

Guidance on In-Person Learning and Student Learning Time Requirements

April 27, 2021

Summary of Regulatory Change and New Requirements

At the meeting of the Board of Elementary and Secondary Education (Board) on March 5, 2021, the Board adopted additional amendments to the Student Learning Time (SLT) regulations, 603 CMR 27.00, on an emergency basis. The amendments establish the Commissioner's authority to determine when district-wide hybrid and remote learning models no longer count for structured learning time. Consistent with the regulations, the amendments prioritize in-person instruction and will result in more students returning to full-time, in-person learning with appropriate school-based mitigation measures in place. The Board will vote on the final adoption of the amendments, with any changes resulting from the public comments, at the Board meeting in May 2021.

In consultation with public health officials and medical experts, the Commissioner has elected to use this authority to expand full-time, in-person learning through a graduated approach this spring. The plan will begin with a return to in-person school for elementary schools grades K-5. With recent significant improvements in COVID-19 health metrics, rigorous implementation of key mitigation strategies, and weekly pooled testing up and running for students and school staff across the Commonwealth, more districts and schools have already started to bring more students back.

- **As of April 5, 2021, the Department requires elementary schools to use a full-time, in-person learning model for instructional hours to count towards structured learning time.**
- **As of April 28, 2021, the Department will require grades 6-8 to use a full-time, in-person learning model for instructional hours to count towards structured learning time.**
- **As of May 17, 2021, the Department will require grades 9-12 to use a full-time, in-person learning model for instruction hours to count towards structured learning time.**

Importantly, families will retain the choice as to whether to send their children to school in-person or have them learn remotely through the end of the school year. Districts¹ may also apply for a waiver from DESE. Waivers will be considered in a limited set of circumstances described later in this document.

These regulations are legally binding. Any district that does not comply with the regulatory requirements or receive a waiver by April 5, 2021 (for the elementary school phase of the plan) will be required to make up any missed structured learning time. **Any district that does not comply with the regulatory requirements or receive a waiver by April 28, 2021 (for grades 6-8) or by May 17, 2021 (for grades 9-12) will be required to make up any missed structured learning time.** This time could be made up during this school year, over the summer, or into next school year if necessary. In addition, G.L. c. 71, § 4A links Chapter 70 funds to structured learning time.

Overview of this Document

This document provides further information to districts about the new requirements and guidance for effective implementation, and is organized into the following sections:

¹ "District" shall mean a municipal school department or regional school district, acting through its school committee or superintendent of schools, a county agricultural school, acting through its board of trustees or superintendent/director, any other public school established by statute or charter, acting through its governing board or director. 603 CMR 27.02.

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- Supports and resources for schools and districts
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Background and Rationale

In preparation for reopening schools in the fall of 2020, DESE released its initial fall guidance² in June. Our initial guidance established a layered set of mitigation strategies to protect against COVID-19 transmission in schools, including masks, hand hygiene, physical distancing, cleaning and disinfecting, symptom screening, and contact tracing. We indicated that it was not one factor, but a combination of strategies that would keep our students and staff safe.

As part of this guidance, DESE required districts to prepare plans for three learning models heading into the 2020-21 school year – in-person, hybrid, and remote – while prioritizing in-person models whenever possible. Our expectation was that based on the evolving science and depending on the trajectory of the virus, schools would likely need to pivot among the models. We also modified the required number of school days to provide extra time at the start of the year for school staff to train on reopening models and the key mitigation strategies.³

Importantly, 72% of districts in Massachusetts took advantage of the fall months to return to school fully in-person or in a hybrid model. And based on recent SLT survey data, nearly 80% of districts are currently in-person or in a hybrid model as of mid-February 2021.

Schools and districts have rigorously adopted the health and safety strategies outlined in DESE's guidance and we have seen very few incidences of transmission in schools. In fact, we have an ever-growing body

² DESE's Fall Reopening Guidance is available at: <https://www.doe.mass.edu/covid19/on-desktop/2020-0625fall-reopening.docx> (download)

³ The Memorandum of Understanding between DESE, MTA, AFT-MA, and BTU is available at <https://www.doe.mass.edu/covid19/on-desktop/2020-0727mou.docx> (download)

of evidence locally, nationally, and from across the globe that in-person school is safe when proper health and safety protocols are followed.^{4,5,6,7,8,9}

Since June 2020, DESE guidance has consistently noted that three feet in classrooms is a safe standard for physical distancing when masks are worn and other mitigation strategies are in place, based on guidelines from the World Health Organization¹⁰ and the American Academy of Pediatrics.¹¹ Our guidance balanced the urgent need to bring students in the Commonwealth back to in-person learning while minimizing the risk to students, staff, and their families. While districts should space students further than three feet when feasible, evidence demonstrates that the additional risk

⁴ Zimmerman KO, Akinboyo IC, Brookhart A, et al. (2021). Incidence and secondary transmission of SARS-CoV-2 infections in schools. *Pediatrics*. Available at

<https://pediatrics.aappublications.org/content/pediatrics/early/2021/01/06/peds.2020-048090.full.pdf>

⁵ Fricchione, M. J., Seo, J. Y., Arwady, M. A. (2020). Data-Driven Reopening of Urban Public Education Through Chicago's Tracking COVID-19 School Transmission. Available at

https://journals.lww.com/jphmp/Abstract/9000/Data_Driven_Reopening_of_Urban_Public_Education.99206.aspx

⁶ Falk, A., Benda, A., Falk, P., Steffen, S., Wallace, Z., Hoeg, TB. (2020). COVID-19 Cases and Transmission in 17 K-12 Schools. Available at <http://dx.doi.org/10.15585/mmwr.mm7004e3>

⁷ Gillespie, D., Meyers, L., Lachmann, M., Redd, S., Zenilman, J. (2021). The Experience of Two Independent Schools with In-Person Learning During the COVID-19 Pandemic. [Preprint]. Available at

