*****Massachusetts Department of***

***Elementary and Secondary Education***

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| Jeffrey C. Riley  *Commissioner* |  |

# MEMORANDUM

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| **To:** | Members of the Board of Elementary and Secondary Education |
| **From:** | Jeffrey C. Riley, Commissioner |
| **Date:** | December 10, 2020 |
| **Subject:** | Proposed Regulatory Amendments Addressing Student Learning Time Standards for Remote Learning and Hybrid Learning: 603 CMR 27.00, for Emergency Adoption |

At the meeting of the Board of Elementary and Secondary Education (Board) on December 15, 2020, I will recommend that the Board adopt amendments to the Student Learning Time regulations on an emergency basis. Following the adoption of the regulatory amendments, the Department of Elementary and Secondary Education (Department) will solicit public comment. I will bring the amendments back to the Board, with any changes resulting from the public comment, for final adoption at the Board’s meeting in February 2021.

**Background**

In June 2020, the Board adopted amendments to the Student Learning Time regulations on an emergency basis, and in September 2020, the Board voted on final adoption of the amendments. Among other provisions, these regulations have allowed me to require districts to submit plans prioritizing providing in-person instruction to all students in a safe environment, as well as plans for hybrid and remote instruction, when the Governor has declared a state of emergency. When we began the process of reopening schools, I asked districts to create plans for these three models – remote, hybrid, and in-person. Consistent with the regulations and our guidance to the field, I asked districts to prioritize 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, we have seen a distressing increase in the mental health challenges our students are facing. Based on discussions with the pediatric medical community, research studies, and numerous media reports, I am extremely concerned about the increased prevalence of student mental health challenges arising during the pandemic. In an October 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/>)

We know that one way to prevent the isolation and disconnection that many students are feeling is frequent connections and interactions with teachers and peers. For that reason, we undertook to learn more about extent to which districts are providing in-person instruction and remote synchronous and asynchronous instruction. The Department conducted a statewide survey of districts to collect structured learning time (SLT) data. In early November 2020, the Department 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. The Department collected this information from all school districts for all students in grades 1, 4, 7 and 10.[[1]](#footnote-2)

The data show that in both remote and hybrid models, there was variability across the Commonwealth in the amount of live instruction[[2]](#footnote-3) that districts were providing to students. Additionally, the data show that districts have been implementing the hybrid model in various ways. For example, hybrid schedules might include two days of in-person learning and three days of remote learning each week; or one week of in-person learning followed by one week of remote learning; or half a day of remote learning and half a day of in-person learning each school day, among others. Finally, the data show that many students have schedules that include at least one school day every two weeks that is completely asynchronous, meaning that the district is not providing students with live instruction on that day or days.

**Efforts to address mental health concerns**

To help mitigate these significant challenges, the Department is taking a multi-pronged approach. To assist districts and schools in addressing students’ wellbeing and participation in learning, the Department has developed tools and resources such as the [Multi-Tiered Systems of Support Academies](https://www.doe.mass.edu/sfss/prof-dev/). Also, the Department is preparing additional guidance to support students’ participation, safety, and wellbeing, and will provide training to schools and districts on that guidance when it is released in the next few weeks. In addition, I am finalizing a plan to offer districts a grant opportunity that will provide funds to access resources to help address students’ mental health needs. During our Board meeting on Tuesday, Senior Associate Commissioner Russell Johnston will provide additional information on existing and emerging measures the Department is taking in this regard.

Along with providing guidance and training, I believe it is critical to set minimum standards for districts and schools to provide students with frequent and consistent interactions with educators and peers while students are learning remotely or in a hybrid model. Such interactions are embedded 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. For these reasons, as described in more detail below, I am recommending that the Board adopt amendments that would require minimum amounts of live instruction for districts operating hybrid models and minimum amounts of synchronous instruction for districts operating remote models.

**Summary of Amendments**

The proposed amendments establish minimum levels for live instruction and synchronous instruction that districts and schools operating hybrid and remote models must provide. The amendments include these standards:

* Effective January 19, 2021, districts and schools operating a hybrid learning model must provide at least 35 hours of “live instruction” over a 10-school day period, averaged across the grades in the hybrid model. Live instruction means the combination of in-person and remote synchronous instruction.
* Students must have an opportunity to interact each school day with teachers.
* Effective January 19, 2021, districts and schools operating a remote learning model must provide synchronous instruction each school day; and
* Effective January 19, 2021, districts and schools operating a remote learning model must provide at least 40 hours of synchronous instruction over a 10-school day period, averaged across the grades in the remote model.

The proposed 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.

Based on our preliminary review of districts’ SLT data, it appears that approximately 2/3 of our districts are currently meeting these proposed new standards for live instruction and synchronous instruction. The Department will be providing guidance in the coming days to assist those districts that need to make adjustments in order to meet the new standards.

**Recommendation for Board Action**

To help mitigate the concerning mental health challenges described above, I recommend that the Board adopt these regulatory amendments on an emergency basis. Under the Administrative Procedure Act, emergency regulations are effective for three months, during which time the agency solicits and reviews public comment. Following the public comment period, the Board would vote on final adoption of these regulations in February 2021.

At the December 15 meeting, Dr. Lloyd Fisher, president of the Massachusetts Chapter of the American Academy of Pediatrics, will address the Board on trends in mental health issues that pediatricians in the Commonwealth have been observing. In addition, Senior Associate Commissioner Russell Johnston, Associate Commissioner Rob Curtin, and Deputy General Counsel Deb Steenland will be available to answer your questions on the proposed amendments.

Enclosures: 603 CMR 27.00 Clean version of regulation with proposed amendments incorporated

603 CMR 27.00 Strikethrough version of regulation showing proposed amendments

Motion

1. The data is currently under review by districts to confirm its accuracy. [↑](#footnote-ref-2)
2. The term “live instruction” means in-person instruction and remote synchronous instruction. [↑](#footnote-ref-3)