

Potential Legislation – updated September 14, 2020

Most districts were 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 has involved hastily planned instruction in unprepared districts from teachers who were expecting to use face-to-face instruction.

States should consider legislation to provide statewide resources for remote learning, computer and Internet resources for students in need, 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.

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.

State and local leaders should expect that students returning to school in Fall 2020 are 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 prior 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. Districts could be further incentivized to extend the 2020-21 school year to provide increased instructional time, ideally with additional funding.

States 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 have entered 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. Michigan was among a handful of states who requested a waiver to administer statewide summative assessments for the 2020-21 school year, but recently Secretary DeVos stated that they should not anticipate any waivers.

States could also consider teacher and staff professional development programs to help differentiate instruction for returning students at different learning levels. Given widespread continuing in-person school closures this school year—and the possibility of further closures due to the return of COVID-19—states should consider resources for districts to improve distance learning instruction.

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.