<https://www.medrxiv.org/content/10.1101/2021.01.26.21250065v1.full.pdf>

⁸ Schoeps, A., Hoffmann, A., Tamm, C., Vollmer, B., Haag, S., Kaffenberger, T., Ferguson-Beiser, K., Kohlhase-Griebel, B., Basenach, S., Missal, A., Hofling, K., Michels, H., Schall, A., Kappes, H., Vogt, M., Jahn, K., Barnighausen, T., Zanger, P. (2021). COVID-19 Transmission in Educational Institutions August to December 2020, Rhineland-Palatinate, Germany: A Study of Index Cases and Close Contact Cohorts. [Preprint]. Available at

<https://www.medrxiv.org/content/10.1101/2021.02.04.21250670v1.article-info>

⁹ National Centre for Immunisation Research and Surveillance (NCIRS). (2020). COVID-19 in Schools and Early Childhood Education Care Services. Available at

https://www.ncirs.org.au/sites/default/files/2020-10/COVID-19%20Transmission%20in%20educational%20settings%20in%20NSW%20Term%203%20report_0.pdf

¹⁰ World Health Organization (WHO). (2020). Considerations for school-related public health measures in the context of COVID-19. Available at

<https://www.who.int/publications/i/item/considerations-for-school-related-public-health-measures-in-the-context-of-covid-19>

¹¹ American Academy of Pediatrics. (2020). COVID-19 Planning Considerations: Guidance for School Re-entry. Available at <https://services.aap.org/en/pages/2019-novel-coronavirus-covid-19-infections/clinical-guidance/covid-19-planning-considerations-return-to-in-person-education-in-schools>

reduction associated with six feet as opposed to three feet is low – when masks are worn and other mitigation strategies are in place.^{12,13,14,15,16,17,18,19}

DESE’s approach to physical distancing was endorsed last summer by the Governor’s COVID Command Medical Advisory board, the Massachusetts Chapter of the American Academy of Pediatrics, and medical experts from Mass General Brigham.

Since then, DESE’s approach has been further endorsed and validated, with numerous groups noting the safety of a three-foot distancing in classrooms standard and supporting the return of students to full-time in-person school at three feet of distance:

- Additional organizations have noted the safety of a three-foot distancing standard between students in classrooms when part of a holistic mitigation approach in school.²⁰
- Individual school districts have formed their own medical advisory boards and conducted their own due diligence, reaching with similar conclusions about the safety of reduced physical distancing.²¹
- Recently, hundreds of Massachusetts infectious diseases physicians, pediatricians, and public health experts, endorsed DESE’s guidance on three feet of physical distancing in classrooms, noting that the risks to students of not being in school are dramatic.²²

¹² Booth, W. (2020). Two Meters? One Meter Plus? Social Distancing Rules Prompt Fierce Debate in U.K. The Washington Post. Available at

https://www.washingtonpost.com/world/europe/covid-social-distancing-one-meter-plus/2020/06/22/7614418a-afe0-11ea-98b5-279a6479a1e4_story.html

¹³ Ismail, S., Saliba, V., Bernal, J. L., Ramsay, M., & Ladhani, S. (2020). SARS-CoV-2 infection and transmission in educational settings: cross-sectional analysis of clusters and outbreaks in England. Public Health England. The Lancet. Available at: [https://www.thelancet.com/journals/laninf/article/PIIS1473-3099\(20\)30882-3/fulltext](https://www.thelancet.com/journals/laninf/article/PIIS1473-3099(20)30882-3/fulltext)

¹⁴ Link-Gelles, R., DellaGrotta, A., Molina, C., Clyne, A., & Brandy, U. (2020). Limited Secondary Transmission of SARS-CoV-2 in Child Care Programs – Rhode Island, June 1 – July 31, 2020. Morbidity and Mortality Weekly Report. Available at <https://www.cdc.gov/mmwr/volumes/69/wr/mm6934e2.htm>

¹⁵ Brooks, J.T., Butler, J.C., (2021). Effectiveness of Mask Wearing to Control Community Spread of SARS-CoV-2. JAMA Insights. Available at <https://jamanetwork.com/journals/jama/fullarticle/2776536>

¹⁶ Larosa, E., Djuric, O., Cassinardri, M., Cilloni, S., Bisaccia, E., Vincente, M., Venturelli, F., Giorgi P. R., Pezzotti, P., Bedeschi, E., the Reggio Emilia COVID-19 Working Group. (2020). Secondary Transmission of COVID-19 in Preschool and School Settings in Northern Italy After Their Reopening in September 2020. Available at <https://www.eurosurveillance.org/content/10.2807/1560-7917.ES.2020.25.49.2001911>

¹⁷ Falk, A., Benda, A., Falk, P., Steffen, S., Wallace, Z., Hoeg, TB. (2020). COVID-19 Cases and Transmission in 17 K-12 Schools. Available at <http://dx.doi.org/10.15585/mmwr.mm7004e3>

¹⁸ Schoeps, A., Hoffmann, A., Tamm, C., Vollmer, B., Haag, S., Kaffenberger, T., Ferguson-Beiser, K., Kohlhasse-Griebel, B., Basenach, S., Missal, A., Hofling, K., Michels, H., Schall, A., Kappes, H., Vogt, M., Jahn, K., Barnighausen, T., Zanger, P. (2021). COVID-19 Transmission in Educational Institutions August to December 2020, Rhineland-Palatinate, Germany: A Study of Index Cases and Close Contact Cohorts. Available at <https://www.medrxiv.org/content/10.1101/2021.02.04.21250670v1.article-info>

¹⁹ Chu, D.K., Akl, E.A., Duda S., Solo K., Yaacoub S., Schunemann H.J. et al. (2020) Physical distancing, face masks, and eye protection to prevent person-to-person transmission of SARS-CoV-2 and COVID-19: a systematic review and meta-analysis. The Lancet. Available at: [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(20\)31142-9/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(20)31142-9/fulltext)

²⁰ Brown School of Public Health, Edmond J. Safra Center for Ethics, & New America. (2020). Strategies for Pandemic Resilience in the Face of High Community Spread. Available at <https://globalepidemics.org/2020/12/18/schools-and-the-path-to-zero-strategies-for-pandemic-resilience-in-the-face-of-high-community-spread/>

