

603 CMR 27.00: STUDENT LEARNING TIME

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27.01: Scope and Purpose

(1) 603 CMR 27.00 is promulgated by the Board of Elementary and Secondary Education pursuant to M.G.L. c. 69, § 1G, which requires the Board to establish the minimum length for a school day and the minimum number of days in a school year for Massachusetts public schools, and M.G.L. c. 69, § 1B, which requires the Board to establish standards to ensure that every student shall attend classes in a safe environment.

(2) The purposes of 603 CMR 27.00 are:

- (a) to ensure that every public school in the Commonwealth provides its students with the structured learning time needed to enable the students to achieve competency in "core subjects" and "other subjects" as defined in 603 CMR 27.02; and
- (b) to establish health and safety standards for schools during a declared state of emergency or other exigent circumstances that adversely affect the safe environment of schools as determined by the Board.

(3) The requirements set forth in 603 CMR 27.00 are not intended to confer privately enforceable legal rights upon individual students, or persons acting on their behalf.

27.02: Definitions

As used in 603 CMR 27.00, the terms listed in 603 CMR 27.02 shall have the following meanings:

Asynchronous Learning shall mean learning that occurs on a student's individual time and at their own pace.

Board shall mean the Board of Elementary and Secondary Education.

Commissioner shall mean the Commissioner of Elementary and Secondary Education.

Core Subjects shall mean the core academic subjects specified in M.G.L. c. 69, § 1D (science, technology and mathematics, history and social science, English, foreign languages and the arts), and the subjects covered in courses which are part of an approved vocational-technical education program under M.G.L. c. 74.

Department shall mean the Department of Elementary and Secondary Education.

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.

Elementary School shall mean a school providing instruction to grades one through five, six, seven, or eight, and, where so designated by a school committee prior to the commencement of a school year, may also include a middle school or other intermediate level school providing instruction to grades five through eight or any combination thereof.

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Live Instruction shall mean the combination of in-person instruction and remote synchronous instruction.

Optional School Programs shall mean school activities not part of a course of study in either core subjects or other subjects, which are offered by a school district to enrich the educational experience of its students and meet educational goals set by the local or regional school committee. Examples include: activity clubs; driver education; extracurricular student performance groups; nonacademic assemblies; nonacademic field trips; pep-rallies; sports; standardized testing other than statewide assessments conducted under M.G.L. c. 69, §§ 1D and 1I; and student government.

Other Subjects shall mean subjects other than core academic subjects that are required to be taught pursuant to M.G.L. c. 71, §§ 1 and 3, and other subjects approved by the school committee as part of the district's program of studies.

Remote Learning shall mean learning that happens outside of the traditional classroom because the student and teacher are separated by distance. Remote learning may include synchronous or asynchronous components, provided that students have opportunities to interact on each school day with teachers, such as through feedback, office hours, and other regularly scheduled individual student interactions. Remote learning may include, but is not limited to, online learning.

School Services shall mean services which a school district provides to some or all students, either as a matter of state or federal law or regulation or local school district policy, to protect or improve student health and personal well-being, or enhance students' readiness and ability to learn. Examples include: special education diagnosis and evaluation; special education related services such as speech, physical and occupational therapy; health screening and prevention services; and school breakfast and lunch.

Secondary School shall mean a school providing instruction to grades six through twelve, or any combination of those grades, except where a school committee, prior to the commencement of the school year, has designated a middle or other intermediate level school providing instruction to grades five through eight, or any combination thereof, as an elementary school.

Structured Learning Time shall mean time during which students are engaged in regularly scheduled instruction, learning activities, or learning assessments within the curriculum for study of the "core subjects" and "other subjects". In addition to classroom time where both teachers and students are present, structured learning time may include directed study, independent study, technology-assisted learning, presentations by persons other than teachers, school-to-work programs, and statewide student performance assessments. Hybrid learning may constitute structured learning time if a district's hybrid learning model is consistent with the requirements of 603 CMR 27.08(3)(a). Remote learning may constitute structured learning time if a district's remote learning model is consistent with the requirements of 603 CMR 27.08(3)(c).

Synchronous Learning shall mean learning that is directed by a teacher and that happens in real time with other students, such as during live, whole-class instruction, and small group work.

27.03: School Year Requirements

(1) Prior to the beginning of each school year, every school committee shall establish school year schedules for each of the public schools under its supervision and control, based on the particular learning needs of students within each school. In determining the school year schedule for each school, the school committee shall be guided by the student learning time plan recommended by the school council for each school, and shall attempt to maximize high quality teaching, learning, and professional development opportunities.

(2) Every school committee shall schedule a school year which includes at least 185 school days at each elementary, middle, and secondary school within the school district.

(3) Every school committee shall operate the schools within its district at least 180 school days in a school year.

