Guidance on Amendments to Student Learning Time Regulations

December 18, 2020

Summary of new requirements

At the meeting of the Board of Elementary and Secondary Education (Board) on December 15, 2020, the Board adopted additional amendments to the Student Learning Time (SLT) regulations, 603 CMR 27.00, on an emergency basis. The amendments establish minimum levels for live instruction and synchronous instruction that districts operating hybrid and remote learning models must provide. The amendments include the following standards, effective January 19, 2021:

- Districts and schools operating a hybrid learning model must provide students with access to at least 35 hours of "live instruction" over a 10-school day period, averaged across the grades in the hybrid model (excluding pre-kindergarten and kindergarten). Live instruction means the combination of in-person and remote synchronous instruction.
- Students must have an opportunity to interact with educators each school day, including a required daily "live" check-in between students and educators.
- Districts and schools operating a remote learning model must provide students with access to synchronous instruction each school day; and
- Districts and schools operating a remote learning model must provide students with access to at least 40 hours of synchronous instruction over a 10-school day period, averaged across the grades in the remote model (excluding pre-kindergarten and kindergarten).

Synchronous learning, also referred to as synchronous instruction, is defined in the regulations as "learning that is directed by a teacher and that happens in real time with other students, such as during live, whole-class instruction, and small group work." Below are a few examples of what does and does not count:

- Counts as synchronous instruction:
  - Live online classes that the teacher leads for the whole class, which may include breakout rooms for students to complete tasks and activities with access to the teacher.
  - Livestreaming of in-person instruction accessed by remote students.

    - Small group instruction while students are learning remotely. In this model, a teacher is present online with their class, working with small groups of students in turn while the remaining students engage in independent or small group work. Students should be able to signal to the teacher that they need support.
- Does not count as synchronous instruction:
    - "Office hours" or other optional check-in opportunities for students to contact or connect with teachers, where not all students are required to be present.

As a reminder, regulations are legally binding. Any district that does not comply with the regulations or receive a waiver by January 19, 2021 will be required to make up any structured learning time missed due to non-compliance by the end of the school year.

Background and rationale

In June 2020, the Board adopted initial amendments to the SLT regulations on an emergency basis, and in September 2020, the Board voted on final adoption of the amendments. Among other provisions, these regulations required districts to create fall reopening plans for three models – remote, hybrid, and in-person – while prioritizing safe in-person instruction whenever possible. For the remote and hybrid models, the regulations did not set any requirements on the amount of instruction that should be synchronous as compared to asynchronous.

Over the fall, there has been a distressing increase in the mental health challenges our students are facing. In an October 2020 report, the Centers for Disease Control (CDC) noted an increase in the proportion of child emergency department visits for mental health-related reasons, which has remained elevated through the fall. The report states that: "Compared with 2019, the proportion of mental health–related visits for children aged 5–11 and 12–17 years increased approximately 24% and 31%, respectively." (https://www.cdc.gov/mmwr/volumes/69/wr/mm6945a3.htm)

Feelings of isolation and disconnection among our students are a contributing cause to this growing mental health crisis, the effects of which may persist for years. A literature review in the *Journal of the American Academy of Child and Adolescent Psychiatry* on the impact of loneliness and isolation on mental health found that: "social isolation and loneliness increased the risk of depression, and possibly anxiety at the time at which loneliness was measured.…" (https://pubmed.ncbi.nlm.nih.gov/32504808/)

One way to prevent the isolation and disconnection that many students are feeling is frequent connections and interactions with teachers and peers. Such interactions are embedded in "live" instructional methods, including in both in-person and remote synchronous learning modalities. Asynchronous learning, by contrast, does not typically feature direct, live interaction between

educators and students or students with their peers. As of early fall, data collected by the Department of Elementary and Secondary Education (DESE) indicate variability across the Commonwealth in the amount of live instruction that districts are providing to students.[1]

To help mitigate the significant mental health challenges facing our students, DESE is taking a multi-pronged approach. This has included issuing guidance, providing professional learning, and offering grant opportunities to help address students' mental health needs. Another important component of this approach is DESE's existing Comprehensive Health Curriculum Framework which includes a strand specific to social emotional learning. Districts are encouraged to continue to use this framework. In addition, through the newly amended regulations outlined above, DESE is requiring minimum standards for live instruction (which includes in-person and synchronous remote learning) in districts and schools using remote or hybrid models.