²¹ The Public Schools of Brookline. (2021). Evidence of Scientific Consensus In Support of Reduction of 6-Foot Distancing Parameters. Available at https://www.brookline.k12.ma.us/cms/lib/MA01907509/Centricity/Domain/25/Evidence%20of%20Scientific%20Consensus_Reduction%20of%20Distancing%20Parameters_2.18.21.pdf

²² February 28, 2021 physician letter. Available at: <https://www.doe.mass.edu/bese/docs/fv2021/2021-03/item1b.2-2021-0228physician-letter.pdf>

- In March 2021, a peer-reviewed study published in *Clinical Infectious Diseases* demonstrated that districts in Massachusetts using a physical distancing standard of three feet in classrooms did not see an increased number of COVID-19 positive cases, as compared to districts that maintained a strict six feet of distance.²³

In the fall, we began adding further layers to the school-based mitigation strategies through COVID-19 testing and reporting practices. We implemented mobile rapid response testing and BinaxNOW rapid antigen testing for symptomatic individuals in schools. We also began publicly reporting the case rates in K-12 settings.²⁴

In January 2021, we announced that pooled testing would be universally available across the Commonwealth for all students and staff, starting with a state-funded initial phase that began in February. Approximately 50% of schools across the Commonwealth have signed up to administer pooled testing on a weekly basis to proactively screen large numbers of students and staff for COVID-19. Participating schools can now quickly locate and isolate any individuals that test positive.

As of April 19th, all individuals who are 16 years or older are eligible to schedule appointments to receive the COVID-19 vaccine. All educators and school staff have been eligible to be vaccinated since March 11, 2021, and vaccinations for persons 65 and older and those at risk of severe COVID-19 due to co-morbidities have been eligible to be vaccinated since earlier this spring. Even with strong evidence that in-person school environments are safe with existing mitigation strategies,²⁵ and while vaccinations are not a prerequisite for returning to in-person instruction,²⁶ all eligible individuals are strongly encouraged to receive the vaccine to provide additional confidence in returning to the classroom.

In recent months, we have also focused on the student learning experience in remote and hybrid settings. In December, to address increasing reports of troubling student mental health trends, the Board voted to amend the SLT regulations to require districts to further prioritize “live instruction,” whether through in-person or synchronous remote learning. These emergency regulations went into effect for schools and districts on January 19, 2021 and were permanently adopted at the Board’s February meeting. These requirements for live and synchronous instruction will support student engagement and mental health until students return to the classroom full-time.

As we have stated repeatedly throughout this pandemic, there is no substitute for in-person learning, especially for younger students, students with disabilities, English learners, and other high needs populations. In addition to academic instruction and support, when students are in school, they have the opportunity to learn important social and emotional skills, and they have access to mental health and other support services, as well as healthy meals and opportunities for exercise.

²³ Polly van den Berg, MD; Elissa M. Schechter-Perkins, MD, MPH; Rebecca S. Jack, MPP; Isabella Epshtein, MPP; Richard Nelson, PhD; Emily Oster, PhD; Westyn Branch-Elliman, MD, MMSc., (2021). SARS-CoV-2 Cases in Students and Staff in Massachusetts with Variable Distancing Policies. Infection control plans for Commonwealth school districts with any in person learning were collected, with universal masking for students in grade 3 and higher and universal masking for staff mandatory. 243 districts were included, comprising 520,129 students and 6,227,765 student learning weeks, and 97,679 staff and 1,313,532 staff learning weeks. SARS-CoV-2 cases in students and staff in districts with in-person learning with different distancing policies were compared. Available at <https://academic.oup.com/cid/advance-article/doi/10.1093/cid/ciab230/6167856>.

²⁴ COVID-19 Response Reporting is available at <https://www.mass.gov/info-details/covid-19-response-reporting>

²⁵ See footnotes 12-19.

²⁶ Centers for Disease Control. Operational Strategy for K-12 Schools through Phased Mitigation (2021). Available at <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/operation-strategy.html>

With the extensive mitigation strategies in place in our schools, including further validation of our guidance on physical distancing, widely-available pooled testing, and as state health metrics continue to improve, the time is now to begin shifting away from remote and hybrid learning models and return to the in-person instructional format.

In addition, a return to in-person school this spring will lay the groundwork for a full-time, in-person return for all grade levels in fall 2021, likely with some continued mitigation measures. In the fall, DESE will no longer require districts and schools to provide a district-wide remote learning option. Districts should work individually with parents/guardians of students who cannot attend school in person in the fall due to a medical condition.

Supports and Resources for Schools and Districts

At the start of the pandemic, we recognized that planning, preparation, and implementation would come at a significant cost and advocated early for much-needed additional funding for schools. Beginning in summer 2020, hundreds of millions of federal and state dollars were made available to districts.

Specifically, DESE distributed \$194.4 million through the Elementary and Secondary School Emergency Relief (ESSER I) Fund and \$182 million in School Reopening grants were issued last summer. DESE also provided nearly \$33 million to address remote learning technology needs and to provide students with adequate access to technology, including devices (e.g., Chromebooks), internet connectivity (e.g., wi-fi hotspots), and assistive technology, for use in remote learning environments during the 2020-21 school year. DESE has also provided districts and schools with additional supplies, including personal protective equipment, masks, and air purifiers. To date, DESE has distributed over 12,000 air purifiers and 1.5 million masks.

The additional \$740 million federal stimulus funds (ESSER II) announced in December 2020, and the Governor's proposed budget which fully funds the Student Opportunity Act, will enable districts to plan not just for immediate needs but also for long-term recovery and student acceleration. As part of the ESSER II package, DESE has committed additional resources to ensure that each district will receive a minimum of \$75,000 in ESSER II funds. DESE has also distributed \$4 million in supplemental funding to assist with the social and emotional needs of students. An even larger distribution of federal funds is expected as part of the pending American Rescue Plan.

