

NH Department of Education Advisory Guidance For Schools Conducting Remote Instruction and Hybrid Instruction

The following guidance has been prepared to support schools and districts utilizing remote instruction and hybrid instruction models in accordance with applicable NH state statutes and Department Administrative Rules.

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I. Common Expectations

The term *instructional model* is used here to mean a defined environment under which a teacher delivers instruction to students. The three most common instructional models employed by schools and districts during the COVID-19 pandemic include:

1. **In-Person Instruction** in which a teacher provides instruction to students in-person within a standard classroom environment
2. **Fully Remote Instruction** in which a teacher provides instruction to students who are in a separate location from the teacher, typically using technology such as video-conferencing tools and digital learning management platforms
3. **Hybrid Instruction** in which a teacher provides instruction to students using a combination of the previous two models, often employed as a rotating schedule during which some instructional days are in-person and some are remote.

The following guidance is meant to be used in conjunction with the [NH Grades K-12 Back-to-School Guidance](#) document and represents common expectations of all schools and districts in the state:

- The school or district employs one or more instructional models that are clearly defined and allow each student to demonstrate mastery of school, district, and state competencies and grade level expectations with consistent formative and summative assessment practices
- The school ensures that remote instruction models deliver rigorous and relevant instruction to students, in whatever instructional model is used. Instructional time is defined in ED306.02 (k)

and means “the period of time during which pupils are actively working toward achieving educational objectives under the supervision of an educator or other staff member.” While this is a broad definition, a good demarcation, particularly for circumstances when students will be working independently, is the availability of an educator or staff member to respond to questions. We want to avoid circumstances where students are assigned work to do without supervision to support them in the event they get stuck or have questions.

- Every student is given a consistent schedule that includes the opportunity for regular, daily contact with teachers and school staff, direct instruction through synchronous or asynchronous models, independent student work, and teacher office hours
- Every student is provided with the resources and materials necessary to fully participate in the employed instructional model
- The school has an attendance policy and procedure that is consistent with each instructional model, defines half-day and full-day attendance, and is tracked to ensure that students are participating in the chosen model of instruction.
- Teachers are properly supported and supervised to ensure that they are meeting district and parent expectations for their students.
- The school has a comprehensive communication plan for developing and disseminating information to students, parents, and the community, and for engaging and interacting with questions and feedback regarding the instructional model and student academic achievement.

II. School Year Requirements

Per RSA 189:24 and Ed 306.18, under NH state law, a standard school year is one that is maintained for at least 180 days each year, or the equivalent number of hours as required by the rules of the Department of Education. Schools are required to offer each student a standard school year of instruction. Students are to advance upon mastery of a subject. (ED 306.27 (f))

A standard school year can be measured as a minimum of 180 school days, **or**;

A standard school year can be measured as

- 450 hours of instructional time in half-day Kindergarten
- 945 hours of instructional time in grades 1 – 6
- 990 hours of instructional time in grades 7 - 12

When calculating a school year by hours it is important to keep the following points in mind:

- 1) Lunchtime, homeroom periods, passing time, and breaks shall not be counted toward the required amount of instructional time. (ED 306.18(b))

- 2) Elementary schools may count up to 30 minutes of recess per day as instructional time for pupils in kindergarten through grade 6. (ED 306.18(b))
- 3) Advisory periods in middle and high schools shall be counted as instructional time. (Ed 306.18(b))
- 4) The school year for high school seniors may be reduced by no more than 5 days or 30 hours of instruction, whichever is less, from the number of days or hours of instruction for other high school students. (ED 306.18(c))
- 5) The instructional school day of an individual student shall not exceed 5.75 hours of instructional time in elementary schools. (ED 306.18(a)(3))
- 6) The instructional school day of an individual student shall not exceed 6 hours of instructional time in middle and high school. (ED 306.18(a)(3))

III. Shortened Days and Early Release

Pursuant to Ed 306.18(a)(5) a school may have a shortened day when an emergency condition exists which might affect the health and safety of students. The school may count the shortened day as a full day of instruction if it normally would have been at least 5.25 hours and the school remained open for at least 3.5 hours of instructional time. The Governor’s declared state of emergency in response to the COVID-19 pandemic does not, in and of itself, constitute an “emergency condition” within the meaning of this exception. The rule applies only to unanticipated, short-term emergency situations that necessitate an unscheduled or unplanned shortened school day. Thus, a reported COVID-19 outbreak that causes a school to close early or unexpectedly may invoke Ed 206.18(a)(5), but a school may not maintain a long-term plan of only offering reduced instructional time to its students throughout the duration of the state of emergency.

IV. Waivers of Instructional Time

Each school must include 30 hours at the end of the school calendar to be used for rescheduling hours lost due to inclement weather or other emergencies. Schools must use these hours to reschedule lost instructional time before requesting a waiver of any instructional time lost under RSA 189:2.

V. Distance Education and “Blizzard Bags”

On August 13, 2020, Governor Sununu issued Executive Order #29, Exhibit P, which authorized a temporary modification of administrative rule Ed 306.18 Ed 306.22.

Under Executive Order #29, Exhibit P, schools are no longer required to submit a plan to the Department of Education when conducting distance education. While this modification is intended to address the need for distance instruction in response to the Covid-19 pandemic, the rule also applies to situations including inclement weather and other emergencies.

It is important to note that the Department does not use the term “blizzard bags” in any statute or administrative rule. This is a colloquial term that is used to refer to an instructional day that is conducted during situations when the physical school facility is inaccessible, such as during a blizzard.

Schools and districts may continue to conduct distance education, as defined in Ed 306.22, under a variety of situations, without submitting the required plan to the Department for approval.

