



# COLORADO

## Department of Education

### Frequently Asked Questions: CDE Policy on Instructional Time and Student Attendance for the 2020-21 Academic Year

(Updated 08/21/20- see Q13-Q15)

**Q1:** How will instructional hours and attendance be determined with respect to contract services, including for preschool, educational services provided by BOCES, and Colorado Empowered Learning partnerships?

**A:** Districts should consult with their contract providers to determine how the provider's services fit into the district's definition of the educational process and plans for remote learning. Districts are responsible for ensuring that the vendors they contract with employ practices and procedures that align with the district's adopted policies.

**Q2:** If remote learning is occurring, could a district count teacher-pupil contact and instructional time for the purpose of meeting the 1,080 hours requirement, so long as students are expected to engage in remote learning activities on those days?

**A:** No, days on which educators are not expected to work cannot count towards teacher-pupil contact or instructional hours. As a reminder, however, districts that are unable to meet the instructional hour and teacher pupil contact requirements through in-person instruction will be considered in compliance if they make a good faith effort to ensure that whatever combination of in-person and/or remote learning they implement during the year allows students to learn the same academic content as they would have learned under the in-person bell schedule.

**Q3:** If remote learning is occurring and students are on staggered schedules, with educators only available to support one cohort of students, will that remote learning count towards teacher pupil contact hours?

**A:** Yes, as long as educators are working during those hours and students are able to receive support for the remote learning that they engage in (even if at different times for different cohorts of students), these hours may count towards teacher pupil contact hours. Again, the local board's definition of "educational process" must address remote work time for students that is provided under the supervision of a certified or licensed teacher.

**Q4:** Can districts count lunch time if lunch occurs in the classroom with a learning activity?

**A:** According to the State Board of Education's rules, lunch periods explicitly may not be counted as instructional or teacher-pupil contact hours. See 1 CCR 301-39, section 2.02(2)(b). However, where a district plans to incorporate learning activities into lunch periods, the district may identify the portion of that period that is attributable to student learning taking place and



count that towards instructional or teacher-pupil contact hours. For example, a 40 minute block of time for lunch and math games might include 20 minutes of math instruction.

Q5: How will CDE auditors evaluate funding requirements, including attendance and schedules, in the context of remote learning?

A: CDE will audit schedules against the local board's written definition of education process and the local board's attendance policy.

Q6: Does the definition of educational process need to be consistent for all grade levels throughout a district?

A: No. A district's definition of the educational process does not need to be consistent across the entire district. For example, the district may wish to adopt a policy that defines the educational process differently for elementary schools versus secondary schools.

Q7: What are some sample attendance policies?

A: Example language is provided below.

*Elementary Example: Remote learning offers some flexibility regarding when and where students complete coursework. Nevertheless, they are held fully accountable for meeting all state-mandated attendance requirements. Attendance is expected to be recorded by the parent daily and is verified by teachers to ensure the school is properly calculating and adequately monitoring that students complete a minimum of 12.5 hours per week or 450 hours per year in kindergarten, 27.5 hours per week or 990 hours per year for students in grades 1-5, and 30 hours per week or 1,068 hours per year for students in grades 6-12 based on an 180 instructional day school calendar year.*

*These hours are accumulated through a variety of methods including:*

- *Completion of lessons assigned through the learning management system as documented with student login and lesson participation;*
- *Completion of assignments provided through external sites with access and login only available through direct links;*
- *Completion of offline work documented by parent;*
- *Attendance at a synchronous live session;*
- *In-person testing such as CMAS, PARCC, CoAlt, or other required state exams;*
- *Online assessments such as Scantron accessed through students accounts; and/or*
- *In-person attendance in which attendance is taken by the teacher on-site.*

*Secondary Example: Attendance is monitored daily. Reports are used to show school login data, in addition to each unique course log-in and time spent in course. Synchronous class attendance is monitored by each teacher and also logged into reports. The school calculates attendance in the following way:*

- *Attending 5+ hours daily in their online course curriculum;*
- *Course progress in curricular assessments; and/or*



- *Attending live class sessions for each course as per the schedule.*

Q8: If a district begins an online program to provide remote learning during the COVID-19 pandemic, can they continue the program indefinitely?