Additionally, DESE continues to provide resources for districts and schools to hire additional staff to support an in-person return including: emergency license opportunities,²⁷ MassHire Department of Career Services (MDCS) database partnership for substitute teachers,²⁸ and the high school internship program.²⁹

Finally, DESE's COVID-19 rapid response help center has been in place since the fall to support districts and schools with reopening questions, provide guidance on managing positive COVID-19 cases in schools through DESE's protocols, and providing operational guidance and support. The help center will

²⁷ More information about the emergency license provision for educators is available at:

<https://www.doe.mass.edu/covid19/licensure/emergency-license-extended.html>

²⁸ Commissioner's Weekly Update, February 22, 2021. Available at:

<https://mailchi.mp/doe.mass.edu/commissioners-weekly-update-2-22-21-board-to-meet-gsa-student-leadership-council-info-sessi-on-on-expanding-stem-ap-access?e=583fc2bc03>

²⁹ More information about the high school internship program is available at:

http://www.massconnecting.org/default.asp?entity_id=516

continue to be available, including onsite, to support districts and schools in expanding the number of students engaged in full-time, in-person learning this spring. For schools and districts seeking additional support, contact SLTsupport@mass.gov.

Timeline for Phased Implementation

With the authority to determine when remote and hybrid learning models no longer count towards structured learning time hours, the Commissioner has laid out a graduated strategy for providing all students with the opportunity to return to full-time, in-person learning this spring, beginning with elementary students.

We encourage schools and districts to bring back students at each grade level as quickly as possible. With pooled testing in place and improvement in COVID-19 health metrics across the state, many districts and schools are already moving to bring back all students K-12 for full-time, in-person learning in the coming weeks. However, the timeline below represents the requirement for full-time return for districts who would not otherwise have students back by the dates below at each grade level.

With this timeline, DESE aims to steadily increase the number of students learning in-person for the remainder of the school year. The plan unfolds in phases, allowing us to assess implementation and health indicators before moving to the next phase. During these phases, we will work in close collaboration with state health officials and medical experts to monitor case counts in schools, assess public health metrics, and monitor for potential impacts of the COVID-19 variants. In addition, we will seek feedback from district and school leaders on implementation. Ultimately, the Commissioner will confirm the timeline for proceeding to subsequent phases based on the review of these data points and other relevant findings from implementation, and following written notice to the Board.

We know COVID-19 positive individuals will be identified in schools, as has been the case throughout the school year. However, districts and schools are well-equipped with the necessary protocols to effectively manage these cases and prevent in-school transmission, including the testing, contact tracing, and quarantine procedures found in DESE guidance.

In reviewing the timeline below, please note that districts and schools may apply for a waiver from DESE, and parents/guardians who wish for their children to learn remotely will still have that option. Schools and districts must have robust and reliable ways to communicate with all families, students, teachers, and staff to send and receive key messages related to the timelines below. To the greatest extent possible, districts and schools should give families, remote enrichment learning programs, and the broader community at least a two-week notice of planned changes to their school schedules.

- **Elementary school phase (grades K-5):** Districts and schools are required to shift their learning model for elementary school grade levels to full-time, in-person instruction five days per week effective **Monday, April 5, 2021**.
- **Middle school phase (grades 6-8):** Districts and schools will be required to shift their learning model for middle school grade levels to full-time, in-person instruction five days per week, effective **Wednesday, April 28, 2021**. Districts may choose to ask students who have traveled to a state on the restricted list to learn remotely for the week of April 26, 2021 (the week after April vacation).

- **High school phase (grades 9-12):** Districts and schools will be required to shift their learning model for high school grade levels to full-time, in-person instruction five days per week, effective Monday, May 17, 2021. Districts and schools should make every effort to have high school students with significant and complex disabilities or high school students who are English learners return to full-time in person learning as soon as possible.

Detailed Requirements

Below are key requirements and other information necessary for implementation.

Survey families to determine their choice between full in-person and remote learning, if they have not already done so this spring. As the new requirements take effect for each phase (elementary, middle, and high school), parent/guardians have the option to choose full in-person or remote learning for their students. These options apply whether the students are currently in remote learning, hybrid, or in-person learning. **The family surveys should be conducted as soon as possible for all students K-12,** and districts should make every effort to reach all families.

For many districts, this will be a substantial programming shift mid-school year. Families should expect that districts may need to make challenging tradeoffs to accommodate the full in-person instructional mode. For instance, if students are currently learning in a hybrid model, the shift to more in-person days may require changes in classroom learning spaces and, in some cases, teacher-student assignments. If students are currently in a remote model or choose to learn remotely when these new requirements go into effect, the remote learning option may look different than the model offered prior to the implementation of these new requirements.

After families make a choice between full in-person and remote, a parent or guardian who subsequently wishes to have their student switch from a remote to in-person model, should be aware that the school or district may require a reasonable transition period. Consistent with DESE's Remote Learning Guidance,³⁰ we recommend that this transition period be ideally no more than four to six weeks.

We encourage districts to use a "livestreaming" or simultaneous instructional model for remote students. In this model, students learning at home participate in largely the same classroom activities as students who are learning in-person. This will continue to allow students to access remote learning if they need to quarantine this spring due to a COVID-19 related issue.

Applicable elementary grades. The requirement for full-time, in-person learning for elementary schools applies to all grades K-5 within a district or school. However, if districts or schools have one or more school building configurations of K-4, they may request a waiver from DESE to delay the implementation of full-time, in-person learning for grade 5 until the middle school implementation timeline begins.

Districts that have school building configurations of grades K-6, K-7, or K-8 may similarly opt to accelerate their implementation of full-time, in-person instruction in grades 6, 7, and 8, or they may choose to begin with K-5 and keep upper grades learning in hybrid or remote models.

³⁰ The Remote Learning guidance is available at:
<https://www.doe.mass.edu/covid19/return-to-school/2020-0724remote-learning-guide.docx> (download)

Pre-kindergarten grades are not required to meet these new standards, though districts are encouraged to plan for a return to in-person learning for pre-kindergarten as soon as possible.

Definition of full-time in-person learning. The requirement for “full-time” in-person learning means that **all structured learning time hours³¹ (on average 5 hours per day of structured learning time at the elementary level and 5.5 hours per day at the secondary level) are required to be delivered in-person, five days per week.** This will generally mean that students are attending a full school day equivalent to the length of their school day pre-pandemic. Any deviation from offering full-time, in-person instruction five days a week to all students requires a waiver.

