

Appendix T: Emergency Remote Instruction Plan (beginning 2023-2024)

This appendix addresses the 2022-2023 amendments of Sections 100.1, 155.17, and 175.5 of the Regulations of the Commissioner of Education Relating to Remote Instruction and its Delivery under Emergency Conditions, and the amendments of Sections 200.7, 200.16, and 200.20 of the Regulations of the Commissioner of Education Relating to Remote Instruction and its Delivery Under Emergency Conditions and Length of School Day for Approved School-Age and Preschool Programs Serving Students with Disabilities

INTRODUCTION

The Burnt Hills-Ballston Lake Central School District developed the following Emergency Remote Instruction Plan to address the instruction of students if extraordinary circumstances prevent students and staff from physically attending school. The Emergency Remote Instruction Plan meets the requirements of New York State Education Commissioner's Regulations for inclusion in the 2023-2024 District-Wide School Safety Plan. Additionally, the plan adheres to guidance set forth in the following Board of Education policies: AR5153.1 Emergency Regulation Regarding Student Registration and Attendance; AR8330.3 Staff Use of District Technology and Student Use of District Technology; 5300 Code of Conduct; 5300.75 Student Dress Code.

BACKGROUND INFORMATION

The NYS Education Department (NYSED) authorized a "snow day pilot" program during the Covid-19 pandemic 2020-2021 and 2021-2022 school years. This program allowed school districts to deliver instruction remotely on days in which they would otherwise have closed due to an emergency.

To give districts greater predictability, in September 2022, the NYSED Board of Regents amended section 175.5(e) of the Commissioner's regulations to codify this flexibility. Districts that would otherwise close due to an emergency may, **but are not required to**, remain in session and provide instruction through remote learning and count these instructional days towards the annual hours requirement for State Aid purposes. Instruction must be provided to all students and be consistent with the definition of remote instruction, as explained below. In addition, beginning with the 2023-2024 school year, such instruction must be consistent with the school district's Emergency Remote Instruction Plan.

NYSED also amended section 155.17 of the Commissioner's regulations to require public schools, BOCES, and county vocational education and extension boards amend their District-wide School Safety Plans to include plans for remote instruction beginning with the 2023-2024 school year. This gives the public an opportunity to provide feedback on such plans for remote instruction prior to their adoption. The Emergency Remote Instruction Plan must include the methods that the school district will ensure the availability of: devices; internet access; provision of special education and related services for students with disabilities; the expectations for time spent in different remote modalities.

Such plans also require that each chief executive officer of each educational agency located within a public school district report information on student access to computing devices and access to the internet each year.

NYSED additions to section 100.1 of the Commissioner's regulations define the term "remote instruction." This definition identifies various ways in which remote instruction may be delivered, but which must include, in all situations, regular and substantive teacher-student interaction with an appropriately certified teacher.

The NYS Board Regents adopted the amendments noted above that became effective as a permanent rule on September 28, 2022.

Sections 200.7, 200.16, and 200.20 of the Regulations of the Commissioner of Education were amended, and became effective September 13, 2022, and December 12, 2022, as an emergency action for the preservation of the general welfare to permit approved special education providers to provide remote instruction in the 2022-2023 school year on days they would otherwise close due to an emergency and to count such instructional days towards 14 minimum requirements and to identify the ways in which such remote instruction may be delivered. These amendments relate to remote instruction and its delivery under emergency conditions for students in approved private schools for the education of students with disabilities, state-supported schools, state-operated schools, and approved preschool special education programs. These updated regulations now provide the same flexibility for remote instruction under emergency conditions that was given to school districts. The effective date of the final rule was January 25, 2023.

REMOTE INSTRUCTION

The Commissioner's regulations define remote instruction as "instruction provided by an appropriately certified teacher, or in the case of a charter school an otherwise qualified teacher pursuant to Education Law §2854(3)(a-1), who is not in the same in-person physical location as the student(s) receiving the instruction, where there is regular and substantive daily interaction between the student and teacher." For the purpose of this plan, remote instruction means the instruction occurring when the student and the instructor are in different locations due to the closure of one or more of the district's school buildings due to emergency conditions as determined by the Superintendent of Schools. Emergency conditions include, but are not limited to, extraordinary adverse weather conditions, impairment of heating facilities, insufficient water supply, prolonged disruption of electrical power, shortage of fuel, destruction of a school building, shortage of transportation vehicles, or a communicable disease outbreak, and the school district would otherwise close due to such an emergency.

