



COVID-19 Considerations for Schools and Districts

March 9, 2021

HB 208: Changes to Non-Traditional Instruction

On March 4, 2021, Gov. Andy Beshear signed House Bill 208 (HB 208) into law, codifying many of the emergency regulations under which Kentucky's schools and districts have been operating during the 2020-2021 school year. This new law extends the flexibilities offered under the emergency regulations through the end of the current school year. This guidance document will discuss important changes and updates to Kentucky's Non-Traditional Instruction (NTI) Program.

No Changes Prior to March 29, 2021

The changes to NTI under HB 208 do not go into effect until March 29, 2021. Districts may continue their current plans for NTI until that date.

Changes to NTI Effective on March 29, 2021

Beginning with the first school day on or after March 29, 2021, schools and districts must provide each student with access to in-person instruction at least 40% of the week, and each school must be open to some form of in-person instruction at least 80% of the school week.

Many districts already are meeting this requirement through variations of an A/B hybrid model of instruction, where students alternate two days per week in the classroom and two days per week remote instruction. Under an A/B hybrid model, all students are remote on the fifth day while the school facilities undergo deep cleaning.

There are many variations of the A/B model. One popular variation is to move the fifth day from Friday to Wednesday. This model allows for deep cleaning in the middle of the week and over the weekend. For more details about how to construct a hybrid schedule, please consult KDE's [COVID-19 Guidance 2.0](#) document.

It is important to note that the 40/80 time requirements outlined in HB 208 represent a **minimum** expectation. Schools and districts may provide in-person instruction more frequently at their discretion.

In alignment with Gov. Beshear's [Executive Order 2021-120](#) (EO 2021-120), schools are required to continue to offer a fully virtual option to any student that requests one at any time for the remainder of the school year. Students may revoke their request for online instruction at any time and return to the in-person instruction model being provided. Schools and districts should carefully consider the impact of this requirement and work with stakeholders to create and clearly communicate procedures for declaring or changing a student's preferred schooling model.

In addition to mandating a minimum time for in-person learning, HB 208 also caps the number of NTI days available for use. HB 208 grants districts five NTI days for use during the final



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months of the 2020-2021 school year. KDE is not able to approve additional NTI days and no waiver requests will be accepted. Should a district require more than five days off school after March 29, 2021, the district must cancel school and extend the school calendar following usual procedures. NTI days should only be used when all students must work from home. Hybrid schedule days, where some in-person instruction is offered, are not considered NTI days.

NTI for the 2021-2022 School Year

Districts must return to the usual statutory limitations on NTI for the 2021-2022 school year. Under the usual limits, districts may use no more than 10 NTI days. Districts must submit their NTI plans, now called the Continuation of Learning Plan (CLP), to KDE by May 1, 2021. Submissions are only accepted through the eProve platform.

CLPs are considered part of the Comprehensive District Improvement Plan (CDIP) and are subject to the posting and monitoring requirements of the CDIP, including review and approval by KDE. More information about this process can be found on the KDE's [Non-Traditional Instruction](#) and [Comprehensive Improvement Planning for Schools and Districts](#) webpages.