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How States can Empower Schools to Effectively Vary Time & Attention for Academic Recovery

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INTRODUCTION

To address the massive disruptions to learning wrought by the COVID-19 pandemic, American children will need more opportunities for differentiated, high-quality learning, stronger relationships with the adults in their school, and streamlined access to social-emotional support. These needs are especially keen — and therefore deserve focused attention — for the country's lowest-income students, Black and Latinx students, English language learners, and students with disabilities. Of course, these needs, while exacerbated by the current crisis, aren't new. Education leaders have been struggling to redesign schools and systems for decades to improve educational outcomes.

The American Rescue Plan provides states with $122 billion in Elementary and Secondary School Emergency Relief, which, along with ESSER, provide policymakers with an unprecedented opportunity to start to meet those extraordinary student needs and truly transform schools and systems.

District leaders are already considering using ESSER funds to accelerate student learning through strategies such as tutoring, but such interventions alone will not be enough. It will take years to address the needs that have emerged from or been exacerbated by the pandemic — and the cost of doing so will far exceed even the huge amount of revenue most districts expect to receive.

State leaders must therefore support sustainable, long-term solutions that enable districts to fundamentally alter how they provide instruction, especially for students with the most need. States can build off shifts that districts have already made to transform how students receive instruction for these students. Over the past year, districts have changed from traditional instructional models of one teacher per in-person class for a set number of minutes each day to a student experience that leverages different learning modes and a variety of staff and community partners that better target support to individual student needs. Of course, schooling this year hasn't been ideal by any means. But schools made shifts that demonstrate the kind of change that is possible, and some of those shifts are bright spots worth sustaining.

Navigating how to sustainably change existing structures for the better can feel overwhelming, so we have identified five "power strategies" (Empowering, Adaptable Instruction, Time & Attention, The Teaching Job, Relationships & Social-Emotional Supports, and Family & Community Partnerships) to accelerate equity-focused recovery and redesign. The power strategies come out of decades of research about how successful schools accelerate learning for every child – even those who may enter way behind grade level, they address the most urgent needs caused by this crisis, and they have the potential to change cost structures so they can be sustained over time. Our new Start Here Series features emerging examples of districts and schools around the country putting the power strategies to work.

States Start Here builds on the Start Here Series by detailing how state leaders can empower districts with the flexibility to implement and invest in the kinds of changes driven by our power strategies.

While state policies play a critical role across all the power strategies, they play a particularly pivotal role in enabling strategic use of Time & Attention, especially in the policy areas related to instructional time and class size. For this reason, **we urge states to revisit current policies around instructional time and class sizes to enable districts to expand and vary the time and individualized attention students receive, while still holding districts accountable for strong student outcomes**.

In the following sections we discuss what strategic practice around instructional time and attention looks like, what the state role could be to enable these practices, and what other strategies state leaders might consider as they promote learning acceleration.

POWER STRATEGIES: TIME & ATTENTION

Current state policies around individual time and attention that define and prescribe total instructional hours or class sizes may directly or indirectly inhibit districts from implementing strategic instructional practices.

For students — especially those with the greatest needs — to engage in learning that meets their distinct needs, districts will need the flexibility to explore new ways to expand and vary the time and individualized attention they receive inside and outside of traditional school hours. Imagine if students in high priority grade levels and subjects, such as third grade literacy or ninth grade algebra, had significantly smaller class sizes. Or if a school were able to assign multiple educators — including aides, social-emotional support staff, and administrators — to push into targeted classes, enabling more "just-in-time" instruction in small groups and one-on-one. To provide this additional attention in practice, districts either need to hire substantially more instructional staff or engage in resource trade-offs: strategic class size reductions in priority areas means increasing class sizes elsewhere to keep resource use neutral. So, while there is no state policy that prevents districts from reducing class sizes, there are requirements on class sizes that would make such resource trade-offs impossible. For example, in Revere High School in Massachusetts, school leaders deliberately reduced classes in 9th grade to facilitate the transition to high school, which meant increased class sizes for upper grades.

In addition to varying the attention students receive, districts will need to ensure that each student spends the amount of time they need in each subject to reach competency. Equitable education will mean that different students receive different amounts of time based on their needs. This may mean extending learning time or differentiating existing time across subjects by student need. Districts will want to provide students with personalized amounts of time for foundational, high-priority subjects and skill development, meaning that some students may experience more time in some subjects than others. However, states' seat time requirements

standardize learning time, both preventing students from moving onto new content when they are ready and prematurely pushing students into new content. To ensure students spend the right amount of time on the right content, states need to consider competency-based systems. For example, students in Connecticut can demonstrate content mastery in lieu of seat time. In competency-based instructional models students demonstrate mastery, as opposed to meeting time requirements, to move ahead.

Similarly, districts may look to increase educators' capacity to focus on students' distinct needs by taking an "all hands on deck" approach that leverages families, community volunteers, college students, and retired teachers who can support learning in indirect ways, such as providing resources or prepping materials. A district may even explore options for providing intensive tutoring to groups of students who need the most help by partnering with local organizations and service providers, coordinating with a local university, or creating new roles for existing staff. However, in practice, districts often must rely solely on certified teachers to provide instruction. To enable flexible staffing models that increase student attention, states need to consider whether their definition of instruction limits non-certified experts from supporting students and consider other ways of ensuring quality instruction. In response to the pandemic, states like Massachusetts relaxed out-of-field teaching regulations to give school and district leaders more tools to create structures and roles that fit the moment, but instructors still needed to be certified. States now can make permanent what has worked from the past year.

