

Your Question:

A member of the media asked about state attendance policies in response to COVID-19, specifically if states have frozen enrollment numbers for funding purposes.

Our Response:

The following response is separated into two sections — state policies addressing student enrollment calculations and funding, and state policies and guidance addressing attendance and instructional time — both in response to the COVID-19 pandemic.

Student Enrollment and Funding

The following state policy examples represent a sampling of enacted legislation relevant to student enrollment and school funding policies in response to the COVID-19 pandemic.

- California [S.B. 98](#): Provides a hold harmless component for attendance calculations and requires local educational agencies to use average daily attendance for the 2019-20 school year ending Feb. 29, 2020, rather than through the expected school year; a prior executive order had made this alteration for some school districts, but this bill expanded eligible districts. Additionally, it outlines processes for collecting daily attendance in multiple distance learning, in-person instruction and blended learning scenarios.
- Delaware [S.B. 260](#): In Fiscal Year 2021, the department of education is authorized to move the date on which the annual total enrollment of pupils is counted, to determine the actual unit count, to Nov. 13, 2020.
- Florida [H.B. 5003](#): Suspends the decline in full-time equivalent students supplement for the 2020-21 Fiscal Year, and enacts the funding compression and hold harmless allocation, which provides funds to districts whose FTE funding is below the statewide average or whose cost differential in the current year falls below the previous year.
- New York [A.B. 9506](#): Requires foundation aid for the 2021-22 school year equivalent to foundation aid appropriated in the 2020-21 school year.
- North Carolina [H.B. 1071](#): Provides supplemental funding for low-wealth counties based on average daily membership to effectively respond to education impacts of COVID-19. Transfers funds to the department of public instruction from the Civil Penalty and Forfeiture Fund, the School Bus Replacement Fund and the Coronavirus Relief Fund.

Attendance and Instructional Time

The following policy examples represent a sampling of state policies and guidance addressing attendance and instructional time in response to the COVID-19 pandemic. For additional information on remote learning and school finance in response to the COVID-19 pandemic, consult the Education Commission of the States' [COVID-19 update](#).

State Reopening Guidance

Within their reopening guidelines, Alabama, Arkansas and Kentucky identified guidance for design and expectation for remote learning. Within its [Roadmap to Reopening Schools – June 2020](#), Alabama provided minimum and maximum instruction time by grade level as well as a recommended length of time for sustained attention. In Arkansas, districts are able to implement a system of blended learning that utilizes both face-to-face and technology-based instructional approaches within its [Ready for Learning](#) model.

Kentucky recommended that districts consider a variety of alternative models in preparation for reopening fall 2020, which included [four strategies](#): scheduled rotations, synchronous opt-in hybrid, combination (consisting of scheduled rotation and opt-in hybrid), and online and virtual school models.

Blended/Virtual Learning Policy

To supplement previous information regarding state-level policy on virtual attendance, below is a sampling of state blended learning and instructional time policies taking into consideration in-person instruction, remote learning and/or distance learning when applicable.

State	Policy	Status	Description
Illinois	S.B. 1569	Enacted	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. Districts that are not implementing an approved e-learning day program must develop a plan for remote and blended learning days that must be approved by the district superintendent and must include provisions for remote instruction accessibility, instruction aligned with state learning standards, means for students to communicate with teachers, how the school will monitor attendance, and how the school will serve English learners, special education students and students experiencing homelessness.
Kentucky	S.B. 177	Enacted	Schools with a nontraditional instruction plan may request approval for additional nontraditional instruction days in the event of a state of emergency and school closure caused by COVID-19. If a school district does not have a nontraditional instruction plan that has been approved for the 2019-20 school year, it may submit a plan for approval by the commissioner of education to provide nontraditional instruction in the event of school closures caused by COVID-19. Nontraditional instruction may include distance or virtual learning
Michigan	H.B. 5912	In House	Each district shall provide at least 1,098 hours and 180 days of pupil instruction to receive state aid. Waivers exist for either a blended model of delivery or 100% online model of delivery with requirements to receive proportions of state allocated aid. For the 2020-21 school year, the department shall waive the required minimum hours and days of pupil instruction for each district that is providing instruction under an extended

			continuity learning plan approved by an intermediate district or authorizing body.
New Jersey	<u>S.B. 2337</u>	Introduced	If a district is required to close the schools of the district for more than three consecutive days for a declared state of emergency, the commissioner shall allow the district to apply the 180-day requirement (see Section 9.a.) to meet such requirements. A district that wants to use a program of virtual or remote instruction to meet the 180-day requirement must submit the proposed program of instruction to the commissioner within 30 days of the effective date of the bill and annually thereafter. If a district is unable to meet the deadline, a commissioner may retroactively approve the program.
Wyoming	<u>H.B. 39</u>	Enacted	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. 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.