# MEMORANDUM

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| **To:** | Members of the Board of Elementary and Secondary Education |
| **From:**  | Russell D. Johnston, Acting Commissioner |
| **Date:**  | October 22, 2024 |
| **Subject:** | Report on Student Learning Time Waivers for Innovative Programs  |

On April 23, 2013, the Board of Elementary and Secondary Education (Board) voted to delegate to the Commissioner of Elementary and Secondary Education (Commissioner) the authority to approve waivers of the Student Learning Time regulations for good cause. Pursuant to this authority, the Commissioner may grant waivers to permit districts to initiate innovative programs that provide less instructional time than the minimum school day and school year requirements established in the regulations for Student Learning Time at  [603 CMR 27.00](https://www.doe.mass.edu/lawsregs/603cmr27.html?section=all). Following the Board’s delegation, the Department of Elementary and Secondary Education (Department) developed a Student Learning Time Waiver process, including an application, for districts to outline plans for sound educational programming that provides less instructional time than the minimum school day and school year requirements.

This memorandum provides some background information, an overview of the Student Learning Time Waiver process, a summary of the waivers granted by the Commissioner for the 2024-25 school year, and a list of districts currently operating under such waivers.

**Background**

Under [603 CMR 27.00](https://www.doe.mass.edu/lawsregs/603cmr27.html?section=all), school committees are required to schedule a school year that includes at least 185 days at each school and must operate the schools for at least 180 school days in a school year. In addition, schools must ensure that elementary school students are scheduled to receive a minimum of 900 hours of structured learning time[[1]](#footnote-2) per school year and that secondary school students receive a minimum of 990 hours of structured learning time per school year. Kindergarten students must receive a minimum of 425 hours of structured learning time per school year.

**Overview of Waiver Process**

Under 603 CMR 27.06(1) and the Board’s delegated authority, the Commissioner may grant waivers of student learning time requirements for “good cause.” In particular, “[s]chool committees are encouraged to apply for waivers, as needed, to permit the district to initiate innovative programs or schedules intended to improve student learning.” 603 CMR 27.06(1).

The Department manages the review process for waiver requests and provides information on its website at <https://www.doe.mass.edu/redesign/SLTwaiver.html>. After a district submits an application, the Department reviews the submission based on the criteria outlined in the application and conducts interviews with the applicants, as needed. The Department then presents evidence to Commissioner, who subsequently approves or denies the request. District programs approved for a waiver granted pursuant to 603 CMR 27.06(1) must finalize an evaluation plan, and the Department monitors data twice a year for the duration of the waiver. The Commissioner typically grants waivers for one or two years.

The waiver process permits districts to provide innovative programs and schedules to benefit students educationally and improve student learning. This waiver process is not intended for emergency cases or extraordinary circumstances, such as natural disasters or public health emergencies that force the temporary closing of one or more schools. The Commissioner may grant waivers for high-quality innovative schedules or educational methodologies that are supported by sound educational rationales and accountability for results.

**Waivers Granted by the Commissioner for the 2024-25 School Year**

This summer, in accordance with the review process outlined above, I granted two waivers of student learning time (SLT) for innovative programs. A third district is operating in the second year of a two-year waiver. The table below informs the Board of the three district programs currently operating under a student learning time waiver. It summarizes these requests and provides program highlights, the date of the waiver, and the duration of the waiver.

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| **District and Program**  | **Springfield Empowerment Zone Partnership (SEZP), Aspire Program at the High School of Commerce** |
| **Request** | Consistent with the Memorandum of Understanding (MOU) between the Department, Springfield Public School District (SPSD), and Springfield Empowerment Zone Partnership (SEZP), the SEZP previously applied for and received a one-year (2023-24) SLT waiver for high school students in the Aspire Program at the High School of Commerce. The waiver allowed the SEZP Aspire Program to provide virtual and hybrid programs with a personalized approach that aims to improve student learning, to engage a small group of SEZP/Aspire students, to decrease dropout rates, and to increase graduation rates. The district's evaluation plan for 2023-24, based on six students, two entirely remote and four with hybrid programming, revealed that five of the six students had consistent or improved attendance and that all six completed their courses. Two of these students were pregnant or already parents. In addition, one student finished with a Certified Nursing Assistant (CNA) certificate, demonstrating the program's success. Based on this 2023-24 experience, in June 2024, SEZP/Aspire submitted another SLT waiver request for the next two school years (2024-25 and 2025-26) with a few adjustments to the original application. The new waiver would continue to permit a small group of SEZP/Aspire students to access hybrid or remote learning options. | **Date Granted:** July 10, 2024 | **Waiver Duration:** 2024-25 and 2025-26 school years |
| **District and Program**  | **Westfield Public School District (WPS), Middle and High School Virtual Pathway** |
| **Request** | In June 2024, Westfield closed its Single District Virtual School, reportedly due to the cessation of ESSER funds. During a subsequent school committee meeting, the Superintendent proposed, and the school committee approved, offering a virtual option for middle and high school students. On August 2, 2024, WPS sought an SLT waiver to support remote schooling options, called Virtual Pathway, for middle and high school students. The request proposed serving up to 150 students. The stated mission is to “engage students for whom virtual learning works best, while still keeping students connected to their community and providing instruction through the Westfield Public Schools curriculum by Westfield Public Schools educators located at” Westfield High School and Westfield Middle School. Virtual Pathway is “structured as a traditional school day, like their brick-and-mortar peers, apart from the classes being virtual.”  | **Date Granted:** September 4, 2024 | **Waiver Duration:** 2024-25 and 2025-26 school years |

**Additional district currently operating under waiver**

Former Commissioner Jeffrey Riley granted a third district program a 2-year waiver of student learning time that is still in effect. See the table below for details.

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| **District and Program**  | **Holyoke Public Schools (HPS), High School Opportunity Academy (HSOA)** |
| **Request** | HPS received a one-year SLT waiver for school year 2022-23 for HSOA, a network of alternative learning communities serving high school and adult students significantly off track from their peers. The waiver allowed HPS to provide a variety of learning options (asynchronous, semi-synchronous, synchronous, virtual learning lab, self-paced work) to deliver a project-based, competency-based curriculum aligned with the Massachusetts Curriculum Frameworks. In June 2023, HPS submitted a new SLT waiver request to offer a variety of learning options, including remote learning options, for the 2023-24 and 2024-25 school years. In the request, HPS asked for a small increase in program size from 15 to 25 students to provide more students with individualized pathways and improved engagement to decrease dropout rates and increase the graduation rate. | **Date Granted***:*June 7, 2023 | **Waiver Duration:** 2023-24 and 2024-25 school years. |

If you have any questions regarding these matters or require additional information, please contact Alison Bagg, Director of Charter Schools and School Redesign; Regina Robinson, Deputy Commissioner; or me.

1. The regulations, at 603 CMR 27.02, define “structured learning time” as follows.

[T]ime during which students are engaged in regularly scheduled instruction, learning activities, or learning assessments within the curriculum for study of the "core subjects" and "other subjects." In addition to classroom time where both teachers and students are present, structured learning time may include directed study, independent study, technology-assisted learning, presentations by persons other than teachers, school-to-work programs, and statewide student performance assessments. Hybrid learning may constitute structured learning time if a district's hybrid learning model is consistent with the requirements of 603 CMR 27.08(3)(a) [addressing hybrid learning during a public health emergency]. Remote learning may constitute structured learning time if a district's remote learning model is consistent with the requirements of 603 CMR 27.08(3)(b) [addressing remote learning during a public health emergency]. [↑](#footnote-ref-2)