UNSCHEDULED SCHOOL DELAYS AND EARLY RELEASES

Instructional hours that a school district scheduled but did not execute, either because of a delay to the start of a school day or an early release, due to emergency conditions, may still be considered as instructional hours for State aid purposes for up to two instructional hours per session day, provided the School Superintendent certifies such to NYSED, on the prescribed NYSED form, that an extraordinary condition existed on a previously scheduled session day and that school was in session on that day (NYSED Part 175.5).

The Emergency Remote Instruction Plan shall identify various ways in which instruction may be delivered, including synchronous and asynchronous instruction. In all situations, remote instruction requires regular and substantive teacher-student interaction with an appropriately certified teacher.

Synchronous instruction engages students in learning in the direct presence (remote or in-person) of a teacher in real time. During remote instruction, students and teachers attend together from different locations using technology. Asynchronous instruction is self-directed learning that students engage in learning without the direct presence (remote or in-person) of a teacher. Students access class materials during different hours and from different locations. During an emergency closing, synchronous instruction is the preferred method of instruction, whereas asynchronous instruction is considered supplementary instruction.

ENSURING ACCESSIBILITY AND AVAILABILITY (INTERNET, COMPUTERS/DEVICES)

The Burnt Hills-Ballston Lake Central School District shall survey families to find out who has a reliable high-speed internet connection. A survey conducted in 2020 identified families who live in the district that do not have access, therefore remote learning is a challenge, if not impossible, for these students. Since 2020, every student who enrolls in the district provides information on internet access and computer accessibility. All survey information is stored and available in the SchoolTool database. When students do not have internet access, the district works with the families to develop a plan to provide instructional materials for them as well as a process for recording attendance and grading. The district works with the community to provide locations where internet access could be used if they are able to use these locations.

Commissioner's regulation 115.17(f) outlines the annual data collection that districts must submit to SED every year by June 30. It requires the school district to survey families regarding internet and device access at the student's place(s) of residence. The chief executive officer (School Superintendent) shall survey students and parents and persons in parental relation to such students to obtain information on student access to computing devices and access to internet connectivity.

District policy AR8330.3 and procedures are followed to ensure computing devices are made available to students or other means by which students will participate in synchronous instruction.

BHBL EMERGENCY CLOSURE REMOTE LEARNING PLAN

<p align="center">POLICIES</p>	<p>The plan adheres to guidance set forth in the following Board of Education policies: <u>AR 5153.1 Emergency Regulation Regarding Student Registration and Attendance</u>; <u>AR 8330.3 Staff Use of District Technology and Student Use of District Technology</u>; <u>5300 Code of Conduct</u>; <u>5300.25 Student Dress Code</u>.</p>
<p align="center">INTERNET AND DIGITAL DEVICE ACCESS</p>	<p>The Burnt Hills Ballston Lake CSD provides all students, teachers and teaching assistants in grades K-12 access to a personal computing device (chromebook). In the event of an emergency, closing provisions will be made to the greatest extent possible to ensure that all students, teachers and teaching assistants have their device at home for instruction.</p> <p>The Burnt Hills Ballston Lake CSD participates fully in the SED Digital Access Survey along with locally developed surveys to assess how many students have internet access at home. The district’s ERI Plan is consistent with the information provided by families in the Student Digital Resources data collection regarding the availability of computing devices made available to students or other means by which students will participate in synchronous instruction, and access to internet connectivity under emergency remote instruction. The district provides hotspots to any families, teachers and teaching assistants that indicate a need for reliable internet to facilitate access to learning at home.</p> <p>All faculty should have an alternative general activity for students in the instance that widespread power outages or other disruptions to connectivity occur preventing synchronous connection. If students lose connectivity, then the expectation is they will complete the alternate assignment provided.</p>
<p align="center">PEDAGOGY</p>	<p>All teachers in grades K-12 will use Google (Meet, Classroom, etc.) as their primary instructional platform.</p> <p>Several district provided instructional technology software programs are available to support instruction along with a wide array of other resources curated by faculty. Teachers will utilize these programs to differentiate instruction, accessing a variety of delivery methods that best suit their course, grade level, and teaching style. The instructional approach may include a combination of:</p>

