Summary of Public Comments on Amendments to Student Learning Time Regulations 603 CMR 27.00

February 2021

The Massachusetts Department of Elementary and Secondary Education (Department) solicited public comment on amendments to the state’s student learning time regulations from December 16, 2020 to January 29, 2021. The Department received correspondence from organizations and individuals, including parents, students, and educators. A list of individuals and organizations who submitted comments is included at the end of this document.[[1]](#footnote-2)

This summary is organized in two parts. The first part summarizes general themes in the comments. The second part summarizes and responds to comments that propose additional changes to the regulations.

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| **General comments** |
| The additional synchronous learning during remote days has provided students with increased academic time, increased interactions with teachers, and enhanced structure. (Bolduc)  There is a growing national consensus that live and synchronous instruction is necessary to prevent learning loss. The state’s intervention via these regulations will reduce learning loss and bolster students’ social and emotional wellbeing. (MBAE)  Live streaming has resulted in additional class time. (Lichtenstein)  The Department should require districts to provide in-person learning. (Theodorou, Lichenstein, Arthur)  The Department should be advocating for better mental health supports and ensuring that the foundation budget is funded at a level to meet the needs of students. (O’Connell Novick)  The amendments represent a bureaucratic response to an urgent problem. (MTA, Albright)  The Department should require districts to operate under a fully remote model. It is the only viable option for protecting teachers’ health. (Yannetty)  The regulations should clearly state the number of required hours per grade rather than an average. (Barstow) |
| **Health concerns** |
| Requiring additional synchronous time leads to an increase in screen time which is not beneficial to students’ mental health. (Haynes, Student 2, Reynolds, Student 3, Student 6, MSAA, Toubman, Gonzalez, Ball, Callahan, Garrity, Student Voices, Berg Powers, Student 1, Student 4)  The students and/or teachers are under a great deal of stress and pressure. (Gumas, Student 6, Vitale, MSAA, Student Voices, Student 1, Student 2, Student 3, Student 4, Student 5) The amendments will foster teacher burnout. (Caprio) Concerned about students regressing. (Hultquist) |
| **Instructional challenges/Quality of synchronous instruction** |
| It is challenging for teachers to simultaneously teach in-person and remote students via livestream. It results in fewer interactions with both groups, decreased quality of instruction, increased number of technology interruptions, and decreased student engagement. (Vitale, Gonzalez, Wilson, Caprio, Reynolds, P. Harvey, MSAA, Gumas, Higger, Callahan)  Additional hours spent on-screen does not necessarily equate to increased engagement, learning, or improved mental health. (Alrbight, Toubman, MSAA, Callahan, Garrity, O’Connell Novick, MTA, Berg Powers, Theodorou)  Districts need to sacrifice robust asynchronous time in order to meet new regulations. The added synchronous time is not as high-quality as the asynchronous time. (Toubman, Reynolds, Student Voices) To promote better remote learning, provide better support for asynchronous learning time. (Ball)  Due to inequitable access to technology, synchronous learning and live interaction requirements exacerbates educational inequity (Donovan, Sandock, P. Harvey, Reynolds, Harms, Johnson, Heath, Ropiak, Peterson, Kamataris)  Districts are seeing an increase in the number of families choosing remote learning because there is no need to come to school when you can get the same experience at home. (MSAA) |
| **Timeline/Process** |
| Districts put significant preparation and funding into reopening plans at the beginning of the school year, and now need to change mid-year. The changes are costly, and cause stressful disruption for staff, students, and families (Berg Powers, Wilson, Richardson, Harms, Donovan, Sandock, P. Harvey, Gumas, Johnson, E. Harvey, Heath, Ropiak, Peterson, Shiebler, Kamataris, MSAA, Segall, MTA, Student 5, Student Voices)  Amendments negate many collective bargaining agreements. (MSAA)  Passage of regulations did not include consultation with the field (O’Connell Novick) |

