Summary of Public Comments on Proposed Amendments to Student Learning Time Regulations 603 CMR 27.00\*[[1]](#footnote-1)

| **Summary of Public Comment** | | |
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| **Current Language** | **Proposed Change** | **Department’s Response** |
| **603 CMR 27.01 Authority, Scope and Purpose** | | |
| (1) 603 CMR 27.00 is promulgated by the Board of Elementary and Secondary Education pursuant to M.G.L. c. 69, section 1G, ~~as amended by St. 1993, c. 71, section 29,~~ which requires the Board to establish the minimum length for a school day and the minimum number of days in a school year for Massachusetts public schools, and M.G.L. c. 69, section 1B, which requires the Board to establish standards to ensure that every student shall attend classes in a safe environment.  (2) The purposes of 603 CMR 27.00 ~~is~~ are:  a. to ensure that every public school in the Commonwealth provides its students with the structured learning time needed to enable the students to achieve competency in "core subjects" and "other subjects" as defined in 603 CMR 27.02; and  b. to establish health and safety standards for schools during a declared state of emergency or other exigent circumstances that adversely affect the safe environment of schools as determined by the Board. | Change the word “attend” to “access” because “access” connotes that the child can engage in their education whether it is provided in person or on a remote basis. (SPaN)  Provide greater definition to the phrase “other exigent circumstances” because it is too vague and could subjectively be applied causing unintended inequities or inadvertent discrimination. (SPaN) | No change. The language in the regulation is consistent with the language in G.L. c. 69, section 1B.    No change. The current phrase provides the Board with necessary flexibility. In addition, any action the Board takes pursuant to this provision would be as a result of a Board vote taken in open session and subject to public comment. |
| **603 CMR 27.02: Definitions** | | |
| **Remote learning** shall mean learning that happens outside of the traditional classroom because the student and teacher are separated by distance. Remote learning may be synchronous or asynchronous. Remote learning may include but is not limited to online learning. | Add definitions for “Asynchronous” and “Synchronous.” (SPaN)  Additional terms should be created to define new scenarios, including where the student is in the same physical building as the teacher or related service provider but is receiving live instruction via technology rather than in person from the teacher or the related service provider, or when all parties are in the same building, but the instruction received is not live, but pre-packaged. (SPaN)  Modify the definition of remote learning to clarify that students must have regular and consistent opportunities to access live instruction, teacher feedback, and interactions with teachers and peers. The definition currently provided in the emergency regulations would allow districts to provide only asynchronous remote learning. (MAC)  The regulation should be revised to communicate the importance of synchronous instruction as an element of remote learning. (PI) | The Department added definitions for asynchronous and synchronous learning.  No change because additional regulatory definitions are not needed.  The Department modified the definition of remote learning by adding the underlined phrase: “Remote learning may be synchronous or asynchronous provided that students have opportunities to interact regularly with teachers, such as through feedback, office hours, and other individual interactions.” The Department has previously addressed in guidance the importance of providing consistent opportunities for students to access live, synchronous instruction.  The Department modified the definition of remote learning by adding the underlined phrase: “Remote learning may be synchronous or asynchronous provided that students have opportunities to interact regularly with teachers, such as through feedback, office hours, and other individual interactions.” The Department has previously addressed in guidance the importance of providing consistent opportunities for students to access live, synchronous instruction. |
| **Structured learning time** shall mean time during which students are engaged in regularly scheduled instruction, learning activities, or learning assessments within the curriculum for study of the "core subjects" and "other subjects." In addition to classroom time where both teachers and students are present, structured learning time may include directed study, independent study, technology-assisted learning, presentations by persons other than teachers, school-to-work programs, and statewide student performance assessments. Remote learning may constitute structured learning time if a district’s remote learning model is consistent with the requirements of 603 CMR 27.08(3)(c). | Add a requirement that all asynchronous activities be associated with live instruction. (SPaN) | The Department addressed this concern when it modified the definition of remote learning by adding the underlined phrase: “Remote learning may be synchronous or asynchronous provided that students have opportunities to interact regularly with teachers, such as through feedback, office hours, and other individual interactions.” The Department has previously addressed in guidance the importance of providing consistent opportunities for students to access live, synchronous instruction. |