	<p><u>Synchronous “Live” Instruction</u> - Using Google Meet along with other digital platforms, teachers will deliver real time instruction to a full group or subset of students. Teachers may incorporate asynchronous or project based opportunities within this model.</p> <p><i>Teachers will make personal connections with all students, including supporting English Language Learner/Multilingual Learner students, during scheduled class times via Google Meet. These connections will allow teachers to take attendance, introduce new content or skills and will allow students to connect with their teachers and peers in order to be guided through lessons, ask questions, and maintain personal relationships. The duration of these synchronous connections depends on the grade level and daily instructional plan but should be the primary mode of instruction and substantial enough to guide learning.</i></p> <p><u>Asynchronous “Flipped” Instruction</u> - Using a variety of digital platforms, teachers will deliver captured or recorded lessons with associated expectations for students participation and assignment completion (i.e. “Flipped Classroom”). These activities may include teacher/student synchronous interactions for a portion of the lesson.</p> <p><u>Authentic Independent Instruction</u> - Using a variety of methods, teachers will engage students in high quality learning activities. These activities must engage students in the learning process. Teachers will provide assistance to students in this mode of instruction through asynchronous and synchronous methods outlined above.</p> <p><u>Alternatives to Remote Instruction</u> - The district determines which students for whom remote instruction via digital technology is not appropriate via agreement between the administration, teaching professional and parent/guardian. In these instances alternative materials to guide instruction will be made available in advance. Teachers or other professionals will be available to support students for whom remote instruction is not appropriate or accessible upon return to school.</p>
<p>STUDENT EXPECTATIONS</p>	<p>All students will receive information on how to access course material and instruction from their teachers. Students are expected to follow all directions and requests to participate in instruction to the fullest extent possible. During synchronous instruction students are expected to be school ready. This includes being on time for class, engaging fully through video and audio as directed by their teacher, and presenting themselves in a manner that is in accordance with school expectations.</p> <ul style="list-style-type: none"> ● All students are expected to practice appropriate digital etiquette and responsible behavior during assigned Google Meets: <ul style="list-style-type: none"> ○ Mute yourself on meets as directed by your teacher ○ Cameras are to be kept on during classroom meets unless directed specifically by your teacher to do otherwise. ● Students are expected to work in an appropriate setting when participating remotely / on-line. Work places include a desk, table, kitchen counter, etc... Other locations are not appropriate or acceptable.

	<ul style="list-style-type: none"> • Student dress must be appropriate in all platforms - the Student Dress Code section of the Student Handbook / Code of Conduct applies to students in all platforms. <p>If there are any circumstances preventing full and appropriate participation the student should let the teacher know. As this is a required attendance day, students must fulfill expectations for satisfactory participation as determined by their teacher.</p>
DAILY SCHEDULE	The virtual day will follow the same schedule framework as the HS, MS and Elementary School to which the student is assigned. As with all school schedules, appropriate breaks will be included in the daily schedule for students and faculty, including time for lunch. Students will attend all assigned classes at their scheduled time. The method of instructional delivery will vary to facilitate appropriate screen time per age level within these parameters. MS and HS teachers must be available for academic support during AAP (Tues-Thurs).
COMMUNICATION PROTOCOL: INTERVENTION	Teachers will follow the same communication protocols that are established in school for addressing areas of academic or behavioral need. This includes a combination of email, phone calls, and academic/behavioral referrals to the administration. All effective strategies should be accessed to maintain effective communication.
SPECIAL SERVICES	School districts are required to implement supports, services and accommodations, as indicated in students’ IEPs or 504 Accommodation Plans, to the best of their ability. NYSED recognizes that there may be limitations to implementing certain services or accommodations through remote instruction and as a result, encourages districts to apply a “lens of reasonableness” to their approach. Please see the “Support for Students with Disabilities During Emergency Closing Virtual Instruction” section below this chart for specific guidelines.
NON- INSTRUCTIONAL SERVICES -TRANSPORTATION -FOOD SERVICE -MAINTENANCE -CUSTODIAL -CLERICAL/ ADMINISTRATIVE SUPPORT	When a school district is in remote session, non-instructional services may still be required to report to work to perform critical services related to their area of expertise. In the event that the change to remote instruction is due to a snow or other weather emergency, such change will likely impact transportation and other critical services. Decisions whether or not non-instructional employees should report to work will be made and communicated in real time by the appropriate supervisor or administrator based on whether services can be provided in a safe and efficient manner.

**SUPPORT FOR STUDENTS WITH DISABILITIES
DURING EMERGENCY CLOSING VIRTUAL INSTRUCTION**

School districts are required to implement supports, services and accommodations, as indicated in students’ IEPs or 504 Accommodation Plans, to the best of their ability, when providing virtual instruction.

Special education teachers who provide direct/indirect consultant services will initiate outreach to their students' general education teacher(s) to collaborate on instructional modalities and any necessary accommodations or modifications required of assignments or assessments for the day.

Special education teachers who teach resource room, self-contained special classes either content specific or specialized programs, should follow the same guidance and expectations as classroom teachers in regards to pedagogy, content, class meetings, and flexibility.

Teaching assistants are available for instructional support by way of participating in class meetings, keeping up on classroom assignments and expectations, and serving as additional academic support.