| **Summary of Public Comment –Proposed Changes to Regulatory Language** | | |
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| **Current Language** | **Proposed Change** | **Department’s Response** |
| **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 include synchronous or asynchronous components, provided that students have opportunities to interact on each school day with teachers, such as through feedback, office hours, and other regularly scheduled individual student interactions. Remote learning may include but is not limited to online learning. | Add the following new definition of “Hybrid learning model”: Hybrid learning model shall mean students alternate  between in-person learning with safety requirements and remote learning. A grade level within a school will be  considered as using a hybrid learning model if all students have the choice to attend school in person some of the  Time. (CLE)  **Remote learning** shall mean learning that happens outside of the traditional classroom because the student and teacher are separated by distance. Remote learning may include synchronous or asynchronous components, provided that students **receive at least the amount of live instruction required by 603 CMR 27.08 and that students** have opportunities to interact on each school day with teachers, such as through feedback, office hours, and other regularly scheduled individual student interactions. Remote learning may include but is not limited to online learning. (MAC, CLE, Autism Connections)  Add the following new definition of “Remote Learning Model” Remote learning model shall mean students are educated  remotely. A grade level within a school will be considered as using a remote learning model if all students do not  have the choice to attend school in person some of the time.’” (CLE) | No change. The first sentence in the proposed definition is provided in 603 CMR 27.08 (3)(a). The information in the second sentence is addressed in Department guidance.  No change**.** The requirement for “live instruction” relates to the hybrid learning model, not the remote learning model. In addition, the definition of structured learning time includes that remote learning may constitute structured learning time if the district’s model is consistent with the requirements of 603 CMR 27.08.  No change. The first sentence in the proposed definition is provided in 603 CMR 27.08 (3)(b). The information in the second sentence is addressed in Department guidance. |
| **603 CMR 27.08: Health and Safety Standards during a State of Emergency or Other Exigent Circumstances** | | |
| (3)(a) Hybrid learning model. Hybrid learning model means students alternate between in-person learning with safety requirements and remote learning. Hybrid learning models shall include the following requirements:  (1) Effective January 19, 2021, districts and schools operating a hybrid learning model shall provide at least 35 hours of live instruction over a 10-school day period, averaged across the grades in the hybrid learning model. | (3)(a) Hybrid learning model. Hybrid learning model means students alternate between in-person learning with safety requirements and remote learning. Hybrid learning models shall include the following requirements:  (1) Effective January 19, 2021, districts and schools operating a hybrid learning model shall provide at least 35 hours of live instruction over a 10-school day period, averaged across the grades in the hybrid learning model; **provided that additional hours of live instruction shall be provided as necessary to implement a student’s Individualized Education Program required pursuant to 20 U.S.C. 1400 et seq.; MGL c. 71B; 603 CMR 28.00.** (MAC, Autism Connections, CLE)  “After ‘…safety requirements and remote learning.” ADD: ‘A grade level within a school will be considered as  using a hybrid learning model if all students have the choice to attend school in person some of the time.’” (CLE)  “After ‘…student” ADD: ‘s’; after ‘…are educated remotely.’ ADD: ‘A grade level within a school will be  considered as using a remote learning model if all students do not have the choice to attend school in person some  of the time.’” (CLE) | No change. State and federal law already require districts to have procedures and systems to meet the educational needs of students with disabilities, and the Department’s guidance has directly addressed these issues.  No change. The Department’s guidance addresses this issue.  No change. The Department’s guidance addresses this issue. |
| (3) (b) Remote learning model. Remote learning model means students are educated remotely. Remote learning models shall include the following requirements:  (6) effective January 19, 2021, districts and schools operating a remote learning model shall provide at least 40 hours of synchronous instruction over a 10-school day period, averaged across the grades in the remote learning model | (3) (b) Remote learning model. Remote learning model means students are educated remotely. Remote learning models shall include the following requirements:  (6) effective January 19, 2021, districts and schools operating a remote learning model shall provide at least 40 hours of synchronous instruction over a 10-school day period, averaged across the grades in the remote learning model, **provided that additional hours of live instruction must be provided as necessary to implement a student’s Individualized Education Program required pursuant to 20 U.S.C. 1400 et seq.; MGL c. 71B; 603 CMR 28.00.** (MAC, Autism Connections, CLE) | No change. State and federal law already require districts to have procedures and systems to meet the educational needs of students with disabilities, and the Department’s guidance has directly addressed these issues. |
| (3)(b)(1) procedures for all students to participate in remote learning, including a system for tracking attendance and participation. | 27.08(3)(b)(1)procedures for all students to participate in remote learning, including a system **for providing accommodations, modifications, specialized instruction and services necessary to meet the needs of students with disabilities; accommodations and support services necessary to meet the needs of English Learners; and a system** for tracking attendance and participation, **provided that absences resulting from a student’s inability to access remote learning shall be considered excused absences**. (MAC, Autism Connections, CLE) | 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 has previously provided direction to districts regarding attendance: <https://www.doe.mass.edu/infoservices/data/sims/attendance.html> |
| (3)(a) Hybrid learning model. Hybrid learning model means students alternate between in-person learning with safety requirements and remote learning. Hybrid learning models shall include the following requirements:  (1) Effective January 19, 2021, districts and schools operating a hybrid learning model shall provide at least 35 hours of live instruction over a 10-school day period, averaged across the grades in the hybrid learning model.  (3) (b) Remote learning model. Remote learning model means students are educated remotely. Remote learning models shall include the following requirements:  (6) effective January 19, 2021, districts and schools operating a remote learning model shall provide at least 40 hours of synchronous instruction over a 10-school day period, averaged across the grades in the remote learning model | Change regulations to clearly state the required hours per grade, rather than an average across all grades (Barstow, Garrity) | No change. The Department believes that an average across all grades in a model provides flexibility at the local level to adjust grade-level schedules in order to meet the needs of their students and communities. |
| (3)(a) Hybrid learning model. Hybrid learning model means students alternate between in-person learning with safety requirements and remote learning. Hybrid learning models shall include the following requirements:  (1) Effective January 19, 2021, districts and schools operating a hybrid learning model shall provide at least 35 hours of live instruction over a 10-school day period, averaged across the grades in the hybrid learning model.  (3) (b) Remote learning model. Remote learning model means students are educated remotely. Remote learning models shall include the following requirements:  (5) effective January 19, 2021, districts and schools operating a remote learning model shall provide synchronous instruction each school day; and  (6) effective January 19, 2021, districts and schools operating a remote learning model shall provide at least 40 hours of synchronous instruction over a 10-school day period, averaged across the grades in the remote learning model. | Add the requirement: “All school services should be made available to students during normal operation hours every school day. This should include mental health and counseling services” (Garrity)  Add the requirement: “Schools should provide at least 10 hours of one-on-one student-teacher check-ins over a two week period.” (Garrity)  Add the requirement: “Schools should provide at least 5 hours of peer to peer socialization opportunities over a two week period. This includes setting aside part of the school day to have students reach out to one another to socialize and hang out, as well as experiences for students to make new friends.” (Garrity)  Add the requirement: “School should provide optional recreational activities that can be done at home every day” (Garrity) | No change. The proposed requirement is best addressed at the local level rather than through a regulation.  No change. The proposed requirement is best addressed at the local level rather than through a regulation.  No change. The proposed requirement is best addressed at the local level rather than through a regulation.  No change. The proposed requirement is best addressed at the local level rather than through a regulation. |
| (3)(b)(5) effective January 19, 2021, districts and schools operating a remote learning model shall provide synchronous instruction each school day; | Remove this requirement. Allow for asynchronous days and encourage districts to apply other strategies to hold students accountable to learning. (Student Voices) | No change. These amendments address the distressing increase in the mental health challenges our students are facing. One way to prevent the isolation and disconnection that many students are feeling is frequent live connections and interactions between teachers and peers. |

