a list of approved multi-subject, digital instructional materials. Programs that include multiple subjects require an independent adoption. In order to seek Board approval for future adoptions, publishers may opt to submit their subject-area specific programs for review on the [cycle](#) established by the State Board of Education.

Note that one of the ESSER III state set aside investments is intended to provide a future support to districts and schools in the selection and use of high-quality multi-subject digital instructional materials.

#### **18. Are there specific requirements for digital instructional materials?**

As outlined in [OAR 581-011-0087](#), "contract, review, and evaluation process involving digital, electronic, or web-based materials and media shall be the same as print materials." Additionally, all digital instructional materials, including those used to supplement basal instructional materials, should meet state and federal student data privacy and security regulations which

can be found in the [Digital Instructional Materials: Requirements and Recommendations](#) resource.

The rules related to instructional materials adoptions do not apply to public charter schools. Therefore, each public charter school may establish their own criteria and rationale for selecting the instructional materials for their instructional program. ([ORS 338.115](#))