

Pennsylvania Department of Education
Office of Elementary and Secondary Education

Penn*Link Message

Please forward to your Superintendent/CAO

To: All Public School Entity Superintendents/CAOs
Date: April 17, 2020
From: Matthew Stem, Deputy Secretary
Office of Elementary and Secondary Education
Re: Opening Flexible Instructional Day Application Process

Background and Eligibility

With the passage of Act 64 of 2019 (“Act 64”), section 1506 was added to the Pennsylvania Public School Code (“School Code”), 24 P.S. § 15-1506, enabling public school entities the opportunity to develop a Flexible Instructional Day (FID) program to meet the 180 instructional day requirement of section 1501 of the Pennsylvania Code, 24 P.S. § 15-1501. Act 64 defines public school entities as school districts, intermediate units, area vocational-technical schools, and charter schools or regional charter schools, as defined under section 1703-A.

While public school entities are expected to build make-up days into their local school calendars, FID programs can support the public school entities in cases when circumstances prevent the delivery of instruction in its customary manner or location for any of the following reasons: an epidemic, hazardous weather condition, law enforcement emergency, the inoperability of school buses or other equipment necessary to the public school entity’s operation, damage to a school building, or a temporary circumstance rendering any portion of a school building unfit or unsafe for use. If the public school entity chooses to implement a FID program, the number of FIDs instituted may not exceed five (5) days per school year.

A public school entity electing to participate must develop a local FID program that meets the assurances outlined in the application. The FID program must be approved by the public school entity’s governing body prior to acceptance by the Pennsylvania Department of Education (PDE).

Application Submission Options and Deadlines

PDE will be reopening the application window, starting April 15, 2020. Public schools have two options:

1. **Public school entities applying for a FID program for the 2019-2020 school year:** If a public school entity submits an application, inclusive of all required documentation on or before June 15, 2020, the public school entity may implement the proposed FID program for an unlimited number of days through the end of the 2019-2020 school year, as waived by Act 13 of 2020. The

proposed FID program application will then receive a complete review by PDE to determine completeness and acceptance of the application for implementation in the 2020-2021 and 2021-2022 school years. PDE will notify the public school entity as to whether its application meets the requirements of section 1506 of the School Code, 24 P.S. § 15-1506, and is therefore accepted, no later than Nov. 1, 2020. If the application is accepted for use related to the 2020-2021 and 2021-2022 school years, the public school entity is limited to five (5) FIDs for those years.

The following documentation is to be provided by June 15, 2020 if the school wishes to utilize a FID program for the 2019-2020 school year: a completed application, including the uploading of exemplars; electronic signature page; and a letter of commitment of intent to adopt a FID program signed by the public school entity's Board President and Superintendent/CAO. Additionally, approved Board minutes, evidencing the board resolution approving the FID application must be submitted no later than Sept. 1, 2020.

- 2. Public school entities applying for a FID program beginning in the 2020-2021 school year:** Applications and all required documentation must be submitted by Sept. 1, 2020. PDE will notify the public school entity whether its application meets the requirements of section 1506 of the School Code, 24 P.S. § 15-1506, and is therefore accepted, no later than Nov. 1, 2020. If accepted, the public school entity may implement a FID program for the 2020-2021 school year and two subsequent years. A FID program cannot be instituted during the 2020-2021 school year, or in subsequent school years, prior to PDE accepting the public school entity's FID program application.

If accepted by PDE, the FID program is in place for a three-year period and may be renewed thereafter.

[Annual Survey](#)

Pursuant to section 1506 of the Pennsylvania Public School Code, 24 P.S. § 15-1506, PDE shall conduct an annual study on the efficacy of FIDs. A survey will be sent on or before April 30 of each year to each public school entity with an accepted application. Each public school entity shall return the survey to PDE by June 30 of the same year. PDE will use the survey results to track FID usage, gauge overall effectiveness, and gather insights on implementation.

[Other Resources](#)

For additional information, including the FID program application, guidance document and law, contact the PDE School Services Office at ra-fid@pa.gov.

For instructions on how public school entities access the SharePoint Site, click on the following link:

[Flexible Instructional Day Program Webpage](#)

[Accessing the FID SharePoint Site](#)