# **MEMORANDUM**

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| **To:** | Members of the Board of Elementary and Secondary Education |
| **From:** | Pedro Martinez, Commissioner |
| **Date:** | October 21, 2025 |
| **Subject:** | Report on Student Learning Time Waivers for Innovative Programs |

On April 23, 2013, the Board of Elementary and Secondary Education (Board) voted to delegate to the Commissioner of Elementary and Secondary Education (Commissioner) the authority to approve waivers of the Student Learning Time regulations for good cause. Pursuant to this authority, the Commissioner may grant waivers to permit districts to initiate innovative programs that provide less instructional time than the minimum school day and school year requirements established in the regulations for Student Learning Time at  [603 CMR 27.00](https://www.doe.mass.edu/lawsregs/603cmr27.html?section=all). Following the Board’s delegation, the Department of Elementary and Secondary Education (Department) developed a Student Learning Time Waiver process, including an application, for districts to outline plans for sound educational programming that provides less instructional time than the minimum school day and school year requirements.

This memorandum provides some background information, an overview of the Student Learning Time Waiver process, a summary of the waivers granted by the Commissioner for the 2025-26 school year, and a list of districts currently operating under such waivers.

**Background**

Under [603 CMR 27.00](https://www.doe.mass.edu/lawsregs/603cmr27.html?section=all), school committees are required to schedule a school year that includes at least 185 days at each school and must operate the schools for at least 180 school days in a school year. In addition, schools must ensure that elementary school students are scheduled to receive a minimum of 900 hours of structured learning time[[1]](#footnote-1) per school year and that secondary school students receive a minimum of 990 hours of structured learning time per school year. Kindergarten students must receive a minimum of 425 hours of structured learning time per school year.

**Overview of Waiver Process**

Under 603 CMR 27.06(1) and the Board’s delegated authority, the Commissioner may grant waivers of student learning time requirements for “good cause.” In particular, “[s]chool committees are encouraged to apply for waivers, as needed, to permit the district to initiate innovative programs or schedules intended to improve student learning.” 603 CMR 27.06(1).

The Department manages the review process for waiver requests and provides information on its website at <https://www.doe.mass.edu/redesign/SLTwaiver.html>. After a district applies, the Department reviews the request based on the criteria outlined in the application and conducts interviews with the applicant, as needed. The Department then presents evidence to Commissioner, who subsequently approves or denies the request. District programs approved for a waiver granted pursuant to 603 CMR 27.06(1) must finalize an evaluation plan, and the Department monitors data twice a year for the duration of the waiver. The Commissioner typically grants waivers for one or two years.

The waiver process permits districts to provide innovative programs and schedules to benefit students educationally and improve student learning. This waiver process is not intended for emergency cases or extraordinary circumstances, such as natural disasters or public health emergencies that force the temporary closing of one or more schools. The Commissioner may grant waivers for high-quality innovative schedules or educational methodologies that are supported by sound educational rationales and accountability for results.

**Waivers Granted by the Commissioner for the 2025-26 School Year**

This summer, in accordance with the review process outlined above, I granted five waivers of student learning time (SLT) for innovative programs. Two additional districts continue to operate in their second year of a two-year waiver. The first table below summarizes the five district programs for which I granted waivers. It summarizes these requests, provides program highlights, outlines my decision, and provides the date and duration of the waiver.

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| **District and Program** | Fall River Public Schools: FLEX Pathway at Evolve Academy, at B.M.C. Durfee High School - Grades 9-12; 30 students |
| **Summary of Request** | **“**The FLEX Pathway at Evolve Academy offers a flexible, competency-based, and project-based learning option for students facing significant barriers to traditional schooling, such as health challenges, employment, or family responsibilities. Combining asynchronous virtual and hybrid learning with daily check-ins and holistic support, FLEX enables at-risk students to persist, re-engage, and complete graduation requirements, ensuring equitable access to a HS diploma and aligning with Evolve Academy’s mission of personalized, rigorous, and supportive education.” |
| **Commissioner Decision** | Granted Fall River Public Schools a waiver of the in-person and number of learning hours requirements outlined in student learning time regulations for the Flex Pathway at Evolve Academy at B.M.C. Durfee High School. The one-year waiver is effective from July 2025 through June 2026. The waiver enables Evolve Academy to implement a virtual/hybrid program, as described in its 2025 application materials, for up to 30 students. |

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| **District and Program** | Framingham Public Schools: Framingham High School Academy at Thayer - Grades 10-12; 150 students |
| **Summary of Request** | “Framingham Public Schools proposes an innovative, flexible learning model through FHS Academy at Thayer to better serve high-needs students, including English Learners, students with disabilities, and overage/under-credited youth. By combining competency-based instruction, hybrid scheduling, and personalized supports, the program addresses opportunity gaps and promotes equitable access to graduation pathways. The waiver from Student Learning Time requirements enables the district to meet diverse student needs through asynchronous learning, evening classes, and work-based experiences without compromising academic rigor.” |
| **Commissioner Decision** | Granted Framingham Public Schools a waiver of the in-person and number of learning hours requirements outlined in the student learning time regulations for Framingham High School Academy at Thayer. The one-year waiver is effective from July 2025 through June 2026. The waiver enables Framingham High School Academy at Thayer to implement a virtual/hybrid program, as described in its 2025 application materials, for up to 150 students. |

