

**Your Question:**

How are states addressing student attendance policies and school finance in the wake of the COVID-19 pandemic?

**Our Response:**

We have noticed two broad policy trends:

1. States are tying funding to 2019-20 school year attendance counts; and/or
2. States are modifying attendance policies to account for all instructional models.

Some states may administratively change attendance policies without legislative action (check out [NASBE](#) for actions taken by state boards of education, which Education Commission of the States does not track).

**Tying Funding to 2019-20 Attendance Counts:**

So far, we've identified the following states that have made legislative changes that tie funding to previous attendance counts:

- **California** ([SB 98](#)) requires local education agencies to use average daily attendance from the 2019-20 school year for the 2020-21 school year.
- **Illinois** ([SB 1569](#)) requires attendance calculations to be based on the previous school year or the last three school years, whichever is greater.
- **Michigan** ([HB 5913](#)) blends the 2019-20 attendance counts with the 2020-21 counts, placing more weight on the count of the former.

These policies are often referred to as a generic phrase, "holding districts harmless" for changes or disruptions to bi-annual attendance counts. However, because many states face steep revenue shortfalls, this may render a hold harmless attendance policy impossible to implement.

**Modifying Attendance Policies:**

Below are a few states we identified that have made legislative changes to attendance policies to account for all instructional models:

- **Delaware** ([SB 260](#)) allows the Delaware Department of Education to move the date on which attendance is counted.
- **Illinois** ([SB 1569](#)) clarifies that remote and blended learning days may count toward pupil attendance calculations.
- **Kentucky** ([SB 177](#)) outlines how schools can comply with state requirements while implementing non-traditional instruction plans.
- **Washington** ([HB 2965](#)) allows the state board of education to waive instructional hours and school day requirements.

## State Spotlight: Michigan

One comprehensive example would be from **Michigan**. In addition to their hold harmless policy, the state ([HB 5912](#), [HB 5913](#)) has decided to include all instruction models under the catch-all term “pandemic learning.” Schools are required to demonstrate one “2-way interaction” weekly to ensure students engaged in remote learning are still attending class. “2-way interaction” is defined as communication occurring between a student and teacher, which may take place via e-mail, phone call, instant messaging or a face-to-face conversation. The state is primarily using attendance numbers from last year while also tying this year’s attendance to funding requirements to incentivize teacher-to-pupil interaction during remote learning. Michigan has also waived instructional time requirements (for the number of hours and days per school year) that are tied to state aid. This policy was a typical response we saw in the spring as schools closed and switched to online learning, and some states have waived those requirements again for the upcoming school year.

A lot of states granted their state board of education or state chiefs emergency powers to enact the change. Not all states have passed statutory changes. As the examples above show, states can and do use both attendance approaches to fit their context.