



# COLORADO

## Department of Education

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

#### Overview

Colorado state law establishes interconnected requirements concerning school calendars, instructional hours, student attendance and school finance. Generally, the law sets expectations for districts to provide minimum opportunities for student instruction, and local school boards to provide attendance policies that outline expectations for students and families to participate in that instruction. The Colorado Department of Education (CDE) then collects information concerning enrollment, school calendars, instructional hours and student attendance in order to verify school funding and evaluate student engagement.

As a result of challenges presented by the COVID-19 pandemic, CDE has developed the following policy in order to maximize flexibility for districts in school schedules and attendance policies as needed to provide instruction during the pandemic, while still meeting the larger policy goals of allocating funding consistently and equitably and continuing to monitor student engagement during these times.

#### School Calendar

State law requires each local school board to annually adopt a district calendar that includes a minimum of 160 student contact days and allows local boards flexibility in changing that calendar as a result of emergency closings or unforeseen circumstances. C.R.S. 22-32-109(1)(n)(II)(B). Local boards that wish to adopt a 4-day school week calendar or other calendar that allows for fewer than 160 contact days may submit a request to the commissioner for prior approval of the reduced number of contact days.

Most local boards have already adopted their district calendars for the 2020-21 academic year and will be able to revise them to respond to COVID-19 challenges and still meet the 160 contact days requirement without the need for special permission. For the 2020-21 academic year, student contact days may include remote learning days as implemented as a result of public health and safety measures. In order to count a remote learning day as a student contact day, the following criteria must be met: (1) the local board must have adopted (via board policy,



board resolution, or another governance document) a definition of “educational process” that includes remote learning; and (2) the district must have documented (in board policy, handbooks or other guidance) an explanation of the ways in which teacher-pupil instruction and contact time will occur outside the classroom during remote learning days. CASB is developing sample language for districts as they develop definitions of the educational process. Please see further information below, under “Student Attendance.”

In the event that schools are: (1) required to shut down entirely for a period of time, without in-person or remote learning, as described in the district’s “educational process” definition; and (2) therefore unable to meet the 160 student contact days requirement, CDE will work with districts to determine whether a waiver of the 160 contact days requirement is appropriate or if there are other ways to make-up the instructional time.

### **Instructional Hours**

State law requires each school schedule to include the following minimum number of hours of planned teacher-pupil instruction and teacher-pupil contact during the school year:

- Secondary schools (middle, junior high or high school): 1,080 hours
- Elementary schools: 990 hours
- Kindergarten: 900 hours for full time and 450 hours for part-time
- Colorado Preschool Program: 720 hours for full time and 360 hours for part-time

The minimum instructional hours may be reduced by a certain number of hours for parent/teacher conferences, staff in-service programs, and closings deemed by the board to be necessary for the health, safety, or welfare of pupils. Taking into account these exceptions, each school schedule must include the following minimum number of hours of planned teacher-pupil instruction and teacher-pupil contact during the school year:

- Secondary schools: 1,056 hours
- Elementary schools: 968 hours
- Kindergarten: 870 hours for full time and 435 hours for part-time
- Colorado Preschool Program: 351 hours for part-time<sup>1</sup>

C.R.S. 22-32-109(1)(n)(I); 1 CCR 301-1, rule 2.06(1)

Colorado State Board of Education (SBE) rules define “teacher-pupil contact and teacher-pupil instruction” as “time when a pupil is actively engaged in the educational process of a district.” 1 CCR 301-39, section 2.06(2). These SBE rules allow local school boards flexibility in defining “the education process,” so long as they do not include lunch periods. 1 CCR 301-39, section 2.06(2)(B). For the 2020-21 school year only, local boards may define “the educational process” as including instruction delivered electronically and/or other types of independent, remote work time for students that is provided under the supervision of a certified or licensed teacher. As required by SBE rule, local boards of education define “supervision of a certified or licensed

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<sup>1</sup> Hours are doubled when two slots are used for the same student to achieve full-time status.



teacher.” Districts may want to consider ways to differentiate their definition of educational process depending on grade-level (e.g., the educational process may look different for older versus younger students).

In considering their definition of educational process, districts should consider how that policy applies to contracted educational services, such as preschool programs or special education services provided by Boards of Cooperative Educational Services (BOCES). Further, it is worth noting that many charter schools already have waivers for both the school calendar and instructional hour requirements. With these waivers, charter schools have the authority to establish their own definition of the educational process as it relates to teacher-pupil contact and instruction.

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?”

During the 2020-21 academic year, in instances where districts are unable to meet the instructional hour and teacher pupil contact requirements through in-person instruction, the district 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.<sup>2</sup> When calculating hours of remote learning for the purposes of determining teacher-pupil contact and teacher-pupil instruction, districts may base their calculation on academic content covered, student demonstrations of learning, estimated times for students to complete independent work, and/or other methods identified by the district to compare in-person learning to remote learning.

### **October 1 Count and Funding**

As prescribed by state statute, Colorado school districts receive state per pupil funding based on factors in the state’s school finance formula and the district’s pupil enrollment as determined on the pupil enrollment count day. C.R.S. 22-54-101, et. seq. Current law defines pupil

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<sup>2</sup> 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.



enrollment as “the number of pupils enrolled on the pupil enrollment count date within the applicable budget year, as evidenced by the *actual attendance* [emphasis added] of such pupils prior to said date. C.R.S. 22-54-103(10)(a)(I).