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| **District and Program** | Holyoke Public Schools, High School Opportunity Academy - Grades 10-12; 25 students |
| **Summary of Request** | “By offering remote-hybrid options to a small group of [Opportunity Academy (OA)] students facing significant barriers to daily in-person attendance, OA aims to reduce dropout rates in Holyoke while expanding access to high-quality curriculum and instruction. At OA, we’ve been intentional about ensuring that remote learning doesn’t mean going without support. Students in our hybrid model continue to benefit from the same strong instruction, caring adults, and access to services as their in-person peers. The model simply shifts the format, not the quality of support to meet students where they are.” |
| **Commissioner Decision** | Holyoke Public Schools (HPS) previously received a one-year (2022-23) SLT waiver and a two-year SLT waiver (2023-25) for its High School Opportunity Academy (HSOA).  Granted HPS a waiver of the in-person and number of learning hours requirements outlined in the student learning time regulations for HSOA. This two-year waiver is effective from July 2025 to June 2027. The waiver enables HPS to implement a remote/hybrid program for approximately 25 students in HSOA, as outlined in its 2022 application and in HPS’s addendums dated June 23, 2023, and June 19, 2025. |

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| **District and Program** | Lawrence Public Schools: RISE Academy Night School Program, at the Lawrence High School – Grades 10-12; 40 students |
| **Summary of Request** | **“**RISE Academy seeks a waiver for a Night School Program, offering at-risk and re­engaging students a flexible, competency-based path to graduation. The program combines in-person evening classes with asynchronous learning and work/volunteer requirements. It serves students facing challenges like low attendance, behavioral issues, or past dropout. A rigorous academic, SEL, and MTSS framework is supported by dedicated staff, high-quality instruction, family engagement, and multilingual learner support.” |
| **Commissioner Decision** | Granted Lawrence Public Schools a waiver of the in-person and number of learning hours requirements outlined in the student learning time regulations for the RISE Academy at Lawrence High School. The two-year waiver is effective from July 2025 through June 2027. The waiver enables the RISE Academy, to implement a “Night School” program at Lawrence High School for up to 40 students, as described in its June 13, 2025, application. |

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| **District and Program** | Quabbin Public Schools: High School Alternative Learning Program, of Quabbin High School – Grades 10-12; 15 students |
| **Summary of Request** | “The High School Alternative Learning Program offers a small, supportive setting for up to 15 students, blending in-person instruction with Edgenuity’s flexible, standards-aligned curriculum. Led by one teacher, with an adjustment counselor and paraprofessional, the program emphasizes individualized academics, social-emotional support, and consistent engagement. Students follow a structured day with academic work, group counseling, and skill-building activities, while having the option to continue coursework virtually outside school hours. With a low student-to-staff ratio, access to district specialists, and a focus on whole-student growth, the program provides a personalized pathway to success for students needing an alternative to the traditional high school setting.” |
| **Commissioner Decision** | Granted Quabbin Public School District a waiver of the number of learning hours requirement outlined in the student learning time regulations for the High School Alternative Learning Program housed at the New Braintree Grade School. The one-year waiver is effective from October 2025 through June 2026. The waiver enables the high school to implement a program with fewer student learning time hours per year for a self-paced, in-person, blended learning program for up to 15 students. |

**Additional district currently operating under waiver**

Former Acting Commissioner Russell D. Johnston granted two other district programs two-year waivers of student learning time; these waivers are still in effect. See the table below for summaries:

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| **District and Program** | Springfield Empowerment Zone Partnership (SEZP), Aspire Program at the High School of Commerce - Grades 9-12; 20 students |
| **Summary** | Consistent with the Memorandum of Understanding (MOU) between the Department, Springfield Public School District (SPSD), and Springfield Empowerment Zone Partnership (SEZP), the SEZP previously applied for and received a one-year (2023-24) SLT waiver for high school students in the Aspire Program at the High School of Commerce. The waiver allows the SEZP Aspire Program to provide virtual and hybrid programs with a personalized approach that aims to improve student learning, to engage a small group of SEZP/Aspire students, to decrease dropout rates, and to increase graduation rates.  Based on this 2023-24 experience, in June 2024, SEZP/Aspire submitted another SLT waiver request. Commissioner Johnston approved the waiver for the 2024-25 and 2025-26 school years. |

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| **District and Program** | Westfield Public School District (WPS), Middle and High School Virtual Pathway – Grades 7-12; 150 students |
| **Request** | In June 2024, Westfield closed its Single District Virtual School. During a subsequent school committee meeting, the Superintendent proposed, and the school committee approved, offering a virtual option for middle and high school students. In August 2024, WPS sought an SLT waiver to support remote schooling options, called Virtual Pathway, for middle and high school students. The request proposed serving up to 150 students. Virtual Pathway is “structured as a traditional school day, like their brick-and-mortar peers, apart from the classes being virtual.”  Commissioner Johnston approved the waiver for the 2024-25 and 2025-26 school years. |

If you have any questions regarding this matter or require additional information, please contact Lauren Secatore, Chief of Staff, at [Lauren.Secatore@mass.gov](mailto:Lauren.secatore@mass.gov), or me.

1. The regulations, at 603 CMR 27.02, define “structured learning time” as follows.

   [T]ime 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. Hybrid learning may constitute structured learning time if a district's hybrid learning model is consistent with the requirements of 603 CMR 27.08(3)(a) [addressing hybrid learning during a public health emergency]. 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)(b) [addressing remote learning during a public health emergency]. [↑](#footnote-ref-1)