

**STATE BOARD OF EDUCATION – ADMINISTRATIVE RULE SUMMARY**

**Title/OAR #:** Instructional Time / OAR 581-022-0102, Required Instructional Time / OAR 581-022-1620, Credit Options / OAR 581-022-1131

**Date:** December 11, 2014

**Staff/Office:** Cindy Hunt and Emily Nazarov, ODE

**New Rule**     **Amend Existing Rule**     **Repeal Rule**

**Hearing Date:** November 21, 2014 and December 22, 2014     **11/21/14 Hearings Officer Report Attached**

**Prompted by:**     **State law changes**     **Federal law changes**     **Other**

**Action Requested:**

**First Reading/Second Reading**     **Adoption**     **Adoption/Consent Agenda**

**PROPOSED/AMENDED RULE SUMMARY:** Amend three rules relating to instructional time to accomplish the following:

- Require that districts ensure at least 90% of all students are scheduled to receive the minimum instructional hours;
- Increase instructional time for students in K-3 grade;
- Specify how many hours constitute a full day of kindergarten;
- Improve Oregon’s definition of instructional time; and
- Eliminate the 130 hours requirement for a credit.

**BACKGROUND:**

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”). Districts are required to report their compliance with Division 22 standards to the community and submit assurances of their compliance to the Department.

Included in the Division 22 Standards are two rules on instructional time: OAR 581-022-1620, which governs the required instructional time per year, and OAR 581-022-1131, which governs the minimum hours per course.

Over the past year, the issue of instructional hours has been raised in a variety of ways: a complaint was filed against Portland Public Schools alleging that the district was out compliance with the two instructional hours rules; the Board received 13 requests for waivers of the instructional hours rules; and the 2013-14 Division 22 assurances showed that several schools are not in compliance with instructional hours rules.

Last Spring, ODE staff reported to the State Board that ODE recognized that OAR 581-022-1620 and OAR 581-022-1131 are not perfectly aligned and ODE would undertake a process to review and revise the two rules during the 2014-15 school year.

Beginning in the summer of 2014, ODE staff conducted extensive research on instructional hours across the country. ODE then pulled together a group of stakeholders for a series of three meetings and met with SACSE, The Community Advisory Group, and the American Indian Alaska Native Advisory Panel to gather feedback. The goal was not to find a way for the groups to reach consensus on a set of proposed revisions. Rather the goal was to engage the groups in policy questions and use the feedback to guide ODE's drafting efforts.

On October 24, staff presented a high level overview of the proposed revisions to the State Board.

On November 21, ODE held a public hearing on the proposed rule revisions. A copy of the hearing report is attached.

A second public hearing is scheduled for December 22, 2014.

Staff will return to the State Board on January 22 with a recommendation for adoption.

#### **ISSUES/CONCERNS THAT SURFACED DURING RULE WORK:**

##### Definition of Instructional Time (OAR 581-022-0102(30)):

- Whether the proposed definition covers CTE programs, internships, and other out-of-classroom experiences.

##### Require Minimum Instructional Time (OAR 581-022-1620):

- Impact on professional development and parent teacher conferences if time spent on those activities is not included in calculation of instructional time;
- Impact on K-3 recess if instructional time is increased;
- Cost to districts if K-3 instructional time is increased;
- Cost to districts if 90% requirement is implemented;
- Whether the rule should include specific categories of students who are exempted from the 90% requirement;
- Whether the 90% requirement should be applied to the district, individual schools, or grade bands.

##### Options for Awarding Credit (OAR 581-022-1131) has not been revised.

- Impact on student learning time if the 130 hours requirement is eliminated.

Please see the attached hearing report for a more thorough explanation of the concerns raised by stakeholders.

**CHANGED SINCE LAST BOARD MEETING?**

- N/A; first read—hasn't been before board
- No; same as last month
- Yes – As follows:

Definition of Instructional Time (OAR 581-022-0102(30)) has been revised as follows:

- Definition now includes licensed CTE instructor;
- Definition now includes time spent traveling between a student's home school and a CTE center, internship, work site, or post-secondary campus; and
- Language from the current rule regarding study periods and advisory periods has been added back.

Require Minimum Instructional Time (OAR 581-022-1620) has been revised as follows:

- K-3 may include up to 30 hours (for part-time programs) or 60 hours (full-time programs) of recess in their calculation of instructional time;
- Districts may include up to 30 hours of staff professional development in their calculation of instructional time;
- Districts may include up to 30 hours of teacher parent conferences in their calculation of instructional time;
- The benchmarks for phasing in the 90% requirement (subsection 7) have been increased to 85% in the first year and 87.5% in the second year.

Options for Awarding Credit (OAR 581-022-1131) has not been revised.

**FISCAL IMPACT:**

ODE has determined that the proposed revisions are likely to have some fiscal impact on school districts.

Definition of Instructional Time (OAR 581-022-0102(30)) and Require Minimum Instructional Time (OAR 581-022-1620):

The proposed revisions likely to have a fiscal impact on districts are those that require districts to do the following:

1. Increase instructional time for a half day kindergarten from 405 to 450 hours;
2. Increase instructional time provided to students in full day kindergarten and grades 1-3 from 810 hours to 900 hours;
3. Stop including in the calculation of instructional time the following: days missed for inclement weather;
4. Ensure that at least 90% of all students are scheduled to receive the minimum number of hours of instructional time; and
5. Ensure that students receiving online instruction have access to a teacher during certain times.

The fiscal impact of the proposed revisions will vary by district and will depend upon the number of instructional hours currently offered, the percent of students currently enrolled in a full schedule at each district, and the model of online instruction offered by a district.

The amount of instructional time to be added varies by district. The following bullet points provide information on the number of instructional hours provided by school districts during the 2013-14 school year. The information is taken from the 2013-14 Division 22 Assurances, which contain self-reported data from the individual school districts. Instructional time offered in 2013-14:

Kindergarten

- 55 districts reported offering 397-449 hours or more of instructional time for kindergarten.
- 82 districts reported offering 450-900 hours of instructional time for kindergarten.
- 46 districts reported offering 900 hours or more of instructional time for kindergarten.

Grade 1-3

- 67 districts reported offering 810-899 hours of instructional time for grades 1-3.
- 116 districts reported offering 900 hours or more of instructional time for grades 1-3.

Grades 4-8 - the proposed rules do not change the hours required for grades 4-8.

Grades 9-12

- 150 districts reported offering 932-1049 hours of instructional time for grades 9-12.
- 24 districts reported offering 1050 or more hours of instructional time for grades 9-12.

Options for Awarding Credit (OAR 581-022-1131):

ODE does not anticipate any negative fiscal impact on districts associated with this proposed rule revision.

**STAFF RECOMMENDATION:**

- Adopt administrative rule as prepared this month
- Adopt administrative rule next month
- No recommendation at this time (rarely used)