

Remote Learning and the 2021-2022 School Year

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September 1, 2021 | 2021-R-0154

Issue

Are local school districts allowed to offer remote learning as an education option to their general student populations for the 2021-22 school year?

Summary

The state has not specifically authorized school districts to offer remote learning to their students for the 2021-22 school year on a district- or school-wide basis, but the state Department of Education (SDE) has encouraged districts to be prepared to offer remote learning in certain limited situations.

[PA 21-46](#), §§ 16-18 (as amended by [PA 21-2](#), June Special Session (JSS), §§ 390-393) authorizes school districts to provide remote learning for grades nine to 12 beginning with the 2022-23 school year if it conforms with SDE's remote learning guidelines and attendance requirements. But the act is silent on the 2021-22 school year. SDE officials have stated that their interpretation of this legislation and the lack of any authorizing executive order or State Board of Education (SBE) action, means local or regional boards of education may not offer district- or school-wide remote learning in the 2021-22 school year.

At the same time, state [guidance](#) for the 2021-22 year encourages school districts to be prepared to offer remote learning in the following limited situations: (1) during a local COVID-19 outbreak, (2) when a group of students or even a whole school is in quarantine, or (3) in individual cases for

students with elevated risks for COVID-19 exposure due to living with family members with a vulnerability to COVID-19.

Background

During the declared COVID-19 public health emergency, the governor used a series of executive orders to cancel in-person classes in March 2020 through the end of the 2019-20 school year (see OLR report [2020-R-0111](#)). Then, in the summer of 2020 as the pandemic continued, additional actions were taken in preparation for the upcoming 2020-2021 school year.

Acting through its authority under state law and citing the governor’s emergency declaration, the SBE passed a [resolution](#) on August 11, 2020, that granted school districts the ability to use remote or hybrid learning in place of in-person school. The resolution said in part, “This Board’s authorization for hybrid or remote programming due to unavoidable emergency is contingent upon school districts providing rigorous learning and engagement opportunities that are aligned with State standards and Board expectations, whether the education is in person or remote.”

The SDE school reopening guidance [document](#) for the 2020-21 school year, “Adapt, Advance, Achieve: Connecticut’s Plan to Learn and Grow Together,” required districts to allow any and all students to opt for remote learning (while the document was labeled “guidance,” it contained a number of requirements, see OLR report [2020-R-0187](#), “[State Department of Education 2020-2021 School Reopening Plan](#)”). The document was first issued in June 2020 and was updated several times. Then [EO 9](#) (issued on September 4, 2020) made this reopening document binding guidance on all school districts. All school districts prepared remote learning options for all their students for the 2020-21 school year.

Recent Legislation

[PA 21-46](#), §§ 16 & 17 (with technical changes made by [PA 21-2](#), JSS) authorizes local and regional school boards, beginning with the 2022-2023 school year, to offer remote learning to students in grades nine to 12. A board may offer remote learning if it:

1. provides instruction that complies with the standards the new law requires SDE to develop, and
2. adopts a student attendance policy for remote learning which (a) complies with SDE guidance and (b) counts attendance of any student who spends at least one-half of the day during remote instruction engaged in remote classes, remote meetings, activities on time-logged electronic systems, and turning in assignments.

This law also requires the SDE commissioner to develop, and update as necessary, standards for remote learning (i.e., instruction by means of one or more Internet-based software platforms as part of a remote learning model).

SDE's legislative liaison Laura Stefon detailed the agency's position on remote learning for the 2021-22 school year in a recent email:

The SBE and SDE interpret Public Act Nos. 21-46 and 21-2 (JSS) to prohibit remote learning on districtwide or schoolwide basis for the upcoming 2021-2022 school year. The state has made clear its intent to return students to full in-person learning for the upcoming school year, and the Public Acts intentionally exclude the upcoming school year with respect to permissible remote learning...

Boards of education cannot implement remote learning on a *districtwide* or *schoolwide* basis during the upcoming 2021-2022 school year. Boards are *encouraged*, however, to adopt policies addressing how continued educational opportunities will be provided to certain students, including those in temporary isolation or quarantine.

Excused and Unexcused School Absences

A related provision of [PA 21-46](#) requires SBE, by July 1, 2021, to change its definition of the terms "excused absence" and "unexcused absence" to exclude a student's (1) engagement in virtual classes, (2) virtual meetings, (3) activities on time-logged electronic systems, and (4) completion and submission of assignments, if the engagement accounts for at least one-half of the school day in which virtual learning is authorized. (It appears that SBE has yet to change these definitions.)

SDE indicated that there are no plans for the SBE to vote on a resolution for the 2021-22 school year that would allow remote learning or that would grant school districts the ability to use remote or hybrid learning in place of in-person school.

SDE Remote Learning Guidance for Limited Situations

On July 15, 2021, SDE issued [guidance](#) for all school districts on remote learning. The guidance states:

[T]he evolving COVID-19 pandemic presents the possible need for a continued emergency declaration and future Executive Order or other action addressing narrow access to remote learning as a direct public health necessity. Accordingly, school districts are also encouraged to develop a local policy to address how remote learning might be used to provide continued

educational opportunities: (1) for students who must be in COVID-19 isolation or quarantine, (2) to address localized outbreaks in a school or specific school district, and (3) in rare and individualized circumstances, for students with elevated risks from COVID-19 exposure due to cohabiting family members with documented vulnerability to COVID-19.

SDE elaborated in the email:

Boards are not specifically *prohibited* from offering temporary remote learning to individual students in isolation or quarantine, but any such remote learning will not count toward the 180-school day requirement. It is ultimately up to each board to determine what types of continued educational opportunities will be provided in these situations, so the SDE does not categorically state that boards must prepare for remote learning for students in all grades. Other continued educational opportunities could include, for example, synchronous learning, before or afterschool instruction (if it is safe), meetings with teachers to discuss make-up plans, etc.

SDE indicated the guidance issued on July 15 is expected to be the primary guidance as the new year begins, but that it is possible it could be revised in the wake of any special legislation or executive orders.

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