In the short term, instructional time and class size policies are unlikely to constrain strategic practices, as districts can use ESSER funds to pay for these supplemental resources or reduced group sizes without reallocating from other areas. However, for these research-based, highly impactful strategies to be sustainable beyond the next few years, schools and districts will need the flexibility to make the kinds of resource tradeoffs described here. If we don't change state policies to enable structural changes, districts will likely simply layer on top of broken systems interventions such as tutoring, which will disappear when the funds run out and leave students worse off. For our lowest-income students, Black and Latinx students, English language learners, and students with disabilities – all of whom have been hardest hit by the pandemic – we can't allow this to happen.

THE STATE ROLE

Students' experiences are, to an extent, bounded by state policies that prescribe when students learn, who they learn with, and who they learn from. Specifically, instructional time and teacher certification requirements interact with class size limits in four key ways that limit districts' ability to flexibly target additional time and attention to students:

1. State policies generally define "instructional time" based on a more traditional, narrow vision of what instruction looks like: one teacher standing in front of a certain number of students, delivering content for a set amount of time. Some state policies include language that **instruction must happen under the immediate supervision of a certified**

employee. These requirements may inhibit flexible staffing models that increase student attention by leveraging experts in the community, targeted use of online instructional resources, or non-certified school staff from supporting students.

2. Some states **fund districts based on hours of instruction**, which is traditionally thought of as the hours a student spends during the school day with a certified teacher. Using a prescriptive definition of hours of instruction often excludes certain activities from counting as instructional time, such as online courses that require fewer hours to complete or activities that happen outside of the traditional school day. While these policies don't *prohibit* districts from using online courses or extending the school day or year, they could make it harder for districts to fund these strategies after ESSER funds run out, even if proven highly effective.

3. **Parameters around instructional time** may limit a district's ability to personalize how much time students spend across subjects and if and how districts extend the school day or year. For example, three states set maximum time requirements rather than minimums, ranging from 5.75 to 8.5 hours per day, and fourteen states have parameters around specific school start and end dates. Districts often cannot extend learning time beyond these state parameters, limiting districts' abilities to serve students who are furthest behind or most impacted by the pandemic. Instructional time parameters not only place boundaries on when students can learn, but also on how much time they can spend in different subject areas. Eighteen states and Washington D.C. rely on seat time requirements, which limit a district's ability to vary instructional time by need, forcing students to experience a standardized amount of learning across all subjects independent of their proficiency. Districts are further disincentivized from personalizing instructional time for students if funding is based on a set number of hours by subject.

4. State policies often regulate the amount of attention that students receive through **average or maximum class sizes**, restricting differentiation strategies districts can implement. About two-thirds of states have a written policy in place around class sizes for all or a subset of grades. States that regulate maximum class sizes, expressly prohibiting classes from exceeding certain levels, limit a school's ability to strategically create higher class sizes in one area (or at certain times in the school day) to significantly reduce class sizes in another. Other states require districts to meet class size averages. While this policy may appear to provide more flexibility than policies dictating class size maximums, averages are often interpreted by the education community and leaders as the standard that is expected to be met for all classes. As a result, we often see similar class sizes across schools and courses, with little differentiation by subject or student. To accelerate student learning, districts will have to target substantial class size reductions to priority students or subject areas.

Policies around class size and instructional time were instituted to ensure that all students receive a minimum standard of instruction. However, as districts use the power strategies to innovate on what instruction can look like, states need to reconsider how policies limit the ways in which districts can expand and vary time and attention for students and achieve equity. States must

look to enable new learning models while at the same time ensuring districts continue to meet minimum standards of instruction.

OTHER CONSIDERATIONS FOR STATE LEADERS

In addition to revisiting state policies, state leaders can look to other actions that promote strategic time and attention practices in service of equity and excellence. Some states use waivers to provide districts with flexibility around certain requirements. While such waiver policies aim to remove barriers to innovation, they can serve as a barrier of their own if overly cumbersome or difficult to pursue, especially when planning needs to happen quickly.

A district's path towards strategic practice should instead be lined with incentives. States can incentivize districts to engage in strategic practices in addition to revisiting time and attention policies. For example, Texas incentivized time and attention strategies by paying districts 50% of incremental costs to extend the school year past 180 days, for up to 30 days.

There is much that states can do to support districts to operationalize strategic practices once incentivized. States can provide technical assistance around resource shifts through prototypes like new school schedules and calendars or new teacher leader role descriptions and sample daily schedules to enable differentiated time and attention. They can also facilitate sharing across districts working on similar challenges through creating networks and other outlets. States can also support districts to pilot new school models and use state distribution platforms to share successes broadly. Logistically, states can also provide districts with pre-approved vendor lists, accelerating districts' pace of change and adoption of new interventions. Similarly, statewide contracts lower system costs and provide districts with high-quality instructional partners. For example, the Nebraska Department of Education is making the Zearn Math Summer Intensive Series available to all elementary and middle schools statewide.

CONCLUSION

The COVID-19 pandemic has highlighted the need to serve students differently, and to focus on the students hit hardest by this crisis. New U.S. Education Secretary Miguel Cardona recognizes that "we would be missing an opportunity if our goal was to be what we were on March 10th of last year." Faced with unprecedented challenges this past year, districts across the country found innovative ways to deliver instruction that were previously unimaginable. State leaders now can create flexible policies that empower districts to meet rising student needs, while still holding districts accountable for strong student outcomes, especially for students of color and students with greater needs. Focusing on policy changes that enable districts to implement strategic time and attention practices is an impactful place to start.