State board rule further clarifies when a district can count students as enrolled full-time for the purposes of state funding. In order to be counted in pupil membership, a student must be enrolled and in attendance. 1 CCR 301-39, section 5.04(1). A district can demonstrate student attendance if the student attends school for all or any portion of the pupil enrollment count date or the alternative count date, or if the student is absent on the pupil enrollment date or the alternative count date (for any reason), the student must establish attendance during the current school year prior to the pupil enrollment count date, and resume attendance within 30 days following the pupil enrollment count date (while also not having withdrawn from the district during that time period). 1 CCR 301-39, section 2254-R-5.03(1). As mentioned in the section below, for the 2020-21 school year, districts may alter their district attendance policies and the way in which attendance is documented for remote learning, as described in the district’s “educational process” definition.

Once enrollment and attendance have been documented, districts determine the level of funding for which a student is eligible (none, part-time, or full-time). In order to be eligible for full-time funding, state board rule requires a student to have a schedule which provides for at least 360 hours of teacher-pupil instruction and teacher-pupil contact per semester. 1 CCR 301-39, section 5.04(3). As noted above, teacher-pupil contact may include anytime a student is engaged in the educational process as defined by the district.

For the 2020-21 school year only, districts may define “the educational process” as including instruction delivered electronically and independent, remote work time for students that is provided under the supervision of a certified or licensed teacher, as defined by the local board. Accordingly, the 360 hours needed to count a student as full-time and the 90 hours needed to count a student as part-time may include remote learning. In order to document full-time or part-time status for secondary students, districts may submit on-site bell schedules even when students are required to engage in remote learning as a result of public health and safety requirements. If remote learning does occur, districts should also provide a statement of bell schedule equivalency that is in line with the district’s policy for teacher-pupil contact and teacher-pupil instruction. For example, a district adopting a hybrid learning model, which consists of a combination of in-person and remote learning as a result of public health and safety requirements, could have an equivalency statement indicating that for each course for which a student is scheduled, a portion of the teacher-pupil contact will occur remotely and that remote portion will be equivalent to X minutes per day of on-site teacher-pupil instruction.

Please note that these requirements apply to all remote learning that takes place that is not provided by an official online school or online program as designated by CDE. CDE-designated online schools and programs should continue to provide their standard documentation as specified by statute, rule, and CDE guidance. For further information about the distinction



between remote learning as a result of public health and safety and official online schools or online programs, please see CDE's recently released guidance here:  
<https://www.cde.state.co.us/onlinelearning/guidance202021schoolyear>.

### **Student Attendance**

Colorado's compulsory school attendance law requires all students who are ages 6 and older and attending public school to attend for a minimum number of hours each school year, with exceptions for illness, disabilities, work-study programs, and home-school options, among others. C.R.S. 22-33-104. In addition, state law directs districts to adopt written policies setting forth the district's attendance requirements--including provisions for excused absences that incorporate certain exceptions listed in the compulsory school attendance law. C.R.S. 22-33-104(4). State statute further requires districts to establish procedures to monitor the attendance of each child enrolled in the school district. C.R.S. 22-33-107(3)(b)(I.5).

For the 2020-21 school year, districts may choose to amend their attendance policies to expand the way in which attendance may be documented, so long as students in attendance are still "engaged in the educational process" as defined by the district. (See previous sections.) For example, districts may choose to track and count attendance based on presence during in-person instruction, as well as assignments completed at home, logging into an online learning platform, or other methods of tracking attendance during remote learning. This additional flexibility is provided as a way to accommodate brick and mortar schools that conduct remote learning as a way to address complications of COVID-19 (i.e., through hybrid learning models or remote learning models for students with health conditions or family members with health conditions). This flexibility is not applicable for online programs and online schools that have received online designation from CDE and will continue to provide online education even beyond the COVID-19 pandemic. Such entities are positioned to continue to provide education in the same way due to their existing model and must continue to meet their typical attendance tracking requirements.

Districts are expected to record attendance once daily for those days when instructional hours are provided. Districts may want to re-evaluate their attendance policies as they pertain to excused absences. In particular, districts may wish to alter the way they treat excused absences due to illness, whether students without access to remote learning would qualify for an excused absence, or other considerations related to the COVID-19 pandemic. CASB is developing sample policies for districts to use as they evaluate these considerations.

### **CDE Attendance Data Collection**

Under state law, CDE is required to collect information concerning habitual truancy, which is reported annually by the total number of unexcused absence days for each student. C.R.S. 22-33-107(4). As described above, districts will have flexibility in how they calculate and collect student attendance information in 2020-21, but will still be expected to submit attendance



information for the spring 2021 Attendance Snapshot data collection. Districts should consider processes for documenting attendance in a way that incorporates remote-learning attendance within its student information system.

Under Colorado's Elementary and Secondary Education Act currently approved state plan, Colorado must use chronic absenteeism as one of the indicators in the methodology for identifying schools for support and improvement and must report this data for the U.S. Department of Education's EdFacts Annual Mandatory Collection of Elementary and Secondary Education Data. (Chronic absenteeism calculations do not distinguish between excused and unexcused absences.) CDE encourages districts to be mindful of public health guidelines and prioritize protecting student health and safety which may include students staying home when they are sick, have health concerns/risks, or have family and household members with health concerns/risks. Accountability measures should not be a disincentive for ensuring student and staff health. To the extent that the COVID-19 pandemic alters chronic absenteeism data and impedes the state's ability to reliably use this data as part of the state's methodology for identifying schools for support and improvement or for reporting purposes, CDE will work with the federal government to address these federal requirements during these times.