VI. Truancy During Remote Instruction

During this unique period while schools are using a variety of instructional models, the issue of how a district should address issues of truancy inevitably arises. As always, the safety of our students remains the paramount concern. As such, the local school district's role in identifying students who are vulnerable to potential abuse or neglect must adapt in step with adjustments to the enforcement of absenteeism and truancy policies during this time.

By way of relevant background, RSA 189:35-a, defines "truancy" as follows:

- For the purposes of this subdivision, "truancy" means an unexcused absence from school or class and "unexcused absence" is an absence which has not been excused in accordance with RSA 189:34, II(a)¹.
- Ten half days of unexcused absence during a school year shall constitute habitual truancy. A school district shall define the term "half day of absence."

In order to define truancy during this time of remote instruction, districts will first need to build from their revised definition of "attendance" and "absenteeism". These two terms should be clearly defined, being mindful that attendance is a flexible construct in this environment. For example, attendance might be determined by having a daily or weekly check-in online. Being mindful that not all students will have equal access to the internet, attendance might be deemed achieved when a student completes and submits the weekly assignments. Under no circumstances, however, should students be marked as attending if there has been no engagement.

In some cases, a local school district policy may need to be amended to reflect changes to the definitions of "attendance" and "absenteeism." In other cases, a revision to school district procedure will be sufficient. However, school districts should consider the potential for additional disruptions to future school years and use this opportunity to make appropriate changes.

Once these terms—attendance and absenteeism—have been redefined, then the term "truancy" can likewise be revised to fit the environment. In so doing, districts should be cognizant to distinguish a remote learning challenge, such as having issues with internet access, from absenteeism. However, if a student is consistently not attending any of the remote instruction meetings and is not completing any of the coursework, that inaction should constitute truancy and needs to be addressed by the district.

Districts are encouraged to take a proactive approach with truancy, being mindful that the lack of attendance might be indicative of an underlying issue of concern of abuse or neglect. It is only by identifying these issues early that a district can offer the tools and support which help to support the social and emotional health of our students.

As such, once a student has failed to engage in instruction and has been recorded as absent in accordance with the policy, a district must determine how to engage with the student and family in a safe and effective manner. A recommended best practice might be for a district to utilize an escalated response. For example, but subject to local discretion, the first step would be a phone call or an email

¹ RSA 189:34, II(a) provides that: "School board policies on truancy shall include but not be limited to: (a) A definition of "excused absence" and a process for considering exceptions to absences not otherwise excused."

from the district to the student and parent. If there is no response, then the district might send a letter. If there is no response to the letter, then a welfare check should be done at the student's home. While some districts might engage staff to undertake this task, best practice would be to utilize the School Resource Officer (SRO), or to request that the local law enforcement agency undertake the welfare check.

When and if these contacts with families occur, school administration and staff should remain mindful of their continuing obligation to report any suspicion that a child might be a victim of abuse or neglect. As a reminder, RSA 169-C:29 provides in relevant part that: "Any . . . teacher, school official, school nurse, school counselor, social worker . . . or any other person having reason to suspect that a child has been abused or neglected shall report ..."

In addition, the Department of Child, Youth, and Family services published guidance in April, 2020 that suggests schools contact DCYF to report a concern when "The child is frequently missing school (and the school has exhausted every reasonable effort to address barriers to learning and support the family, e.g. helping with internet access, calling emergency contacts or neighbors)". <https://www.dhhs.nh.gov/dcyf/documents/family-wellbeing-during-covid-19.pdf>

VII. Attendance Frequency Asked Questions (FAQ)

The nature of the COVID-19 pandemic necessitated that all schools move from an in-person instructional environment to a remote instruction environment in March of 2020 and with the advent of the new school year, many schools are continuing to operate a remote instruction or hybrid instruction model. The Department of Education determined that there was a need to answer questions relative to student attendance and truancy.

1. Are schools required to take attendance during remote instruction?

Yes, all schools are required to track and record student attendance, regardless of whether instruction is occurring in-person, remotely, or through a hybrid model. (ED 306.XX)

2. How is attendance determined for students in remote instruction?

Attendance is determined by each school or district, and the Department recommends that each school develop a policy or procedure for tracking remote instruction attendance that is both fair and consistent. The most common methods for tracking attendance during remote instruction include measures of student engagement, such as, but not limited to:

- Required participation in virtual class meetings or instructional sessions
- Submissions of specified assignments to teachers
- Participation in phone calls or submission of emails at specified times
- Participation in online message boards and forums at specified times
- Any other communication or engagement method deemed appropriate by the local school or district

3. Can attendance be taken asynchronously?

Yes, districts may adopt policies or procedures that allow for tracking student attendance in asynchronous models. For example, attendance can be taken based upon work handed in the next day in a remote instruction or hybrid model.

4. If a student is not participating in remote instruction, should they be marked absent?

If a student is not participating in remote instruction under the policies or procedures that the school or district has designated in response to Question 2, then the student should be marked as absent.

5. If a student is participating in VLACS and is still enrolled in the local school district, is the local school responsible for the attendance of the student?

Yes, the school is responsible for the attendance of ALL students enrolled with the school, even if they are taking courses at VLACS. The school should have a procedure for monitoring, tracking and reporting the attendance of these students.

If a student registers as a homeschool student and then enrolls in VLACS, the district is not responsible for tracking the attendance of that student.

For more information visit the NH Department of Education website at www.education.nh.gov, where you can also access the [NH K-12 Back to School Guidance](#) document.

For specific inquiries related to this document, please contact the Bureau of Educational Opportunities, Office of Public School Approval, via email at schoolapproval@doe.nh.gov or by contacting Nate Greene, Bureau Administrator, at (603) 271-5252.