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

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| **Organizations** | **Individuals** | |
| * Massachusetts School Administrators’ Association * Massachusetts Advocates for Children * Autism Connections * Massachusetts Business Alliance for Education * Massachusetts Teachers Association * Massachusetts Student Voices (including over 200 comments) * Center for Law and Education | * Kathleen Caprio, educator * Andrea Lichtenstein, parent * Marissa Gumas, educator, Medfield Public Schools * Heather Gonzalez, educator * Mariessa Theodorou, parent * Christina Bolduc, parent * Morgan Reynolds, educator * Ellen Toubman, educator * Emma Segall * Theresa Yannetty * Rachel Barstow, parent, Hamilton Wenham Regional School District * Kevin Arthur * Kyla Sandock, educator, Acton-Boxborough Public Schools * Peggy Harvey, Digital Learning Coordinator, Acton-Boxborough Public Schools * Heather Wilson, educator, Acton-Boxborough Public Schools * Elizabeth Harvey, educator, Acton-Boxborough Public Schools * Sue Ropiak, educator, Acton-Boxborough Public Schools * Robbie Heath, community member, Acton-Boxborough Public Schools * Jessica Harms, educator, Acton-Boxborough Public Schools * Julie Donovan, educator, Acton-Boxborough Public Schools * Betty Ann Vitale, educator, Acton-Boxborough Public Schools * Paige Johnson, educator, Acton-Boxborough Public Schools * Tasha Peterson, educator, Acton-Boxborough Public Schools * Katharine Shiebler, educator, Acton-Boxborough Public Schools * Tom Kamataris, Jr., educator, Acton-Boxborough Public Schools * Jill Hultquist, parent * Student 1 (on behalf of her mother) * Student 2, Worcester Public Schools * Student 3, Worcester Public Schools * Student 4, Worcester Public Schools * Student 5, Worcester Public Schools * Student 6 * Raymond E. Albright, parent/educator * Andy Haynes, parent, Worcester Public Schools * Kara Richardson, parent/educator * Christopher Ball, parent * Sara Higger, educator * Eileen Callahan, educator * William Garrity, student * Tracy O’Connell Novick, parent, member of Worcester School Committee * Cara Berg Powers, parent/educator * Kristin Corcoran, parent/educator |  |

1. In some instances, names and other identifying information have been redacted to protect student privacy. [↑](#footnote-ref-2)