In amending the student learning time requirements, DESE continues to adapt its guidance and requirements based on new information to best meet the needs of children.

Overview of this guidance document

This document provides guidelines for districts in interpreting and implementing these regulations, in four parts:

- **Part I** addresses key considerations in interpreting the amended SLT regulations.
- **Part II** outlines strategies for increasing synchronous learning time to meet the new regulations.
- **Part III** provides additional specific guidance for implementing the regulations in early elementary grades.
- **Part IV** addresses the waiver process that is available to districts and schools seeking special consideration for their individual school models that may not meet the new regulations.

Part I: Key considerations in interpreting the amended SLT regulations

Requirements apply to all grades 1-12 within a district or school. Please note that the minimum standards for live instruction in hybrid models and synchronous instruction in remote models apply to grades 1-12 and are not required for pre-kindergarten or kindergarten grades.

The preliminary "clearance" notification that DESE provided to each district was based solely on data for grades 1, 4, 7, and 10 submitted in response to DESE's early November survey. As of January 19, 2021, districts and schools are responsible for adherence to these minimum standards

across *all grades 1-12*, as these are the grade spans for which full-day learning time programs are required. Districts and schools may choose to implement the new standards in pre-kindergarten or kindergarten grades as determined locally, but they are not required to do so, and these hours will not factor into the district or school average of live or synchronous instruction.

Daily interaction requirement in hybrid and fully remote models. In both hybrid and remote models, districts and schools must provide interactions each school day between educators and students. This interaction may be instructional or non-instructional but must take place "live" (i.e., over video or telephone) for all students.

Daily synchronous instruction for fully remote models. In remote models, districts and schools must provide synchronous instruction each school day.

Requirements apply to the predominant learning model that the district or school is offering for each grade level. For example, if a district is providing in-person instruction or a hybrid learning model for most students, and some families have chosen a fully remote learning model for their children, the district is encouraged but not required to provide 40 hours of synchronous instruction over 10 school days for those students.

Districts and schools are responsible for meeting requirements when changing learning models during the year. Whenever a district or school shifts between learning models (e.g., from remote to hybrid in one or more grades, or vice versa), the district or school must follow the SLT requirements for the new model. For instance, a district may be currently operating a remote model in grades 1-12, and currently meeting an average of at least 40 hours of synchronous instruction over 10 school days in this model. If the district later decides to adopt a hybrid model in grades 1-12, the district will need to provide an average of at least 35 hours of live instruction in this new model.

Requirements deliberately provide flexibility to vary minimum live hours across the grade levels. The standards are based on an average across all the grades within a learning model, over a two-week period. In other words, if a district is fully remote, it needs to meet an average of 40 hours over two weeks across all grades 1-12.

We deliberately recommended an average across the grades because we recognize that virtual instructional time for younger children must be developmentally appropriate. Using an average across grade levels (excluding pre-kindergarten and kindergarten) allows flexibility for districts to set, for example, higher amounts of synchronous learning time at the high school level, and lower amounts at the elementary level. Although in-person learning is important for all students, DESE continues to recommend that districts and schools prioritize elementary students for

in-person, full-time school to most effectively address the developmental learning needs of younger students.

Flexibilities for students in remote learning enrichment centers. Remote learning enrichment centers may include students who attend many different schools and span across multiple grade levels, all with unique remote learning schedules. As such, flexibility is required. Districts and schools should grant scheduling flexibilities to remote learning enrichment centers at their discretion and do not need to account for these differences in meeting structured learning time requirements.

A second SLT data collection will take place in early 2021. Districts and schools will be required to update their student learning time survey responses if their schedules have changed between November and January. DESE will re-issue the SLT survey and ask districts to submit their two-week schedules for the weeks of January 25 – February 5. This data collection window will open in early February and close on February 12, 2021.

Part II: Strategies to increase synchronous learning time in hybrid and remote settings

Schools and districts that are moving to increase live and synchronous instructional hours may find it helpful to consider strategies that others have successfully implemented. Some strategies may require more resources to implement than others. Depending on the circumstances of a particular district or school, it may make sense to implement a strategy system-wide or target strategies to specific grade levels and/or subject areas, as needed. For further support, please email SLTsupport@mass.gov.

