December 1, 2020

TO: BOCES District Superintendents
School District Superintendents
School District State Aid Designees
Regional Information Center Directors
Charter School Leaders
Data Warehouse Project Managers

FROM: Kim Wilkins, Deputy Commissioner for P-12 Instructional Support
Marybeth Casey, Assistant Commissioner for Curriculum and Early Learning
Brian S. Cechnicki, Director of Education Finance
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RE: Recording and Reporting Attendance and Hours of Instruction for In-Person and Remote Instruction in the 2020-21 School Year

This memorandum provides important information regarding the provision, recording, and reporting of both in-person and remote instruction pursuant to the reopening plans required of school districts, BOCES, and charter schools (collectively referred to in this memorandum as "reporting entities") to the Department. All reporting requirements and additional clarification contained in this memorandum apply to the beginning of the 2020-21 school year in September 2020 and are supplemental to previous directives issued by NYSED.

A summary of the flexibility available in and changes to reporting requirement for the 2020-21 school year is provided below. Attachment 1 provides additional detailed information that should be shared with staff who are responsible for issues pertaining to student attendance, scheduling, and State aid:

- **Provision of Instruction:** For the 2020-21 school year, reporting entities are required to provide options for both in-person and remote learning, particularly in situations where a school building may be required to close.
- **Supplemental School Reopening Information:** In December, the Department will be distributing a supplemental reopening schedule form for all reporting entities to report their current schedules for the school year, noting the clock hours dedicated to in-person and synchronous remote instruction in a typical week (i.e., one without holidays or standalone conference days), and the expected amount of student self-work during periods of asynchronous instruction for all grade levels in all school buildings. Please note that this survey is required and will be public information.

- **Reporting In-person and Remote Attendance:** For the purpose of collecting and reporting daily student-level attendance of students in different learning modalities, the Department will introduce new reporting requirements to record attendance used beginning with September of the 2020-21 school year. Reporting entities will now have to report to the Department for each enrolled student for each day whether the student was present or absent. All student level attendance data are to be reported daily throughout the school year. The reporting entity must be prepared to report the attendance (both positive and negative attendance) by instructional modality (in-person, remote or both on the same day).
- **Recording In-person and Remote Instruction for State Aid Purposes:** Districts are responsible for developing a mechanism to collect and report daily teacher/student engagement or attendance regardless of the instructional setting. For state aid purposes for school districts only, the Department will continue to use the calendar spreadsheet and SAMS 180-day form process for the 2020-21 school year, which districts are to complete in Summer 2021. The Office of State Aid will provide more detailed instructions later in the school year.
- **Conversion of Snow Days into Remote Instruction (School Districts):** As part of the Department's ongoing efforts to provide districts with flexibility in meeting local needs during the pandemic, the Department has established a one-year pilot to enable school districts, at district option and consistent with each district's re-opening educational plan, to pivot to remote instruction to provide continuity of instruction on what would otherwise be a day of school closure due to a snow and other weather and non-weather emergencies. In order to count such day as a day of instruction, the district must provide remote instruction to all enrolled students, including those who may have been scheduled to attend in person instruction on that day. Districts electing to exercise this option are considered to be in session and must continue to provide transportation and other required services to charter and nonpublic schools on such days if such schools remain open.
- **Minimum Instructional Time Waivers for the 2020-21 School Year (School Districts):** The Board of Regents has adopted a regulation permitting districts to seek a waiver of the instructional hour requirement normally in place. While the regulation gives flexibility to districts/schools to create schedules that meet their community's needs while ensuring the health and safety of their students and staff, it is still the expectation of the Department that districts make every effort to create a plan to meet the 900-990-hour requirement. School districts may have already applied waivers for either or both years in the 2020-21 SAMS forms due on September 2, 2020. Districts that did not apply will have an additional opportunity to apply for the 2020-21 school year in the 2021-22 SAMS form set.

Next Steps and Additional Information

- December 2020: Supplemental reopening schedule form will be distributed to all school districts via SED Monitoring;
- August 2021: 2020-21 School Year Form A and 180-Day Calendar SAMS forms available (due September 2, 2021)

- For questions about calendar spreadsheet submissions and the snow day pilot, please contact 180days@nysed.gov
- For questions about reporting data in SIRS please contact the Office of Information and Reporting Services at 518-474-7965 or Data Support

Enclosure

Attachment 1

Recording and Reporting Attendance and Hours of Instruction for In-Person and Remote Instruction in the 2020-21 School Year

With the school year underway, and both the state and districts experiencing new challenges in educating students during the COVID-19 public health crisis, the New York State Education Department (NYSED or "the Department") understands that districts are implementing their reopening plans with all possible fidelity so as to maintain robust educational programs. With these challenges comes a need for better understanding among school and district leaders of state and local roles and responsibilities in maintaining attendance records of students.

To that end, this memorandum provides additional clarification regarding the provision, recording, and reporting of both in-person and remote instruction pursuant to the reopening plans required of school districts, BOCES, and charter schools (collectively referred to in this memorandum as "reporting entities") to the Department. All reporting requirements and additional clarification contained in this memorandum apply to the beginning of the 2020-21 school year in September 2020 and are supplemental to previous directives issued by NYSED.