Related service providers are to provide "tele-therapy" services, to the best of their ability. Related service providers are expected to adhere to similar guidelines as other professionals in regard to student and teacher work at home, communication, and flexibility and they will use the students' IEPs to determine an appropriate/reasonable level of communication and support.

Documentation Requirements-Special education personnel are expected to document all supports and services provided to students during this time. Document the manner, means, duration of time, follow up efforts, etc. IEP progress monitoring is required to be collected and reported to parents following the schedule listed on students' IEPs. Medicaid session notes continue to be a requirement for eligible related service providers. Special education teachers/service providers are responsible to hold any virtual professional meetings already scheduled on a day that becomes a virtual instruction day.

NYSED Plan Requirements

1. Policies and procedures to ensure computing devices will be made available to students or other means by which students will participate in synchronous instruction;
2. Policies and procedures to ensure students receiving remote instruction under emergency conditions will access internet connectivity;
3. Expectations for school staff as to the proportion of time spent in synchronous and asynchronous instruction of students on days of remote instruction under emergency conditions with an expectation that asynchronous instruction is supplementary to synchronous instruction;
4. A description of how instruction will occur for those students for whom remote instruction by digital technology is not available or appropriate;
5. A description of how special education and related services will be provided to students with disabilities and preschool students with disabilities, as applicable, in accordance with their individualized education programs to ensure the continued provision of a free appropriate public education; and
6. For school districts that receive foundation aid, the estimated number of instructional hours the school district intends to claim for State aid purposes for each day spent in remote instruction due to emergency conditions pursuant to section 175.5 of this Chapter.

INSTRUCTIONAL HOURS FOR STATE AID AND REPORTING REQUIREMENTS

Pursuant to Section 175.5 of Education Law the school district may decide to transition to remote instruction in the event emergency conditions dictate the closure of the PreK through Grade 12 facilities. Under the provisions of New York State Education Law and the District Emergency Remote Instruction Plan any instruction sessions provided during the closure of the school facilities are counted towards annual hour requirements for meeting 180 days required for State financial aid.

For school districts such as BHBL that receive foundation aid, districts can estimate the number of instructional hours the school district intends to claim for State aid purposes for each day spent in remote instruction due to emergency conditions. This provision allows for districts to determine the number of hours per day that the district plans to provide instruction during emergency remote learning.

Annual hourly requirements for the purpose of apportionment of State Aid (for districts receiving foundation aid) are noted below:

- 450 instructional hours for pupils in half-day kindergarten
- 900 instructional hours for pupils in full-day kindergarten and grades one through six
- 990 instructional hours for pupils in grades seven through twelve

The district estimates the number of instructional hours it intends to claim for State aid purposes for each day spent in remote instruction due to emergency conditions from a minimum of 1 remote instruction day due to emergency conditions, up to the full year's annual hourly requirement.

How many hours of instruction will the district plan to claim for each day of an emergency closure? A BHBL remote instructional day is the same number of instructional hours as an in-person instructional day:

- i. Grades K-5: The instructional day shall be 6 hours, 15 minutes;
- ii. Grades 6-8: The instructional day shall be 6 hours, 36 minutes;
- iii. Grades 9-12: The instructional day shall be 6 hours, 35 minutes;
- iv. The actual hours of the instructional day shall be discussed each spring in building council.

For example, if the school district has three (3) remote instructional days in a school year, then it will claim an estimated total instructional hours for State Aid purposes due to emergency conditions as follows:

1. Grades K-5: 6 hours, 15 minutes X 3 days = 18 hours, 45 minutes
2. Grades 6-8: 6 hours, 36 minutes X 3 days = 19 hours, 48 minutes
3. Grades 9-12: 6 hours, 35 minutes X 3 days = 19 hours, 45 minutes
4. **For a district-wide estimated total of 58 hours, 18 minutes**

The Superintendent of Schools and the Teachers Association acknowledge that professional responsibilities are required for the school day, instructional day, and for periods outside the school day. Professionals shall exercise their responsibilities within the school day. The schedule will be as follows:

- The School Day for Grades K-5 shall begin between the hours of 8:05am and 8:35am
- School Day Length for Grades K-5: 7 hours, 10 minutes
- The School Day for Grades 6-12 shall begin between the hours of 7:25 am and 7:55am
- School Day Length for Grades 6-12: Monday, Tuesday, Wednesday, Thursday (7 hours, 40 minutes), Friday (6 hours, 38 minutes)

It is understood that the school calendar shall include the number of pupil attendance days needed to assure maximum state aid for operating purposes, and if the number of snow days or other authorized school closings should require makeup days to assure maximum state aid, all professionals will be required to work on these makeup days without additional compensation beyond the annual salary provided by the terms of the BHBL Teachers Association agreement.