Six shifts to increase synchronous learning time

1. **Repurpose asynchronous learning time.** Assign teachers or other staff to facilitate instruction during periods that are currently designated for independent (asynchronous) learning.[2] This time could be reallocated from a fully asynchronous day (e.g., Wednesday in many systems) or asynchronous periods on an otherwise teacher-supported day. Depending on how staff are currently assigned, this may require re-assigning some staff from other responsibilities, or using student teachers to support instruction.

2. **Trade some planning time for learning time.** Most hybrid and remote models include significant increases in planning time. Extended planning time was beneficial at the start of the year when districts and schools were working to establish new health and safety requirements and adjust to a remote learning environment. However, fewer weekly planning hours may be needed at this point in the school year. Consider repurposing a

portion of planning time for synchronous learning, while sustaining significant collaborative planning time blocks for educators, such as 90 minutes each week.

3. **Extend the length of certain classes based on student needs.** With several months of experience in remote instruction, many educators may be prepared to teach longer class periods. Wherever possible, leaders should target increases in instructional time to match student needs. For example, a school where students are falling behind in literacy might target additional time for reading instruction.

4. **Increase remote group size.** Remote “classrooms" have no physical limitations on group size, except for student/teacher ratios associated with special education requirements. Therefore, leaders could re-assign some students from asynchronous periods to existing synchronous remote periods. Older students could also be re-grouped into larger remote classes, creating opportunities to add more synchronous class periods. In either case, consider use of additional staff as highlighted in Recommendation #6.

5. **Utilize simultaneous instruction (livestreaming).** In many hybrid models, teachers provide live instruction to in-person students while remote students learn independently. Switching to simultaneous, or livestreamed, instruction allows the teacher to reach all students at the same time while increasing the amount of synchronous learning time for remote students. As highlighted in Recommendation #6, student teachers or aides may provide additional support in this model.

6. **Assign new or existing staff members to lead additional synchronous learning periods.** In addition to pre-existing flexibilities, DESE has authorized new flexibilities with staff assignments for 2020-21. Below are examples of staffing moves schools and districts can consider:

    - **Assign student teachers** to lead small-group instruction and/or tutor struggling students.
    - **Pair in-field and out-of-field educators as co-teachers**. Co-teachers are considered “in-field” as long as the other co-teacher is appropriately licensed.
    - **Re-assign non-teaching staff,** including aides, librarians, interventionists, assistant principals, and others, to support instruction. Certified educators are eligible to teach out-of-field up to 50% of the time this year.
    - **Bring back retired teachers.** The retiree income cap has been lifted for this school year.
    - **Hire bachelor’s degree-holders as long-term substitutes** for the school year.

By taking advantage of these flexibilities, district and school leaders can smooth the path to increasing synchronous instructional time. Read more about flexible staffing models here. Districts should continue to provide as much staffing consistency as possible, to enable the development of close, stable relationships.

Supporting all educators through the transition

More time translates to more learning with sustained, high-quality instruction and student support. Below are some strategies leaders can employ to make the transition to increased synchronous learning time more sustainable.

- **Assign a second adult to certain classes.** This person, who could be an educator or other staff member, can support small-group work, monitor a live chat, reach out to disengaged students, and troubleshoot technology issues. The new staffing flexibilities outlined above offer multiple options.

- **Encourage horizontal alignment across teachers.** Effective collaboration can reduce the workload of individual teachers by preventing duplication of effort and allowing for strategic reuse of content and materials. By taking a divide-and-conquer approach to tasks, educators can make the most of both planning and instructional time.

- **Strengthen collaboration with remote learning programs**. To help teachers manage and support their remote learners, schools and districts should be proactive in engaging with remote learning programs to promote consistent and effective communication and coordination.

Part III: Implementing the SLT regulations in early elementary grades

This section provides further information and examples for ensuring adherence to the regulations in early elementary grades (grades 1-3) while also applying a developmental lens to instruction to meet the needs of our youngest learners. Please note that instructional hours for kindergarten and pre-kindergarten grades will not factor into the district or school average of live or synchronous instruction.

