

Your Question:

You asked how other states are adapting foundation aid allocations and requirements in response to distance and hybrid learning models. You're specifically interested in cases where students would normally be required to be in class for a minimum number of hours/minutes/days.

Our Response:

Adjustments to Foundation Formula Allocations:

States allocate foundation formula funding based on average daily attendance (ADA), average daily membership (ADM) or another counting system. As a result of the COVID-19 pandemic, many states have taken action to address school districts' concerns around potential challenges in enrollment or membership calculations resulting from the quick shift to virtual or hybrid learning models.

Below are some examples of recently enacted state policy and guidance that address funding concerns related to attendance and enrollment calculations.

- **California ([S.B. 98](#))**: Requires local education agencies to use average daily attendance from the 2019-20 school year for the 2020-21 school year. Additionally, it outlines the processes for collecting daily attendance in multiple distance learning, in-person and blended learning scenarios.
- **Florida ([H.B. 5003](#))**: Suspends the decline in full time equivalent students supplement for the 2020-21 fiscal year. It also enacts the funding compression and hold harmless allocation that provides funds to districts with FTE funding below the statewide average or if a cost differential in the current year falls below the previous year.
- **Illinois ([S.B. 1569](#))**: Requires the average student enrollment calculation for 2019 and subsequent years thereafter to be based on the greater average attendance of either the previous school year or the previous three school years.
- **Indiana**: The Indiana Department of Education released [Reporting Virtual Students on ADM for the 2020-2021 School Year](#) guidance on June 12. Generally, students reported as receiving instruction virtually generated 85% of the foundation formula dollars for the reporting school corporation.
 - This guidance creates a **new instruction status category of "Virtual due to COVID"** for "students who will receive 50% or more of their instructional programming provided through virtual/distance/remote learning due to the contingency planning for COVID"; school corporations will **be funded for these students at 100% of foundation**.
- **Michigan ([H.B. 5913](#))**: Modifies average daily membership calculation used for school finance calculations for the 2020-21 school year. It blends the prior year's membership with the current year by increasing the weight of the membership from the 2019-20 school year (75%) and deemphasizes membership collected from the 2020-21 school year (25%). It also outlines definitions for "pupils engaged in pandemic learning for fall 2020/spring 2021" to encompass different instruction models used during the COVID-19 pandemic.

- **New York (A.B. 9506):** Requires foundation aid for the 2021-22 school year to be equivalent to the foundation aid appropriated in the 2020-21 school year.
- **Washington:** In the [Reopening Washington Schools 2020 District Planning Guide](#), released June 11, the Washington Office of Superintendent of Public Instruction (OSPI) states that districts should expect to receive full apportionment regardless of the attendance format used:
 - “In the 2020–21 school year, districts will be required to take attendance. OSPI will work with the Office of Financial Management and the Legislature to **ensure districts receive their full apportionment even if districts are forced to build schedules that do not align with the historical practices** of funding schools based on traditional attendance models” (page 28).

Adjustments to Instructional Time Requirements:

Most states tie instructional time to funding formulas, and localities that don’t meet the minimum instructional time requirements will receive less state funding. Our [50-State Comparison on Instructional Time Policies](#), which includes state requirements for the minimum number of days in a year, the minimum number of hours/minutes in a year and the requirements for start/finish dates may be helpful to you.

In light of the COVID-19 pandemic, some states are taking legislative action to waive or make adjustments to instructional time requirements. Below are examples of recently enacted legislation regarding instructional time during the pandemic.

- **California (S.B. 98):** Waives instructional time requirements in 2020-21 to permit distance learning.
- **Delaware (S.B. 260):** Allows the Delaware Department of Education to move the date that attendance is counted.
- **Illinois (S.B. 1569):** States remote learning days, blended remote learning days, and up to five remote and blended remote learning planning days may count toward pupil attendance calculations. Schools and districts are permitted to use programs approved under the state's e-learning days policy for remote or blended learning days. In the event of a public health emergency, the state superintendent has the authority to require remote or blended learning days statewide.
- **Iowa (S.F.2310):** Requires schools to provide remote learning in the event of a closure in the 2020-21 school year in order to have the instructional time requirement waived.
- **Michigan (H.B. 5912)** Waives the 1,098 instructional hour and 180 days of instruction requirement and instead requires districts to provide student instruction that would lead to course completion given the possible instruction methods used during the pandemic.
- **New Jersey (A 3904):** Permits school districts who have closed schools in the event of a public health emergency to count virtual instruction toward the 180 instructional days required by law. A district must receive school board approval and submit the proposed virtual instruction program to the commissioner of education for approval.
- **North Carolina (SB 704):** For the 2020-21 school year, each public school unit shall develop a remote instruction plan and submit it to the state board no later than June 30, 2020. This plan shall provide a framework for delivering quality remote instruction. Each public school unit shall adopt a calendar that includes 190 days of instruction as follows: a) 185 days or 1,025 hours of instruction, b) An additional five instructional days that shall be satisfied only by five individually separate and distinct full instructional days and not by an accumulation of instructional hours and c) of the 190 days, 5 remote instruction days are

required in accordance with the remote instruction plan, which may be scheduled in the discretion of the public school unit.

- **Washington** ([H.B. 2965](#)): Allows the state board of education to waive instructional hours and school day requirements.
- **Wyoming** ([H.B. 39](#)): Allows teachers offering in-person course instruction to deliver that same instruction using an interactive, online delivery method to students outside of the school and district in which the teacher is employed. It also provides that a course taught remotely using this method is not considered virtual instruction for purposes of determining a student's participation in part-time or full-time virtual education.