27.03: continued

(4) School committees are encouraged to exceed the minimum number of school days wherever possible, and to offer extended day and extended year programs that expand student learning opportunities.

(5) A school committee may establish a separate school year and school day schedule for kindergarten programs which it maintains pursuant to 603 CMR 8.00: *Kindergartens: Minimum School Age*, so long as it provides a minimum of 425 annual hours of structured learning time. In those school districts which schedule two sessions of kindergarten daily, the school committee shall adopt a schedule for its kindergarten programs which ensures equal instructional time for all kindergarten students.

27.04: Structured Learning Time Requirements

(1) No later than the 1997 - 1998 school year, schools shall ensure that "every elementary school student" is scheduled to receive a minimum of 900 hours per school year of structured learning time, as defined in 603 CMR 27.02. Time which a student spends at school breakfast and lunch, passing between classes, in homeroom, at recess, in non-directed study periods, receiving school services, and participating in optional school programs shall not count toward meeting the minimum structured learning time requirement for that student.

(2) No later than the 1997 - 1998 school year, all schools shall ensure that "every secondary school student" is scheduled to receive a minimum of 990 hours per school year of structured learning time, as defined in 603 CMR 27.02. Time which a student spends at school breakfast and lunch, passing between classes, in homeroom, at recess, in non-directed study periods, receiving school services, and participating in optional school programs shall not count toward meeting the minimum structured learning time requirement for that student.

27.05: Early Release of High School Seniors

(1) As a matter of policy, the Board encourages school districts to schedule high school graduation as close as possible to the scheduled closing date of the high school to maximize the learning time offered to graduating seniors and minimize the disruption of instruction provided to other students.

(2) Notwithstanding the minimum school year requirements set forth in 603 CMR 27.03 and 27.04(2), at the discretion of the school committee, the scheduled school year for the graduating senior class of a high school or vocational/technical school may conclude, and the school graduation may be held, up to 12 school days before the regular scheduled closing date of that school.

27.06: Waivers or Modifications

(1) The Board may, upon the written application of a school committee and the recommendation of the Commissioner of Education, grant a waiver of any requirements set forth in 603 CMR 27.00 for good cause. School committees are encouraged to apply for waivers, as needed, to permit the district to initiate innovative programs or schedules intended to improve student learning.

(2) Upon the written request of a school district, the Commissioner of Education may, in his or her discretion, grant a waiver of the minimum school year requirement set forth in 603 CMR 27.03(3) in situations where an emergency or extraordinary circumstance forces the closing of one or more of the district's schools.

(3) Upon a declaration by the Governor that an emergency exists which is detrimental to the public health, or upon a determination by the Board that exigent circumstances exist that adversely affect the ability of students to attend classes in a safe environment, unless additional health and safety measures are put in place, the Commissioner may modify the minimum school year and structured learning time requirements set forth in 603 CMR 27.03 and 27.04.

27.06: continued

(4) Upon the written request of a school district, the Commissioner may, in his or her discretion, grant a waiver of the requirements set forth in 603 CMR 27.08(2)(d), 603 CMR 27.08(3)(a)1. and 603 CMR 27.08(3)(b)5. and 6.

27.07: Implementation

(1) The requirements set forth in 603 CMR 27.00 shall be effective July 1, 1995, and shall govern the operation of all public schools within the Commonwealth of Massachusetts beginning with the 1995 - 1996 school year, with the exception of the structured learning time requirements set out in 603 CMR 27.04, which shall be effective July 1, 1997.

(2) During the 1995 - 1996 and 1996 - 1997 school years, schools and school districts are urged to meet the structured learning time requirements set out in 603 CMR 27.04 to the extent feasible. However, the following minimum learning time requirements, rather than those set out in 603 CMR 27.04(1) and (2), shall apply during the 1995 - 1996 and 1996 - 1997 school years:

(a) Elementary Schools shall offer to all enrolled students a minimum of 900 hours per school year of learning time. Structured learning time, as defined in 603 CMR 27.02 shall be the focus of that time, but time spent delivering school services other than those listed below and offering optional school programs may also be counted toward meeting the minimum learning time requirement. Time scheduled for school breakfast and lunch, passing between classes, homeroom, and recess will not count toward meeting the minimum learning time requirement.

(b) Secondary Schools shall offer to all enrolled students a minimum of 990 hours per school year of learning time. Structured learning time, as defined in 603 CMR 27.02 shall be the focus of that time, but time spent delivering school services other than those listed below and offering optional school programs may also be counted toward meeting the minimum learning time requirement. Time scheduled for school breakfast and lunch, passing between classes, homeroom, and recess will not count toward meeting the minimum learning time requirement.