Further detailed guidance and recommendations for effective practice and operating models will be provided by DESE and the Department of Early Education and Care in the coming weeks.

Recall that synchronous learning is defined as “learning that is directed by a teacher and that happens in real time with other students, such as during live, whole-class instruction, and small

group work." In an early elementary classroom, this could take many different forms that should be developmentally appropriate. Examples are described below:

- A teacher begins the day with all students in a virtual classroom where the morning meeting takes place followed by an English Language Arts (ELA) lesson. Following the lesson, the teacher provides students with a project or hands-on learning activity to complete over the next 30 minutes related to the ELA lesson. Students do not need to remain on screen as they complete the assignment, but the teacher remains live in the virtual meeting to provide students with support to complete the activity, as needed, and to check in with individuals or small groups of students. Following the 30 minutes, children then return to their computers to share their completed work and talk about the process with their teacher and peers.

- As most students are working on a math assignment or activity off-screen, the teacher could be meeting with a small group of students on a particular lesson. Students in the small group meet with the teacher for 20 minutes and then transition to work on their project while another group of students connect back into their virtual classroom to engage with the teacher in the next small group session. This rotation can happen across the course of the day and across projects so that the teacher is able to meet with different groups of students in smaller settings to work on specific skills and concepts while the rest of the class works on an assignment off-screen. In this example, the teacher remains on screen so students not in the small group can briefly check back in for support.

- Students are provided opportunities throughout the course of the day in breakout rooms to work cooperatively on different assignments while the teacher moves in and out of the different breakout rooms to provide support, as needed. This format provides students the opportunity to connect socially as well as to work cooperatively on assignments and support each other's learning.

Whether in in-person or remote learning environments, it is important to consider the developmental needs of younger students when designing appropriate instructional strategies. Students should have access to standards-aligned instruction, including assignments that are hands-on, playful, and project-based. Particularly for young students, sustained engagement in remote learning must also be premised on the ability of educators to respond to students' social-emotional as well as academic needs.

Part IV: Waiver process for districts and schools requesting special consideration

The recent student learning time amendments also include that upon the written request of a school or district leader, the Commissioner may, in his discretion, grant a waiver of the live instruction and synchronous instruction requirements.

Waiver requests will be considered based on the following circumstances:

1. **High level of student engagement in asynchronous instruction**: Districts and schools that demonstrate, with evidence, that the asynchronous instruction provided yields a level of student engagement that is comparable to live or synchronous instruction; or

2. **Alternative education:** Districts and schools serving students through an alternative education[3] program or school that cannot, due to the structure of their program, meet the new standard; or

3. **Operational constraints in a hybrid learning model**: Districts and schools that demonstrate, with evidence, that specific operational constraints impose an insurmountable barrier to meeting the new standard; or

4. **Synchronous methods are reaching a meaningful number of students during scheduled asynchronous time, even if these methods do not reach all students:** Districts and schools that demonstrate that a meaningful number of students – even if not all students – have access to livestreaming, small group instruction, or other synchronous learning time during scheduled asynchronous time; or

5. **Family satisfaction:** Districts and schools that demonstrate, with evidence, that surveys indicate strong parental/guardian satisfaction with the current model and parents indicate that students are highly engaged.

Any request for a waiver should be addressed from the district or school leader (e.g., superintendent or executive director) to the Commissioner and submitted by email to SLTsupport@mass.gov. We encourage districts and schools to submit waivers as soon as possible to receive a timely response from DESE. **The Department will respond by close of business on January 12, 2021 to waivers received by 5pm on January 7, 2021 or sooner**.

The request must include the following information:

- Identification of the district or school(s) requesting the modification;
- Description of the specific requested modification, including a calculation of the proposed change in student learning time; and

- Rationale for the modification, including a full description of the circumstances justifying the request.

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[1] In early November 2020, DESE gathered information on the number of hours students spend learning over the course of 10 school days. In particular, districts were asked to provide information about the number of hours they provide to students during in-person instruction, remote synchronous instruction, and asynchronous instruction. DESE collected this information from all school districts for all students in grades 1, 4, 7, and 10.

[2] Independent learning for purposes of calculating structured learning time does not include study halls or homework.

[3] More information about alternative education can be found here: https://www.doe.mass.edu/alted/