For the 2020-21 school year, reporting entities are required to provide options for both in-person and remote learning, particularly in situations where a school building may be required to close. While in-person instruction will largely follow the program and reporting requirements that have been in place in prior years, the option to provide remote instruction, both synchronous and asynchronous, requires the Department to provide further clarification regarding the recording and reporting of such instruction.

The table below summarizes the definitions of each type of instruction and provides a few examples.

Instruction Type	In-Person Instruction	Synchronous Remote Instruction	A-Synchronous Remote Instruction
Description	Student is present in the building to receive instruction	Student is NOT present in the building and receives instruction in real time from a teacher present by video or audio.	Student is NOT present in the building and is engaged in learning experiences planned and supported by a teacher that may be done at any time during the day.
Examples	Student attends school in person and is assigned to a teacher for instruction	Teacher live streams a lesson in which the student participates in real time. There is two-way interaction	Teacher pre-records a lesson video and assigns activities to be completed by a due date/time. Teacher offers support or

		between students and teacher Teacher schedules a conference call with a group of students to teach a lesson or engage in other instructional activities	feedback by video, audio or email or text Teacher plans an instructional activity packet. The activity is delivered to the student to complete at home and return to the teacher, who provides the student feedback in writing, by phone or email Following best practices, allotted time on task, including material review and self-work, should be comparable to instruction provided in a face-to-face setting

Supplemental School Reopening Information

In December, the Department will be distributing a supplemental reopening schedule form for all reporting entities to report their current schedules for the school year, noting the clock hours dedicated to in-person and synchronous remote instruction in a typical week (i.e., one without holidays or standalone conference days), and the expected amount of student self-work during periods of asynchronous instruction for all grade levels in all school buildings. Please note that this survey is required and will be public information.

Below is an example of the type of information that will be collected (final format to be determined):

Modality	Monday	Tuesday	Wednesday	Thursday	Friday
In-Person & Synchronous Remote	8AM-3PM (7 hours; 6 instructional hours)	8AM-3PM (7 hours; 6 instructional hours)	None	8AM-3PM (7 hours; 6 instructional hours)	8AM-3PM (7 hours; 6 instructional hours)
Asynchronous Remote	None	None	4 hours	None	None

It is incumbent upon each reporting entity to maximize the instruction provided to enrolled students, especially in this challenging time. Commissioner's regulations require districts and schools to provide 900 hours of instruction for students in grades K-6 and 990 hours of instruction

for students in 7-12, regardless of the modality (i.e., in-person, synchronous remote or asynchronous remote) by which such instruction is provided. Charter schools are required to provide at least as much instruction time during a school year as required of other public schools but may be required to provide additional instructional time pursuant to the school's charter.

Instructional experiences are not defined solely as a student's time spent in front of a teacher or in front of a screen, but time engaged in standards-based learning under the guidance and direction of a teacher. These experiences might include, but are not limited to: completing online modules or tasks; viewing instructional videos; responding to posts or instructor questions; engaging with other class participants in an online or phone discussion; conducting research; doing projects; or meeting with an instructor face to face, via an online platform or by phone. Schools must ensure that the learning is supported, and students have access to assistance from a qualified teacher when they need it.

While the Commissioner's regulations provide flexibility and have been temporarily amended to allow for a waiver for districts that are unable to meet the minimum requirement, districts should make every attempt to provide that amount of instruction through the experiences noted above. In preparing to respond to the Department's supplemental form, districts should consider whether their current reopening plan maximizes the amount of student instructional time and experiences as much as possible.

Reporting In-person and Remote Attendance

State Education law and Commissioner's regulations require the collection and reporting of daily student attendance. Since the reopening plans completed by reporting entities include varying combinations of instructional modalities, the Department is working to develop a method for reporting entities to collect and report to the Department daily student attendance based upon whether students receive instruction in-person or remotely. The Department will continue to use the existing Day Calendar Type codes for instructional and non-instructional days for day calendar reporting in the Student Information and Repository System (SIRS).

For the purpose of collecting and reporting daily student-level attendance of students in different learning modalities, the Department will introduce new reporting requirements to be used beginning with the 2020-21 school year. Reporting entities will now have to report to the Department for each enrolled student for each day whether the student was present or absent. All student level attendance data are to be reported daily throughout the school year.

Pursuant to NYSED reopening plan requirements, reporting entities are to collect and maintain accurate daily student attendance records for all students regardless of whether a student is receiving in person instruction, remote instruction, or both on the same day. The reporting entity must be prepared to report the attendance (both positive and negative attendance) by instructional modality (in-person, remote or both on the same day). Your documentation must include:

- Positive and negative attendance at the student level for in-person instruction: Present, Excused, Unexcused, Tardy, Out of School Suspension (OSS) and In School Suspension (ISS)

- Positive and negative attendance at the student level for remote instruction: Present, Excused, Unexcused, Tardy, Out of School Suspension (OSS) and In School Suspension (ISS).
- Positive and negative attendance at the student level for in-person and remote instruction on the same day: Present, Excused, Unexcused, Tardy, Out of School Suspension (OSS) and In School Suspension (ISS).

