



Massachusetts Department of Elementary and Secondary Education

75 Pleasant Street, Malden, Massachusetts 02148-4906

Telephone: (781) 338-3000
TTY: N.E.T. Relay 1-800-439-2370

Policy Statement: School Day and Structured Student Learning Time Requirements November 2011

Under the Massachusetts Student Learning Time regulations (603 CMR 27.00, <http://www.doe.mass.edu/lawsregs/603cmr27.html>), school committees are required to schedule a school year that includes at least 185 days at each school, and are required to operate the schools for at least 180 school days in a school year. In addition, schools must ensure that students are scheduled to receive a minimum of 900 hours of structured learning time per school year for elementary school students and a minimum of 990 hours of structured learning time per school year for secondary school students. Kindergarten students must receive a minimum of 425 hours of structured learning time per school year.

Guidelines for Waiving the 180-day Requirement

The Student Learning Time regulations include a provision ([603 CMR 27.06](#)) that allows the commissioner to waive the 180-day requirement when an emergency or extraordinary circumstance forces the closing of one or more of the district schools. To clarify when districts will be expected to make up lost time, how much time will need to be made up, and when waivers will be considered, we have established the following guidelines:

1. All days lost to health, weather, or safety emergencies between the **first day of the school year and March 31** must be made up by rescheduling full school days to ensure a 180-day school year.
2. All days lost to health, weather, or safety emergencies between **April 1 and June 1** must be made up to ensure a 180-day school year or at least until the district has reached **its previously-scheduled 185th day**, whichever comes first. If all five snow days have been used prior to this point, the district is not required to schedule additional school days.
3. Districts will not be expected to make up any days lost to health, weather, or safety emergencies that occur **after June 1**.

The Board of Elementary and Secondary Education adopted the 185-day regulation in anticipation that at least 5 days might be lost each year to weather emergencies. Increasingly, school districts have taken the initiative to start the school year before Labor Day, thereby building in additional flexibility to make up lost days before the end of June. Such planning is commendable.

Making up missed days can be done in several ways. School districts may decide to take one or more of these actions: cancel or shorten the February or April vacation periods, convert

scheduled professional development days into school days for students, hold school days on Saturday, keep school open on Good Friday, or add days later in June beyond the originally scheduled last day of school.

Answers to Frequently Asked Questions about Student Learning Time

- 1. Q:** If the school year is extended beyond June 30 in order to comply with the 180-day requirement, may the district pay salaries and costs incurred from the current year's budget?

A: The Department of Revenue's Division of Local Services has advised that the answer is yes. If the school year must be extended beyond June 30 to comply with state law on student learning time, that would extend the scope of the municipality's appropriation for the schools beyond June 30. See [Mass. General Laws Chapter 71, Section 40](#), which provides that the compensation paid teachers is deemed "fully earned at the end of the school year, and proportionately earned during the school year" (emphasis added). Teachers, therefore, could teach school in early July to comply with the 180-day requirement, and any salaries paid would appear on warrants payable for the fiscal year that ended on June 30. In short, state law permits the school year (and salary payments) to extend beyond June 30 in these circumstances. School officials still should consult with their own legal counsel to determine whether any provisions in collective bargaining agreements or local ordinances would affect the decision to schedule school days after June 30.

- 2. Q:** Does the school district need a waiver to close school for one or more days in cases where it will still provide at least 180 school days and the required hours of structured learning time?

A: No. As long as the school is providing at least 180 days for students (and 900 hours for elementary schools, 990 hours for secondary schools, and 425 hours for kindergarten), the district does not need a waiver from the commissioner.

- 3. Q:** Can shortened school days (e.g., parent/teacher conferences, early release for a holiday, professional development) be counted toward the 180 school days?

A: Shortened days may count toward the 180 school day requirement, but only the actual time spent on structured learning time can count towards the student learning time requirement of 900 hour requirement for elementary schools, 990 hour requirement for secondary schools, and 425 hour requirement for kindergarten.

- 4. Q:** Is a waiver required if students and teachers must leave school early for an emergency situation, such as a safety threat at school or heating failure?

A: No. If students and teachers report to school but must then leave because of an emergency situation, the day may still count toward the 180 school days, but only the actual time spent on structured learning time can count towards the 900 hour requirement for elementary

schools, 990 hour requirement for secondary schools, and 425 hour requirement for kindergarten.

5. **Q:** Can the school committee schedule early release days for professional development as may be called for in the teachers' contract?

A: Yes, as long as the schedule still meets the 180 school days and 900 hours (elementary), 990 hours (secondary), 425 hours (kindergarten) of structured learning time for students. Consult with the district's legal counsel about specific issues involving collective bargaining agreements.

6. **Q:** If the school year is extended to make up for snow days, does high school graduation need to be rescheduled?

A: No, the graduation date does not have to be rescheduled. Per [603 CMR 27.05](#), school districts are encouraged to schedule high school graduation as close as possible to the scheduled closing date of the high school, and graduation may be held up to twelve days before the regularly scheduled closing date. The earliest permissible release day for seniors is twelve school days prior to the regularly scheduled closing date of the school, which means that high schools operating on a 180 day year for students may release the seniors as early as the 168th day of school. If the date for high school graduation has been set and subsequently a few more days are added to the school year to make up for snow days or other emergencies, the original graduation date does not need to be changed, as long as it is no more than twelve school days before the originally scheduled closing date for the school year.

7. **Q:** Does Massachusetts law mandate specific start and end dates for school, or specific weeks of school vacation?

A: No. Start and end dates for the school year are a local decision. Similarly, although public schools and public offices are required to be closed on legal holidays (see the list posted at <http://www.sec.state.ma.us/cis/cishol/holidx.htm>) the dates of school vacation weeks are also a local decision. In order to build in flexibility and ensure that all students receive the teaching and learning time to which they are entitled, we strongly recommend that school officials consider taking the following actions to facilitate meeting the 180-day school year and student learning time requirements:

- Hold the first day of school **before Labor Day**.
- Schedule a **one-week vacation** in March instead of week-long vacations in February and April.
- Notify parents, teachers, and students when the school calendar is adopted that the February and/or April vacations may be cancelled if multiple school days have to be made up due to inclement weather or other extraordinary circumstances.

8. **Q:** To make up some lost days, may school be open on a holiday?

A: No. State law requires all public offices to be closed on statewide legal holidays. The

Attorney General issued an opinion in the 1970s confirming that public schools are considered “public offices” under this law. Therefore, public schools may not be open for business – i.e., teaching students or providing required professional development for teachers – on a legal holiday. Any exceptions to this would require special legislation. For a list of Massachusetts legal holidays, please consult the Secretary of State’s Office at <http://www.sec.state.ma.us/cis/cishol/holidx.htm>. Please note that all holidays falling on Sunday must be observed on Monday, under state law.