Legislative Considerations for Enabling Instruction

Most districts are unprepared to immediately begin equitable and high-quality distance learning programs and provide individualized instruction for special needs children. Even in the best-case scenario, evidence from summer learning loss and past school closures suggests that students are unlikely to learn as much this school year. Most research on the general effectiveness of online learning does not apply to the present crisis, since these studies are typically conducted in more ideal circumstances. Even in the best of circumstances, distance learning over the next couple of months will involve hastily planned instruction in unprepared districts from teachers who were expecting to use face-to-face instruction.

Michigan should consider legislation to provide statewide resources for remote learning, computer and Internet resources for students in need, high quality summer learning programs, tutoring opportunities for students, and/or professional development programs for teachers and districts shifting to distance learning. No state has fully prepared its districts and teachers for the transition to distance learning, with most states shifting the burden to localities. We expect increasing demands for additional resources from districts, teachers, and parents. Indiana legislators have discussed extending summer instruction with the governor. Virginia is asking districts to make up for lost time, wherever possible, using scheduled vacation days or extended days or school years.

States should also expect operational difficulties in providing equitable learning opportunities, including litigation risk regarding special education. Concerns about the equity or quality of alternative education provided during the crisis should be weighed against the negative and inequitable consequences of a prolonged and unplanned absence of instruction. But legislators may need to consider state-provided options or enhancements for special needs students to prevent districts from having to suspend distance learning opportunities due to inequitable administration (for example, due to students without computer and broadband access). Oregon has recommended against districts implementing online learning, expecting them to be unable to meet equity and special education requirements. Connecticut also raised these concerns, discouraging districts from online distance learning. States can also emphasize other distance learning strategies such as
mailing instructional materials to students and encouraging teachers to use phone calls or texts, which do not require high-bandwidth internet connections.

*Legislative Considerations for the 2020-21 School Year*

State and local leaders should expect students to return to school in Fall 2020 behind where they would have been in a normal school year, even without considering the trauma and dislocation associated with the pandemic. Research suggests that the truncated school year will also increase inequalities across districts and students, with learning loss concentrated in disadvantaged students and areas. Areas hit hard by the public health crisis are likely to have even more difficulty restarting operations and reintegrating students. States should expect fewer returning students overall as well as much greater need for remedial education.

Legislators should consider options for extending instructional time during the 2020-21 school year, including early school year start times (or extending the school year) or lengthened school days. Students are unlikely to catch up on lost learning time and succeed in meeting standards for the next academic year without expanded instructional time. Public Act 101 of 2007 requires Intermediate School Districts (ISDs) to establish a common calendar with their constituent districts. Governor Whitmer’s Executive Order will allow districts to adopt balanced calendars next school year. ISDs and districts could be further incentivized to extend the 2020-21 school year to provide increased instructional time, ideally with additional funding. Montana is considering supplemental funding for next year. South Dakota is suggesting extending the school year, lengthening the school day, or including Saturday instruction.

Michigan should also consider strengthening diagnostic testing in the 2020-21 school year, while making clear that it will not constitute punitive district or school assessment. Students will enter the 2020-21 school year at different levels and educators will need to use early and ongoing assessments to inform their instruction and differentiate their practice to help improve student learning. Enhanced assessment will be beneficial and cannot be perceived as risky.

The state could also consider teacher and staff professional development programs to help differentiate instruction for returning students at different learning levels. Given the possibility for (at least localized) school closures next school year due to
the return of COVID-19, states should also consider resources for districts to improve distance learning instruction during the next school year.

Michigan State University's Education Policy Innovation Collaborative and Institute for Public Policy and Social Research will continue to track state administrative and legislative action related to school closures. We welcome requests for additional information on other states' policies or for research-based policy recommendations or considerations.