Students can still learn remotely and have their hours count towards SLT in two “exception cases.” First, as noted above, parents/guardians may choose to have their students learn remotely through the end of this school year, and the learning hours for these students will continue to count towards structured learning time. Second, following DESE COVID-19 health protocols,³² individual students may need to isolate or quarantine and therefore learn remotely if they are symptomatic, diagnosed with COVID-19, or are a close contact of someone who tests positive. In these cases, where the district is following the DESE COVID-19 health protocols and students are learning remotely due to a COVID-19-related issue, learning hours will also continue to count towards structured learning time.

As noted in DESE’s Updated Guidance on Interpreting DPH COVID-19 Health Metrics issued in November,³³ schools should remain open at all levels of community prevalence and districts and schools should follow DESE’s COVID-19 protocols in effectively managing any COVID-19 cases in schools. There are processes already in place to effectively manage any COVID-19 cases in schools, including contact tracing to isolate any positive individuals and their close contacts and working with the local board of health to determine if it is likely that there is transmission happening in school. Districts and schools must continue to consult with DESE’s COVID-19 rapid response help center and the local board of health prior to shifting to remote learning within a classroom, grade, school or district due to suspected in-school transmission.

School committee vote. Because the regulations have the force of law, once the Commissioner makes the determination that hybrid and remote learning will no longer count towards structured learning time, a school committee vote on which learning model to adopt is not necessary because full-time, in-person learning will be the default required model. Remote learning should be provided only if parents/guardians opt out of in-person learning for the remainder of this school year and for students who must remain home due to a COVID-19 related issue. If a district intends to submit a waiver request, DESE encourages the district to hold a school committee vote on the content of the waiver, but this is a local decision. Given the need for rapid implementation, superintendents may submit a waiver request to DESE without having first secured a school committee vote.

Coordination with remote learning enrichment centers and other community providers currently supporting remote learning. Districts and schools should coordinate closely with remote learning enrichment centers and community-based programs that have been providing student support services

³¹ At the meeting of the Board of Elementary and Secondary Education on June 30, 2020, the Board adopted amendments to the [Student Learning Time regulations, 603 CMR 27.00](https://www.doe.mass.edu/bese/docs/fy2020/2020-06/item1b.docx), on an emergency basis. The Commissioner reduced the 180 day and student learning time requirements for the 2020-2021 school year to 170 days and 850 hours (for elementary schools) and 935 hours (for secondary schools). The summary of the amendments is available at: <https://www.doe.mass.edu/bese/docs/fy2020/2020-06/item1b.docx> (download)

³² The DESE COVID-19 health protocols is available at: <https://www.doe.mass.edu/covid19/on-desktop/protocols/>.

³³ Updated Guidance on Interpreting DPH COVID-19 Health Metrics is available at: <https://www.doe.mass.edu/covid19/on-desktop/interpreting-dph-metrics.html>

during the regular school day. Districts should endeavor to notify all such providers at least two weeks prior to the implementation of any planned changes to the school schedule, to ensure parents continue to have access to the wrap-around care they need to return to work.

Districts and schools should work with community-based providers to plan for effective transitions to enable the continuity of services for children whose parents opt to keep them in a remote learning environment through the remainder of the school year. Districts and schools are encouraged continue to build partnerships with community providers to enable sufficient access to critical wrap-around services, complement and strengthen expanded summer learning opportunities, and maintain capacity for on-going early education and out-of-school-time needs for families across the district. Districts may also seek feedback from these programs, with parental consent, on student needs and developmental challenges.

Implementation Planning³⁴

Student Supports

When these new requirements go into effect in early April, some schools and districts will be returning students to in-person learning for the first time this school year. In such instances, students and families may require additional supports to successfully make this transition, particularly for students with disabilities, students who experience anxiety and mental health issues, and other vulnerable populations. DESE recommends that schools and districts take additional steps to prepare such students and families so they can take full advantage of the opportunities for learning and socialization that in-person instruction will create, including:

- **Family engagement is a critical component of school reopening.** It is essential to reach out to parents/guardians and promote ongoing engagement in a manner that works for the family. DESE strongly recommends that schools and districts continue to cultivate excellent two-way communication with families. All written and oral communication must be provided in the primary language of the home and in language that is understandable to the general public.
- **Parental input is always valuable but is particularly critical during this time when parents/guardians may have unique insight into their child’s remote learning experience.** Input from parents/guardians on their child’s primary areas of need, including their child’s engagement, attention, behavior, progress, skills, home experiences, and other observations about their emotional and social well-being, are critical to determining how to meet students’ needs.
- **Schools and districts should partner with parents/guardians to support a smooth transition to re-opening of school,** with physical distancing and other health and safety protocols as well as new schedules. It is particularly important that educators work closely with parents/guardians of students who experience difficulty with changes in routine (for example, students with autism or students who experience anxiety). Schools and districts should consider strategies such as creating individualized social stories³⁵, recording tours of new buildings or programs, conducting virtual tours, holding a “meet and greet” for teachers with their students, or providing opportunities for students to ride new bus routes and visit new school buildings in person before the resumption of in-person learning.

³⁴ The documents referenced in this section specifically and throughout the document (e.g., fall reopening guidance, facilities and operations guidance, updated transportation guidance, etc.) can be found on the COVID-19/On the Desktop section of the DESE website: <https://www.doe.mass.edu/covid19/on-desktop.html>

³⁵ Information on social stories is available at: <https://carolgraysocialstories.com/social-stories/what-is-it/>

- **Schools and districts should continue to create safe and supportive learning environments that encourage positive behavior.** Schools should proactively implement direct instruction and additional supports for school- and class-wide routines, social skills instruction, and other preventive measures. Schools and districts should utilize disciplinary action as a last resort for students exhibiting behavioral challenges.
- **Additional de-escalation training and/or training on trauma-sensitive practices for all staff including school resource officers may be needed** to support the transition back to full-time in-person learning modified for health and safety needs, and the potential of increased behavioral concerns.
- **IEP teams must ensure that a free appropriate public education is provided to all students with disabilities.** Whether the primary instructional delivery is in-person learning or remote learning, students with disabilities must receive all services in accordance with their IEP.
- **Finally, schools and districts are required to include a visual component as part of the daily “live check-in” that is needed to support students whose families have selected a remote model of instruction for the remainder of the school year.** As provided in the definition of remote learning in the Department’s regulations, remote learning requires that students have opportunities to interact with a teacher each school day. The daily live check-in provides the district with key information about student engagement and well-being. The Department is now updating its guidance to require using video conferencing or other methods of seeing students as part of the daily live check-in. Schools and districts need to assess how to use video conferencing in a way that is respectful of individual student’s needs. For example, if a student is reluctant to be seen in their home by classmates, a teacher might meet with the student in a breakout room with a virtual background for a short period of time to conduct the live check-in. In situations where the district or school has concerns about a student’s attendance or level of engagement, they should employ additional levels of support to re-engage the student. For more information about promoting student engagement and safety, please see DESE’s guidance on [Promoting Student Engagement, Learning, Wellbeing and Safety](#).

