

REPORT – updated September 14, 2020

2020-21 School Year

As schools work to reopen for the 2020-21 school year, almost every state has left it up to districts to determine how they come back – online, in-person, or a hybrid. Only two states – Arkansas and New Jersey – have directed how instruction should be offered by the schools in their state. In Arkansas, all schools will implement a blended learning. Per Executive Order, New Jersey schools are required to open for in-person instruction with the exception being those districts that are unable to meet health and safety protocols. Florida attempted to mandate schools to reopen in-person, but that order is currently being contested in court where a Florida judge issued a temporary injunction blocking the emergency order and granting local school boards the ability to make their own decisions.

Truncated School Years and Instruction

Forty-two states suspended in-person schooling through the end of the 2019-2020 school year and six temporarily closed. Seven states officially changed required instructional hours for the school year, though most others are enabling waivers or revisions. In states that closed school until the end of the year, some explicitly did not require districts to make up all lost instructional hours and others allowed replacements. On the other hand, both New Jersey and New Hampshire counted any day where distance learning is available as an instructional day.

Distance Learning

Thirty-three states, including Michigan, required districts to plan distance learning options for students and an additional 17 states encouraged the adoption of distance learning plans. Forty-eight states provided some resources to districts to enable distance learning, though these vary in quality dramatically, with 45 offering resources by grade and/or subject. Importantly, there is wide acknowledgement that distance or remote learning does not need to be and likely cannot solely be offered online. No state was prepared to immediately shift to an online learning platform or distribute computer and Internet resources to students statewide, but several districts are developing plans to do so. District efforts range from distributing print packets of homework to standardizing laptops and video instruction. State efforts range from parent resource links to video webinars. Some states capitalized on existing virtual schools to help ramp up online instruction. For

instance, Florida used its virtual school to provide guidance and instruction to districts and teachers and Alaska, which also has a statewide virtual school, offered distance learning resources for free to Alaska students. Other states, like Illinois, provided free access to online resources directly to parents. At the other end of the spectrum, Iowa restricted districts from requiring student participation in distance learning. West Virginia encouraged phone contact.

Special Education and Equity

The shift raised legal and operational issues regarding special education and students with disabilities along with wider concerns about equity across districts and students. Twenty-six states provided some recommendations for access to instruction by special education students, though many were vague guidelines to local districts. Special education advocates raised concerns that high-bandwidth online educational services are not universally appropriate and asked districts to prepare alternative forms of distance education. Connecticut provided a relatively expansive toolkit for special education distance learning and Georgia created a webinar for special education teachers to help them support their students. Most states required district plans to be submitted to the state that incorporate their methods of addressing special education. Many states referred to continuing federal legal requirements but do not say how to meet them.

Assessment

All states sought waivers of federal standardized testing requirements; most were granted. Thirty-nine states provided some guidance to districts for how grading should take place. Some districts changed grading requirements to pass/fail or certification of content mastery. Most states graduated and advanced students to the next school year, though most did not develop an alternative plan for assessment. States with third grade reading requirements modified or suspended them. Georgia waived the requirement to base grades on end-of-course assessments. Oklahoma declared that grades cannot be negatively impacted by the suspension. Idaho's guidance said that "school districts and charter schools are asked to take into consideration the students' future plans for going on to some form of postsecondary education or other scholarship considerations when evaluating grading policies."

Finance

Fourteen states advised districts on using funds to support instruction and district operations and 33 states documented compensation guidelines for teachers and staff, but only four provided extra funding for instruction or operations. Like Michigan, Mississippi authorized payment of educators during school closures due to COVID-19. Although no states rescinded or substantially cut school financing, many district leaders raised concerns regarding increased expenses and continuing obligations. Several states required continued employment of teachers or other education staff. Vermont required states to track all additional expenses related to the health crisis.

State Legislation

Most states have left emergency decisions to governors and state education departments, without passing enabling legislation. Arizona passed legislation to compensate employees, revise instructional hours requirements, and enable summer instruction. Pennsylvania passed similar legislation empowering agency discretion and requiring districts to create learning plans. Ohio canceled testing and report cards for the school year and advanced or graduated students who were on track prior to closures, but also enabled districts to extend school years. Washington passed legislation enabling school employee compensation and benefits, with Mississippi, Minnesota, Missouri, and Maine considering finance legislation. Louisiana and Tennessee are considering legislation suspending testing requirements.

Federal Resources

The federal Coronavirus Aid, Relief, and Economic Security Act included a \$13.5 billion stabilization fund for school districts and a \$3 billion fund for governors (subject to waivable maintenance-of-effort requirements), with an additional \$8.8 billion for child nutrition. U.S. House leadership is requesting additional state and local government funding in new legislation. Although the federal funding is mostly unrestricted, it totals approximately one-third of the funding made available in the 2009 recession and is unlikely to fully offset declining state revenues. Illinois directed that increased federal resources be used for addressing high-need and special-education students.