A: Districts that start providing online digital services as part of their remote learning options during the COVID-19 pandemic, as outlined in their local board policy, may continue those services after the 2020-21 school year. However, in order to continue to provide online digital services past the 2020-21 school year, districts must apply through CDE's formal certification process for online programs and schools. For more information on this topic, please visit: <https://www.cde.state.co.us/onlinelearning/guidance202021schoolyear>

Q9: Will CDE review the locally adopted definition of educational process?

A: CDE does not plan to review each district's adopted definition of educational process. However, the Colorado Association of School Boards (CASB) will be developing sample language to be shared in mid-July and may be able to provide support reviewing language from individual districts. Districts are also encouraged to work with their local counsel as they adopt governance documents related to student attendance and the educational process.

CDE strongly suggests that local policies defining "educational process" ensure equitable access and the civil rights protections for historically marginalized students. Districts and local boards may want to ask themselves, "How does our definition of educational process ensure that our students who are historically disadvantaged or have academic needs receive the instruction and support that they need?" and "Are there ways that we can define the educational process to maximize instruction and support for students with the greatest academic needs?"

Q10: How does this policy apply to facility schools?

A: According to the State Board of Education's School Finance Rules (1 CCR 301-39, section 17.01), facility schools are required to report on a monthly basis the number of students served during the prior calendar month and the corresponding full-time equivalent membership of such pupils, determined by the number of "instructional days served." A local board's definition of "educational process" could include "instructional days" provided remotely for students enrolled in facility schools.

Q11: What happens if a family enrolls in a remote learning option outside of a district and then wants to transfer back into the district during the year?

A: As required by state law (C.R.S. 22-1-102 and 22-33-105), a district's schools must be open for the admission of students residing within the district, barring certain exceptions explicitly outlined in the law. Local school boards do, however, have the authority to determine enrollment policies for student transfers within the district.

Q12: What does "good faith effort" mean as it relates to plans for remote learning?



A: A good faith effort to provide a quality education for all students, including vulnerable populations, may be based on local facts and circumstances. Indicators of good faith include clearly communicating expectations for staff and families, dedicating resources and supports to implement the district's educational process, creating opportunities and access for students with the greatest needs, providing as much instruction and student support as possible through the end of the calendar year, and implementing a method for measuring gaps in student learning. In demonstrating good faith effort, districts should keep in mind that all applicable federal laws for services for students with disabilities and English language learners are still in effect and should be considered when developing plans for remote learning and the district's definition of educational process.

Q13. What is the deadline for local boards to approve a definition of educational process that includes remote learning and attendance policies that account for counting student participation and attendance in remote learning?

A: Local boards are encouraged to approve policies prior to the start of the 2020-21 academic year. In order for remote learning to be counted for the purposes of instructional hours and student funding, policies must be in place before that type of learning occurs.

Q14: What types of considerations should be used in evaluating whether or not a district's educational services in a remote learning environment are equitable for students?

A: Districts are encouraged to consider ways in which policies and practices might result in a system-wide disadvantage for certain types of students, depending on whether they are participating in fully online programs, in-person or hybrid programs. For example, how is the district ensuring that students in each type of program have equitable access to effective teachers, instruction that is aligned to CAS and CELP standards, and designed to meet the needs of students?

Q15. How can districts develop equivalent remote learning bell schedules, given concerns about screen time, particularly for younger students?

A: CDE understands that remote learning is new territory, and therefore, schools and districts are still determining best practices and approaches. CDE does not recommend an "hours conversion" to calculate equivalent instructional hours for remote learning (e.g. six hours of in-person instruction equals two hours of online instruction). Instead, CDE recommends using in-person calendars and bell schedules as a basis for determining equivalent instructional hours, assuming that the instructional material and content being covered during remote learning is consistent with what would have been covered during in-person instruction. As a reminder, remote learning is not limited to just online learning activities. Remote learning can include activities that demonstrate a student is engaged in the educational process as defined by the local board. This includes, but is not limited to, hands-on projects, educational (worksheet) packets, movement activities, etc. If districts are concerned about limiting screen time (especially for younger students), CDE recommends that the district consider providing a combination of online and off-line activities to ensure that the instructional material and content being covered during remote learning is equivalent to what would be covered during in-person learning. If the district plans to cover the same content and instructional material in any remote learning platform, then it would be appropriate to use the in-person instructional hours as a basis for the equivalency.