Facilities and Operations

As noted, DESE’s initial fall reopening guidance³⁶ explicitly endorsed a full return to classrooms following health and safety protocols, including three feet of distance between students in classrooms when masks are worn and other mitigation strategies are in place. **We encourage districts to revisit this guidance as they plan for a full-time return this spring. DESE’s facilities and operations guidance³⁷ will also serve as a helpful resource for building configuration and space planning work.**

As a reminder, we recently issued **updated transportation guidance³⁸ that significantly expanded bus capacity.**

³⁶ DESE’s Fall Reopening Guidance is available at:
<https://www.doe.mass.edu/covid19/on-desktop/2020-0625fall-reopening.docx> (download)

³⁷ DESE’s Facilities and Operations Guidance is available at:
<https://www.doe.mass.edu/covid19/on-desktop/2020-0722facilities-operations-guide.docx> (download)

³⁸ DESE’s updated Transportation Guidance is available at:
<https://www.doe.mass.edu/covid19/on-desktop/2020-0722transport-guide.docx> (download)

In addition, we updated our face mask guidance to require masks at all grade levels, unless students receive a medical or behavioral exemption.³⁹ Previously, masks were strongly encouraged in grades 1 and below, but not required.

We recognize that, at this point, the critical constraint most districts are facing in bringing more students back for in-person instruction is physical distancing. Below are some important points to keep in mind regarding physical distancing and space configuration. In consultation with state health officials and medical experts, DESE will provide periodic updates to these guidelines.

In general, districts and schools should review a wide range of options for serving all students full-time, in-person with physical distancing constraints:

- Classroom capacity should be assessed first, followed by other spaces in the school that could be repurposed at different times of the day, including the cafeteria, gym, art and music rooms, and other spaces. Classroom configurations including layout and furniture may need to be altered to accommodate all students.
- Some teachers, including specialist teachers, may be able to utilize carts and deliver lessons in students' homerooms, thereby freeing up additional classroom space and allowing students to remain in cohorts. In some cases, shifts in teacher assignments may also be required.
- Use of outdoor spaces at the school should be maximized, including putting up tents so these spaces can be used in rainy weather.
- If indoor and outdoor spaces at the school-level are insufficient, districts should look at other spaces not otherwise used by students within the district, if available, and then consider spaces within the broader community. For instance, individual grade levels within a school could be moved to local community spaces, including non-profits, businesses, or other spaces, to expand the physical footprint of classroom space.

Classroom set-up and required physical distancing:

- **As a reminder, our guidance is to set up classrooms with desks at least three feet apart, with students facing the same direction.** The three feet distance is measured “seat edge to seat edge” front to back and side to side.
 - Having students face the same direction should be the default desk set-up in the classroom.
 - However, for short periods of time (e.g. 15-20 minutes several times per day), students may face each other for a “turn and talk” or other group activity. During these short periods, students should refrain from singing or engaging in activities that involve increased respiration. Appropriate mask use should be verified before these short periods.
- **Please see DESE’s facilities and operations guidance⁴⁰ for further suggestions on classroom set-up and maximizing space for students.**
- **In elementary schools, if the typical classroom configuration is tables with students facing one another**, consider the following strategies to fit students at three feet apart in classrooms:
 - Replace tables with individual desks, if feasible.
 - Reduce the number of students at each table and relocate additional students to another area of the classroom, if feasible. For example, for tables that typically seat four students,

³⁹ Additional information for school health offices is available at:
<https://www.mass.gov/doc/information-for-school-health-offices/download>

⁴⁰ DESE’s Facilities and Operations Guidance is available at:
<https://www.doe.mass.edu/covid19/on-desktop/2020-0722facilities-operations-guide.docx> (download)

one pair of students sits together at the table in the morning and then shifts to the rug for the afternoon, while another pair of students starts on the rug and shifts to the table in the afternoon.

- o Have all students at the table face in one direction, at least three feet apart, with the students facing away from the table using clipboards or lap desks. Again, the pair using clipboards or lap desks could switch with the other pair at the table halfway through the day.

Meal set-up and required physical distancing:

- **During meals, and any other time students and adults are not wearing masks, districts and schools must plan for a strict six feet of physical distance between individuals.**
- **Consider the following strategies to increase physical space for meals:**
 - o Add additional meal periods to reduce the number of students in the cafeteria during each session. (This may include shortening lunch periods.)
 - o Have students eat meals in the classroom. (If classroom space is set up with three feet of distance between seats, have the other half of the class eat in another area.)
 - o Alternate students between recess and lunch to reduce classroom or cafeteria capacity during meals (e.g., half the students eat lunch while the other half attend recess).
 - o Repurpose other space as meal areas including gyms, art rooms, or music rooms (depending on the scheduling of specials, this may require teachers to utilize carts for part of the day).
 - o Set up eating areas outside, including in tents. This could expand cafeteria capacity or could provide an alternative space for students eating meals in classrooms (e.g., half the students stay in their classroom; the other half eat in the tents).
 - o Replace café tables with desks in the cafeteria to increase capacity at six feet of distancing.
- **Consider the following strategies for increasing staffing to cover meal periods:**
 - To provide sufficient staff to monitor students during meals, repurpose paraprofessionals, other support staff, school administrators, or hire lunch monitors (bus company monitors or crossing guards may be available, high school student interns, parent volunteers, etc.).
 - To have teachers supervise meals in classroom, schedule teachers' duty-free lunch at the end of the day and allow for a 30-minute early release.
- **Please see DESE's facilities and operations guidance⁴¹ for further suggestions on lunchroom set-up. DESE will continue to collaborate with school and district leaders to collect and share effective strategies for lunchroom set-up.**