| **603 CMR 27.06: Waivers or Modifications** | | |
| (3) Upon a declaration by the Governor that an emergency exists which is detrimental to the public health, or upon a determination by the Board that exigent circumstances exist that adversely affect the ability of students to attend classes in a safe environment unless additional health and safety measures are put in place, the Commissioner may modify the minimum school year and structured learning time requirements set forth in 603 CMR 27.03 and 603 CMR 27.04. | Change the word “attend” to “access” because “access” connotes that the child can engage in their education whether it is provided in person or on a remote basis. (SPaN)  Add language to ensure one-year’s worth of grade-level curriculum is achieved in the same academic year. (SPaN)  Allow the Commissioner to increase the minimum school year and learning time. (SPaN) | No change. The language in the regulation is consistent with the language in G.L. c. 69, section 1B.  No change. There is no statutory basis for this proposed curriculum requirement.  No change. |
| **603 CMR 27.08: Health and Safety Standards during a State of Emergency or Other Exigent Circumstances** | | |
| (1) Upon a declaration by the Governor that an emergency exists which is detrimental to the public health, or upon a determination by the Board that exigent circumstances exist that adversely affect the ability of students to attend classes in a safe environment unless additional health and safety measures are put in place, the Commissioner, in consultation with medical experts and state health officials, shall issue health and safety requirements and related guidance for districts. | Change the word “attend” to “access” connotes that the child can engage in their education whether it is provided in person or on a remote basis. (SPaN)  Add a requirement that the Commissioner’s consultation partners include “equity and disability service organizations.” (SPaN)  Add a requirement that each district have a disaster and contingency response and implementation plan at the ready developed with the Special Education Parent Advisory Council. (SPaN)  Add a provision that the Commissioner will provide metrics for districts to follow, and will develop a model plan. (Klaes) | No change. The language in the regulation is consistent with the language in G.L. c. 69, section 1B.  No change. The Commissioner and the Department consult with a wide range of advocacy organizations when preparing guidance for districts.  No change. State law already requires schools and districts to have multi-hazard emergency plans. The Department has posted resources at <http://www.doe.mass.edu/sfs/emergencyplan/resources.html?section=topic>.  No change. For the plans to be effective, they are best developed at the district level. |
| **27.08: Health and Safety Standards during a State of Emergency or Other Exigent Circumstances**  (2) Upon such a declaration by the Governor or determination by the Board, the Commissioner shall require each district to develop and submit a plan that prioritizes providing in-person instruction to all students in a safe environment | Add that plans must include a requirement that districts provide training to parents and students on the tools and technology necessary for remote learning; and that meeting the needs of homeless and housing insecure students is a required element of all plans. (SPaN)  Add a new section that in the event that districts and local unions have to negotiate contracts as a result of the emergency and the parties are unable to submit an agreed upon plan on or before the deadline, then the Commissioner’s model plan will be implemented in the district. (Klaes) | No change. The Department has previously addressed in guidance the importance of providing training to parents and students, and the need for districts to address concerns relating to students who are homeless.  No change. For the plans to be effective, they are best developed at the district level. |
| **27.08: Health and Safety Standards during a State of Emergency or Other Exigent Circumstances**  (3) Alternative education models shall include the following:  (b) Remote learning. Remote learning means all students participate in remote learning. Remote learning models shall include the following requirements:  (1) procedures for all students to participate in remote learning, including a system for tracking attendance and participation; | The remote learning models should require procedures and systems to meet the needs of students with disabilities and students who are English learners. (MAC, SPaN, MASER, CLC)  The remote learning models should include a provision that prevents a student from being identified as habitually truant if the student is absent from remote learning due to barriers related to disability, technology, primary language or illness. (MAC, SPaN, MASER, CLC)  Regulation should include more specific requirements for tracking attendance. (PI) | No change. State and federal law already require districts to have procedures and systems to meet the educational needs of students with disabilities and English learners, and the Department’s guidance has directly addressed these issues.  No change. The Department does not have authority to regulate this area. The term “habitually truant” is defined by statute (G.L. c. 119, s. 21), which is overseen by the Department of Children and Families.  No change. The Department has previously provided direction to districts regarding tracking attendance. |