(3) In preparation for the 1995 - 1996 school year, each school council shall submit to the district school committee, as part of its school improvement plan, any recommended scheduling changes or changes in school practices or structure that will be needed to ensure that their school will be in compliance with the learning time requirements set out in 603 CMR 27.07(2) and school year requirements set out in 603 CMR 27.03.

(4) During the 1995 - 1996 school year, each school council shall submit to the district school committee, as part of its school improvement plan, recommended actions to be taken to ensure that, no later than September 1997, each student within the school will be scheduled to receive at least the minimum required hours per year of structured learning time required under 603 CMR 27.00, and the school will comply with all other requirements set forth in 603 CMR 27.00.

(5) No later than June 30, 1996, every school district shall submit to the Department of Education, for review and approval, a Learning Time Implementation Plan which describes changes that are being undertaken at the school and district level to ensure that, on or before September 1997, every student in every school within the district is scheduled to receive at least the minimum amount of structured learning time per school year specified in 603 CMR 27.04, and the district's schools will comply with all other requirements set forth in 603 CMR 27.04. The Department of Education shall issue guidelines regarding the issues to be addressed in school district-wide Learning Time Implementation Plans.

27.08: Health and Safety Standards during a State of Emergency or Other Exigent Circumstances

(1) Upon a declaration by the Governor that an emergency exists which is detrimental to the public health, or upon a determination by the Board that exigent circumstances exist that adversely affect the ability of students to attend classes in a safe environment, unless additional health and safety measures are put in place, the Commissioner, in consultation with medical experts and state health officials, shall issue health and safety requirements and related guidance for districts.

27.08: continued

(2) Upon such a declaration by the Governor or determination by the Board, the Commissioner shall require each district to develop and submit a plan that prioritizes providing in-person instruction to all students in a safe environment. The plan shall include:

- (a) health and safety procedures that are consistent with the requirements issued by the Commissioner; and
- (b) a description of the in-person learning model the district will use to provide instruction to students. The in-person learning model shall mean all students receive in-person instruction in school environments that have been appropriately modified to address health and safety requirements issued by the Commissioner.
- (c) The Commissioner may require districts to include the alternative education models set forth in 603 CMR 27.08(3) in their plans, to address circumstances in which students cannot safely attend classes in an in-person setting.
- (d) Where the Commissioner has required districts to include alternative education models in their plans, the Commissioner shall, from time to time, consult with medical experts and state health officials, to determine whether students can safely attend classes in an in-person setting with health and safety requirements. If the Commissioner concludes that students may safely attend classes in an in-person setting with health and safety requirements issued by the Commissioner pursuant to 603 CMR 27.08(2)(d), then he or she may, with prior written notice to the Board, notify districts that they may no longer use one or more of the alternative education models, in whole or in part, to meet the minimum school year and structured learning time requirements set forth in 603 CMR 27.03 and 27.04. Notwithstanding the foregoing, districts and schools may provide remote learning pursuant to a remote learning model for the remainder of the 2020 - 2021 school year to those students whose parent or guardian selects remote learning for their student.

(3) Alternative education models shall include the following:

- (a) Hybrid Learning Model. Hybrid learning model means students alternate between in-person learning with safety requirements and remote learning. Hybrid learning models shall include the following requirements: Effective January 19, 2021, districts and schools operating a hybrid learning model shall provide at least 35 hours of live instruction over a ten-school day period, averaged across the grades in the hybrid learning model.
- (b) Remote Learning Model. Remote learning model means students are educated remotely. Remote learning models shall include the following requirements:
 1. procedures for all students to participate in remote learning, including a system for tracking attendance and participation;
 2. remote academic work shall be aligned to state standards;
 3. a policy for issuing grades for students' remote academic work;
 4. teachers and administrators shall regularly communicate with students and their parents and guardians, including providing interpretation and translation services to limited English proficient parents and guardians;
 5. effective January 19, 2021, districts and schools operating a remote learning model shall provide synchronous instruction each school day; and
 6. effective January 19, 2021, districts and schools operating a remote learning model shall provide at least 40 hours of synchronous instruction over a ten-school day period, averaged across the grades in the remote learning model.
- (c) District Approved Model. Means an education model submitted by a district and approved by the Commissioner.

(4) Upon such a declaration by the Governor or determination by the Board, the Commissioner shall direct each district providing in-person summer school programs to implement health and safety procedures that are consistent with requirements issued by the Commissioner.

(5) The Commissioner shall determine the form and manner for submission of district plans and may publish templates, guidance, and other resources.

(6) Each district shall post its plan on its website.

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27.08: continued

(7) The authorities granted in 603 CMR 27.08 shall remain in effect until the Board determines that students can attend classes in a safe environment without additional health and safety measures.

REGULATORY AUTHORITY

603 CMR 27.00: M.G.L. c. 69, § 1G; M.G.L. c. 69, § 1B.