Physical distancing at other times of the day:

- **At all other times (passing time, transitions, etc.), students should maintain physical distance from one another as feasible, and follow the guidelines below.** More information can be found in DESE's facilities and operations guidance:⁴²

⁴¹ DESE's Facilities and Operations Guidance is available at:
<https://www.doe.mass.edu/covid19/on-desktop/2020-0722facilities-operations-guide.docx> (download)

⁴² DESE's Facilities and Operations Guidance is available at:
<https://www.doe.mass.edu/covid19/on-desktop/2020-0722facilities-operations-guide.docx> (download)

- o Ensure that students keep their masks on properly.
- o Ensure that students do not congregate in the hallways or other spaces. During transition periods, we encourage all teachers and staff to monitor students (e.g., from doorways) to keep students moving.
- o Schools should continue to stagger transitions as feasible and students should not use lockers (or locker use should be staggered) to prevent congregation.
- o Schools should continue not to host visitors to the extent possible.
- o Use signage and other markers to remind students and staff to follow proper health and safety protocols, to indicate direction of travel and to encourage physical distancing.
- o To account for increased volume of students during passing time, schools may consider increasing installations of hand sanitizer, while ensuring hand sanitizer use is appropriately monitored with younger students.
- o Allow students to use the bathroom during class time to reduce bathroom use during transition times, and otherwise using a bathroom sign-out system to reduce the number of students in the bathroom at one time.

Teacher and staff spaces and protocols:

- **In many studies, adult-to-adult transmission has been more common than transmission between adults and students in schools.^{43,44,45,46} While teachers and other adults should always remain vigilant implementing the health and safety mitigation strategies, they should be especially careful not to relax their mitigation measures during duty-free periods or other times students may not be present (e.g., preparation periods, common planning time, professional development, etc.).** Consider the following strategies for these circumstances:
 - o Ensure strict use of masks when adults are present together.
 - o Reconfigure staff furniture to support physical distancing.
 - o Consider adjusting staff schedules or creating adult occupancy thresholds to limit the number of adults in a room at one time.
 - o Encourage the use of virtual staff meetings where feasible, as opposed to gathering in-person. For in-person staff meetings or gatherings, do not provide food which can lead to the removal of masks.
 - o During duty-free lunch periods, encourage staff to eat outside or individually in their classrooms.
- **Teachers and staff should maintain six feet of distance from students and other staff when feasible. For short periods of time (e.g., helping a student individually, walking between desks, etc.), teachers and other staff may be less than six feet away from others.**

⁴³ Schoeps, A., Hoffmann, A., Tamm, C., Vollmer, B., Haag, S., Kaffenberger, T., Ferguson-Beiser, K., Kohlhase-Griebel, B., Basenach, S., Missal, A., Hofling, K., Michels, H., Schall, A., Kappes, H., Vogt, M., Jahn, K., Barnighausen, T., Zanger, P. (2021). COVID-19 Transmission in Educational Institutions August to December 2020, Rhineland-Palatinate, Germany: A Study of Index Cases and Close Contact Cohorts. Available at <https://www.medrxiv.org/content/10.1101/2021.02.04.21250670v1.article-info>

⁴⁴ Gillespie, D., Meyers, L., Lachmann, M., Redd, S., Zenilman, J. (2021). The Experience of Two Independent Schools with In-Person Learning During the COVID-19 Pandemic. Available at <https://www.medrxiv.org/content/10.1101/2021.01.26.21250065v1.full.pdf>

⁴⁵ Zimmerman KO, Akinboyo IC, Brookhart A, et al. (2021). Incidence and secondary transmission of SARS-CoV-2 infections in schools. *Pediatrics*. Available at <https://pediatrics.aappublications.org/content/pediatrics/early/2021/01/06/peds.2020-048090.full.pdf>

⁴⁶ Ismail, S., Saliba, V., Bernal, J. L., Ramsay, M., & Ladhani, S. (2020). SARS-CoV-2 infection and transmission in educational settings: cross-sectional analysis of clusters and outbreaks in England. *Public Health England. The Lancet*. Available at: [https://www.thelancet.com/journals/laninf/article/PIIS1473-3099\(20\)30882-3/fulltext](https://www.thelancet.com/journals/laninf/article/PIIS1473-3099(20)30882-3/fulltext)

We recognize that planning for these configurations and protocols is not simple and that building configurations vary. At the same time, nearly all communities have already returned to full-time in-person learning at the elementary level, and many at the middle and high school levels, demonstrating that it is possible.

DESE's COVID-19 help center is available to serve as a thought partner to any district or school that is challenged by space constraints. Contact SLTsupport@mass.gov to request this support.

Waiver Process

The recent student learning time amendments include that upon the written request of a school or district leader, the **Commissioner may, in his discretion, grant a waiver for a limited set of circumstances in which districts make a compelling case that they must take an incremental approach to implementation of these requirements.** Any deviation from offering full-time, in-person instruction five days a week to all students requires a waiver request.

As noted in earlier sections of this document, schools have been open for in-person learning safely, even in communities with high prevalence, with adherence to required COVID-19 mitigation strategies. In addition, COVID-19 case rates across the Commonwealth have decreased significantly since January 2021 and elementary, middle, and high schools have safely re-opened for full in-person learning. **As such, we do not anticipate granting waivers for reasons of high community prevalence of COVID-19.**

Waiver duration: Waivers will be approved for a limited time only. All requests for waivers must include a timeline in which all students within a phase would have access to full-time, in-person instruction this school year (i.e., identify the week full-time, in-person instruction would begin).

