

STATE BOARD OF EDUCATION – TOPIC SUMMARY

Topic: Division 22 Waiver – Nyssa School District

Date: December 11, 2014

Staff/Office: Emily Nazarov, ODE

Action Requested: Informational Only Adoption Adoption/Consent Agenda

ISSUE BEFORE THE BOARD:

Whether the State Board of Education should grant a waiver of the Division 22 standard governing minimum instructional time per credit for Nyssa School District

BACKGROUND:

Division 22 Standards

The State Board of Education has established educational standards every district must implement. To qualify to receive state school funds, districts must comply with the regulations set forth in OAR Chapter 581, Division 22 (“Division 22 standards”). ORS 327.103; OAR 581-022-0102(46). Districts are required to report their compliance with Division 22 standards to the community and submit assurances of their compliance to the Department. OAR 581-022-1610.

Included in the Division 22 standards is OAR 581-022-1131, which governs the minimum hours per course. OAR 581-022-1133 requires districts to offer students the option of earning each credit required for the diploma or modified diploma by successfully completing classroom or equivalent work in a course of at least 130 clock hours. In calculating the 130 hours, districts should count only classroom instructional time and equivalent work. Examples of equivalent work include supervised independent study, career-related learning experiences, and project based learning that is related to the specific course.

Also before the board this month is ODE’s proposal to revise OAR 581-022-1131. ODE staff are proposing to eliminate the 130 hours of seat time requirement.

What if a district is out of compliance?

If a district is found to be out of compliance with a Division 22 standard, the district must submit a plan, acceptable to the Deputy Superintendent of Public Instruction, for becoming compliant. The district then has until the beginning of the following school year to demonstrate compliance. Therefore, if a district were to identify a deficiency in Division 22 standards in the fall of 2014, the district must submit a plan for becoming compliant prior to the beginning of the 2015-16 school year. If more time is required, the Deputy Superintendent of Public Instruction may allow an extension of time, not to exceed 12 months, if the Deputy Superintendent determines that the deficiencies cannot be corrected or removed before the beginning of the next school year.

If the district fails to show compliance by the beginning of the next school year or by the end of the granted extension, the Deputy Superintendent of Public Instruction may withhold state school funds.

Waivers

Districts may apply for a waiver from the Division 22 standards under OAR 581-022-1920.

To apply for a waiver, the district must submit a written request to the State Board Administrator or the Deputy Superintendent. The request must set forth the reasons for the waiver request and address the following points:

- What is the district's plan for getting back into compliance by 2015-16?
- How does a waiver serve the best interests of students?
- Does the district have furlough days during which students are not receiving instruction?

Financial hardship does not constitute grounds for waiver of the Division 22 standards.

If the Deputy Superintendent determines that the request conforms with the intent of the standards, the Deputy Superintendent shall recommend the waiver to the State Board for approval.

The State Board of Education may grant a waiver for up to one year. The State Board may renew a waiver each year upon request by a district.

STAFF RECOMMENDATION:

The Deputy Superintendent and ODE staff recommend that the Board grant a one year waiver to Nyssa School District for the minimum hours per course requirement in OAR 581-022-1131 with the understanding that any renewals would need to meet the conditions of future waiver process and be supported by evidence of student achievement during the period for which the district was granted a waiver.