As with all data reported in SIRS, the Department will use individual student-level attendance as reported by the reporting entity for all State and federal reporting, including but not limited to the calculation and reporting of student attendance rate, chronic absenteeism, and suspension rates.

Recording In-person and Remote Instruction for State Aid Purposes

As noted in "Recovering, Rebuilding, and Renewing: The Spirit of New York's Schools," districts are responsible for developing a mechanism to collect and report daily teacher/student engagement or attendance regardless of the instructional setting. While districts are maintaining those records, the Department is noting that it may collect any or all of the information in the paragraph below for state aid purposes for the 2020-21 school year. The Office of State Aid will provide more detailed instructions later in the school year. School superintendents will be required, as always, to certify the accuracy of this reporting when submitting their district's state aid forms.

For state aid purposes for school districts only, the Department will continue to use the calendar spreadsheet and SAMS 180-day form process for the 2020-21 school year, which districts are to complete in Summer 2021. Districts should maintain accurate records of the following information:

- The in-person instructional hours, using the "traditional" spreadsheet and existing regulatory guidance;
- The estimated number of daily hours of synchronous remote instructional hours, where students are directly engaged in learning with a teacher present by video or audio, including if such instruction differs from in-person as described above and allowing for remote snow days as described below;
- The estimated number of daily hours of asynchronous remote instructional time, where a student is engaged in learning activities planned and supported by a teacher but without a teacher present;
- The estimated percent of students in in-person, synchronous remote instruction, and asynchronous remote instruction, recognizing these amounts may change over the course of the year;

Conversion of Snow Days into Remote Instruction (School Districts)

As part of the Department's ongoing efforts to provide districts with flexibility in meeting local needs during the pandemic, the Department has established a one-year pilot to enable school districts, at district option and consistent with each district's re-opening educational plan, to pivot to remote instruction to provide continuity of instruction on what would otherwise be a day of school closure due to a snow and other weather and non-weather emergencies, including but not limited to floods, tornadoes, and building fires. In order to count such day as a day of instruction,

the district must provide remote instruction to all enrolled students, including those who may have been scheduled to attend in person instruction on that day. This pilot is in effect for the 2020-21 school year, after which the Department will review the outcome of the pilot in determining whether to continue this flexibility in subsequent school years.

For school districts with a fully-remote instructional model, the conversion of existing snow days may be used so long as the same level of instruction is provided on those snow days as is on standard remote instructional days. This may result in additional flexibility for the district to utilize additional instructional days, beyond the minimum 180-day requirement, for other purposes. Such changes must be consistent with all existing laws and regulations, including the minimum instructional hour requirement, as well as any collective bargaining agreement.

Districts that utilize this option will be required to report the usage of such days as part of the 2021-22 SAMS form process in summer 2021. Additional information on the specific reporting requirements will be available from the Office of State Aid later in the school year.

In accordance with Education Law, districts electing to exercise this option are considered to be in session and must continue to provide transportation and other required services to charter and nonpublic schools on such days if such schools remain open. The required provision of these services may not be waived, and the efficacy and safety of providing them should be a consideration when opting to convert an in-person instructional day to remote instruction due to a weather or other emergency.

Information about transportation services under these conditions may be found at:

- Information about transportation services for charter schools
- Information about transportation services for nonpublic schools

Minimum Instructional Time Waivers for the 2020-21 School Year (School Districts)

Understanding that the COVID-19 crisis has placed significant challenges on a school's ability to have all their enrolled students attend in person, the Department has permitted significant flexibility in planning this year's instructional program. Such flexibility allows school districts to provide instruction in person, remotely or with a hybrid combination. In addition, the Board of Regents has adopted a regulation permitting districts to seek a waiver of the instructional hour requirement normally in place. The revised Part 175.5 regulation states:

> *For the 2019-20 and 2020-21 school years, notwithstanding any other provision of this section to the contrary, any school district may be eligible for a waiver from the annual instructional hour requirement set forth in subdivision (c) of this section if the district is unable to meet such requirement as a result of an Executive Order(s) of the Governor pursuant to the State of emergency declared for the COVID-19 crisis, or pursuant to Education Law §3604(8), as amended by Chapter 107 of the Laws of 2020, or reopening procedures implemented as a result of the COVID-19 crisis, provided that such district meets the requirements outlined in subparagraphs (i), (iii), and (iv) of paragraph (1) of subdivision (m) of this section.*

While the regulation gives flexibility to districts/schools to create schedules that meet their community's needs while ensuring the health and safety of their students and staff, it is still the expectation of the Department that districts make every effort to create a plan to meet the 900-990-hour requirement, with the understanding that there may be circumstances that could cause a district to be unable to meet the instructional hours requirement. These circumstances could include a rise in COVID-19 cases among the teaching staff that curtail a school's ability to provide instruction in certain grades or subjects, or an inability to secure substitute teachers or support personnel.

School districts may have already applied for either or both years in the 2020-21 SAMS forms due on September 2, 2020. Districts that did not apply will have an additional opportunity to apply for the 2020-21 school year in the 2021-22 SAMS form set.

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