Examples of Possible Elementary and Middle School Waiver Requests (where districts and schools must make a compelling case that they must take an incremental approach to implementation):

1. Schools and districts that have been primarily in a fully remote model all year can submit a waiver if they need additional time to return all students to full-time, in-person instruction (for instance seeking first to return in a hybrid model, before proceeding to full in-person instruction later in this school year). **Districts must include a timeline and date in which all students within a phase would have access to full-time, in-person instruction this school year.**
2. Schools that operate with a grades K-4 configuration, with grade 5 in another school building, can submit a waiver to delay implementation of full-time, in-person learning for grade 5 at those buildings until the middle school phase begins.
3. In very limited circumstances, waivers may be considered for operational constraints and feasibility issues, on a temporary basis. Schools and districts considering submitting a waiver for issues related to facilities and space constraints should review the "Implementation Planning" section of this document as well as DESE's facilities and operations guidance. If districts and schools are still in need of support, please email SLTsupport@mass.gov. We will set up consultations, including onsite, with districts to assess how they can implement these requirements. **These consultations with DESE will be required before the Commissioner will approve any waivers in this area.**

Waivers will not be granted for districts that indicate they cannot return to in-person learning due to space constraints or feasibility issues but are maintaining a physical distancing standard in classrooms of greater than three feet. Districts must also have completed an **updated survey of families** with the information about those students have elected to return to in-person instruction and those who have elected to learn remotely.

In addition, in those limited circumstances where a district is granted a waiver, the **waiver will be time limited. All districts and schools should expect that they will need to change their models to move closer to full-time, in-person learning five days per week.**

Finally, if districts can bring some – but not all – of their schools back to full in-person learning within a given phase (e.g. four out of six elementary schools), they should proceed with a full return for those schools and submit a waiver to continue working on plans for the others.

4. Other requests will be considered on a case-by-case basis.

Examples of Possible High School Waiver Requests (where districts and schools must make a compelling case that they must take an incremental approach to implementation):

1. In very limited circumstances, waivers may be considered for operational constraints and feasibility issues, on a temporary basis.

Schools and districts considering submitting a waiver for issues related to facilities and space constraints should review the “Implementation Planning” section of this document as well as DESE’s facilities and operations guidance. If districts and schools are still in need of support, please email SLTsupport@mass.gov. We will set up consultations, including onsite, with districts to assess how they can implement these requirements. **These consultations with DESE will be required before the Commissioner will approve any waivers in this area.**

Waivers will not be granted for districts that indicate they cannot return to in-person learning due to space constraints or feasibility issues but are maintaining a physical distancing standard in classrooms of greater than three feet. Districts must also have completed an **updated survey of families** with the information about those students who have elected to return to in-person instruction and those who have elected to learn remotely.

Finally, if districts can bring some – but not all – of their schools back to full in-person learning within a given phase (e.g. four out of six high schools), they should proceed with a full return for those schools and submit a waiver to continue working on plans for the others.

2. Other requests will be considered on a case-by-case basis.

Waiver Submission Details

Any request for a waiver should be addressed from the district or school leader (e.g., superintendent or executive director) to the Commissioner and submitted by email to SLTsupport@mass.gov.

In order for districts and schools to receive a timely response prior to the respective elementary, middle, and high school implementation dates:

- Elementary school waiver requests must be submitted to DESE by Monday, March 22, 2021 at 5pm
- Middle school waiver requests must be submitted to DESE by Monday, April 12, 2021 at 5pm
- High school waiver requests must be submitted to DESE by Monday, May 10, 2021 at 5pm

Districts may also submit waivers for the elementary and middle school phases together, by the elementary school deadline. The Department will respond to waiver requests on a rolling basis, and we encourage districts to submit as soon as possible. **Districts and schools will receive a response within five business days of submitting a waiver request.**

The request must include the following information:

- Identification of the district or school(s) requesting the waiver;
- Description of the specific requested waiver, including the physical distancing standard used in the district, the results of the family survey regarding the number of students who would be returning in-person vs. learning remotely, and the timeline in which all students within a phase would have access to in-person, full-time instruction this school year;
- Rationale for the request, including a full description of the circumstances justifying the request;
- Point of contact and phone number.

Looking Ahead

Returning all students to the classroom full-time this school year is a crucial step to stem student learning loss. At the same time, we must also focus on recovery and acceleration, especially for students most in need of intensive support. Plans for recovery and acceleration must initially focus on near-term efforts in 2021, including enhanced student supports this spring, opportunities for summer learning, and planning for a strong start to the fall. However, given pervasive student needs and the availability of significant financial resources across several fiscal years, we must ultimately craft a plan for multi-year recovery efforts.

Later this spring, we will release further information related to summer recovery and acceleration and fall planning. DESE intends to provide the following resources and supports, among others:

- **Spring:** DESE will provide student supports this spring in key areas, including increased mental health supports, FAFSA completion, and support for seniors who did not meet the Competency Determination.
- **Summer:** DESE will stand up robust summer school programming and academic interventions, which will include a state-wide acceleration academy program with a focus on “gateway grades.” DESE will select key grades and focus areas (e.g. early literacy, middle grades math), and work with districts to provide a multi-year opportunity for students to attend an academy program this summer. In addition, DESE will support districts in identifying high-quality programs to serve students in other grades. For planning purposes, DESE recommends that summer programs, including extended school year programs, be provided in-person for all student groups.
- **Fall:** DESE anticipates a full in-person return across all grade levels. We will work with districts and schools to ensure a focus on teaching grade level content, with appropriate scaffolds for all learners. We will also support districts in meeting the needs of the whole child, including mental

and physical health, in addition to accelerated instruction and extra help in core academic subjects. More guidance on fall planning will be forthcoming.

- o As we stated last spring heading into the 2020-21 school year, DESE discourages retaining students at the prior grade level. This includes students of first grade age whose parents/guardians may have kept them home from kindergarten this year; these students should be placed in the first grade in the fall, even if they chose to remain unenrolled for kindergarten.

In addition, we remain committed to the Commissioner's *Our Way Forward* plan, which will support our post-COVID-19 instructional focus and strengthen teaching and learning statewide. This includes promoting deeper learning through engaging and relevant performance tasks and revamping student assessment through our innovative science assessment pilot program.

We have much work ahead to support the return to full-time, in-person school for all students and begin the process of recovery and acceleration. We commend your efforts and look forward to partnering with district and school leaders, school committees, educators and school staff, families, and other stakeholders on behalf of students.