| (b) Remote learning. Remote learning means all students participate in remote learning. Remote learning models shall include the following requirements:  (2) remote academic work shall be aligned to state standards;  (b) Remote learning.  Remote learning means all students participate in remote learning.  Remote learning models shall include the following requirements:  (3) a policy for issuing grades for students’ remote academic work; and  (b) Remote learning. Remote learning means all students participate in remote learning. Remote learning models shall include the following requirements:  (2) remote academic work shall be aligned to state standards; | Include a requirement that remote academic work be aligned to the Massachusetts Curriculum Frameworks and other applicable standards; shall advance the curriculum to the same extent as in-person education; and, also to the same extent as in-person education, shall prepare students for Massachusetts Comprehensive Assessment System testing. (PI)  Add a provision that a remote learning model must include “a policy for issuing grades for students’ remote academic work that is based upon that district’s performance criteria for the 2020-21 academic year; that is consistent across each type of learning model; and that contains exemptions, as well as appropriate support for accelerating learning, for students in extreme circumstances.” (PI) | No change. The Department has previously addressed in guidance that all students—whether learning in-person or remotely—must have access to grade-level instruction in all content areas included in the Massachusetts curriculum frameworks.  No change.  The Department has previously addressed in guidance the importance of having grading system that is consistent across each type of learning model, and that includes appropriate exemptions.    Check with Commissioner  Check with Commissioner, but language is better suited for guidance than regs  No change. |
| 3) Alternative education models shall include the following:  (b) Remote learning. Remote learning means all students participate in remote learning. Remote learning models shall include the following requirements:  (4) teachers and administrators shall regularly communicate with students’ parents and guardians, including providing interpretation and translation services to limited English proficient parents and guardians. | Include a requirement for regular two-way communication to ensure meaningful parent engagement. (MAC)  Add that teachers and administrators shall regularly communicate with students, as well as parents and guardians. (PI) | No change. The Department has previously addressed in guidance the importance of regular two-way communication between schools and parents.  The Department added communication with students to 603 CMR 28.08(3)(b)(4). |
| **Proposed new sections** | | |
|  | Add a new section that a model plan issued by the Commissioner shall apply when plans submitted by districts do not comply with regulations. (Klaes)  Add a new section that if remote learning is required, then time on learning shall include as much synchronous learning as possible with a minimum of three hours of synchronous learning each school day. (Klaes)  Add a new section that if a district’s plan is fully remote without any in-person instruction, and the model is not consistent with the health metrics, then the parents/guardians of students may apply for and receive funds to cover the cost of supplemental education, materials and tutoring (Klaes)  Clarify that the Department must approve any plan submitted by a District. (PI) | No change. For the plans to be effective, they are best developed at the district level.  The Department addressed this concern when it modified the definition of remote learning by adding the underlined phrase to include that students have opportunities to interact regularly with teachers, such as through feedback, office hours, and other individual interactions.  No change. This provision would go beyond the scope of the student learning time regulations.  No change. Districts submit their plans for in-person, hybrid and remote learning to the Department for review, and the plans are public records. The only plans that require approval from the Department are district plans based on a different model than those set forth in the regulations. |

**List of organizations and individuals submitting public comment:**

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| **Organizations** | **Individuals** | |
| * Children’s Law Center of Massachusetts (CLC) * Massachusetts Advocates for Children (MAC) * Massachusetts Attorneys for Special Education Rights (MASER) * Pioneer Institute (PI) * Special Needs Advocacy Network, Inc. (SPaN) | * Mary Klaes |  |

1. \* In this chart, the Department of Elementary and Secondary Education (Department) summarized public comments received to the extent they relate to the amendments to the Student Learning Time regulations adopted by the Board of Elementary and Secondary Education (Board) on June 30, 2020. The Department also received public comments on the original provisions of the Student Learning Time regulations, which are not included in this chart. The Board has received copies of all public comments in their entirety that were submitted to the Department. [↑](#footnote-ref-1)