

NOTES

These data are based on Fall Membership 2013-14.

The new changes to the Instructional Hours Rule (OAR 581-022-1620) requires that 85% of the students in a district be scheduled full-time in the first year (2015-16), 87.5% in the second year (2016-17), and 90% in the third year (2017-18).

Since the majority of part-time students are in high school, this is a very loose analysis based on that assumption. Also, this presumes the general make-up of the district will be similar to what it was in 2013-14.

Because the percentages are based on district totals rather than school level (or school and grade band), the number of elementary students (who typically are not part-time students) create the ability for a large proportion of high school students to be part-time.

Districts that have proportionately smaller high school populations as compared to elementary populations would have the potential for a greater

THIS ANALYSIS IS VERY LOOSE AND IS BASED ON THE ASSUMPTION THAT THE MAJORITY OF PART-TIME STUDENTS WILL BE AT THE HIGH SCHOOL LEVEL.

District (per Fall Membership 2013-14)	2013-14 Total Enrollment	Total Number of High school students	Percent of total district enrollment High School Students represent	Year 1:	Year 1:	Year 2:	Year 2:	Year 3:	Year 3:
				15% of district students who do not need instructional hours (students)	Approximate percent of high school students that would not have to meet instructional hours.	12.5% of district students who do not need instructional hours (students)	Approximate percent of high school students that would not have to meet instructional hours.	10% of district students who do not need instructional hours (students)	Approximate percent of high school students that would not have to meet instructional hours.
Portland SD 1J	47,111	12,605	26.76%	7,066.7	56.06%	5,888.9	46.72%	4,711.10	37.37%
Salem-Keizer SD 24J	40,473	12,166	30.06%	6,071.0	49.90%	5,059.1	41.58%	4,047.30	33.27%
Beaverton SD 48J	39,433	11,716	29.71%	5,915.0	50.49%	4,929.1	42.07%	3,943.30	33.66%
Hillsboro SD 1J	20,973	6,561	31.28%	3,146.0	47.95%	2,621.6	39.96%	2,097.30	31.97%
North Clackamas SD 12	16,993	5,688	33.47%	2,549.0	44.81%	2,124.1	37.34%	1,699.30	29.88%
Eugene SD 4J	16,866	5,464	32.40%	2,529.9	46.30%	2,108.3	38.58%	1,686.60	30.87%
Bend-LaPine Administrative SD 1	16,827	5,315	31.59%	2,524.1	47.49%	2,103.4	39.57%	1,682.70	31.66%
Medford SD 549C	13,574	4,119	30.34%	2,036.1	49.43%	1,696.8	41.19%	1,357.40	32.95%
Tigard-Tualatin SD 23J	12,718	4,017	31.59%	1,907.7	47.49%	1,589.8	39.58%	1,271.80	31.66%
Gresham-Barlow SD 10J	12,180	4,129	33.90%	1,827.0	44.25%	1,522.5	36.87%	1,218.00	29.50%
Reynolds SD 7	11,691	3,092	26.45%	1,753.7	56.72%	1,461.4	47.26%	1,169.10	37.81%
Springfield SD 19	10,991	3,511	31.94%	1,648.7	46.96%	1,373.9	39.13%	1,099.10	31.30%
David Douglas SD 40	10,946	3,327	30.39%	1,641.9	49.35%	1,368.3	41.13%	1,094.60	32.90%
Greater Albany Public SD 8J	9,329	3,057	32.77%	1,399.4	45.78%	1,166.1	38.15%	932.90	30.52%
West Linn-Wilsonville SD 3J	9,061	2,866	31.63%	1,359.2	47.42%	1,132.6	39.52%	906.10	31.62%
Oregon City SD 62	8,066	2,703	33.51%	1,209.9	44.76%	1,008.3	37.30%	806.60	29.84%
Redmond SD 2J	7,107	2,402	33.80%	1,066.1	44.38%	888.4	36.98%	710.70	29.59%
Lake Oswego SD 7J	6,878	2,498	36.32%	1,031.7	41.30%	859.8	34.42%	687.80	27.53%
McMinnville SD 40	6,605	2,028	30.70%	990.8	48.85%	825.6	40.71%	660.50	32.57%
Corvallis SD 509J	6,467	2,259	34.93%	970.1	42.94%	808.4	35.78%	646.70	28.63%
Klamath County SD	6,229	2,018	32.40%	934.4	46.30%	778.6	38.58%	622.90	30.87%
Centennial SD 28J	6,177	1,905	30.84%	926.6	48.64%	772.1	40.53%	617.70	32.43%
Douglas County SD 4	6,095	2,039	33.45%	914.3	44.84%	761.9	37.37%	609.50	29.89%
Forest Grove SD 15	5,954	1,915	32.16%	893.1	46.64%	744.3	38.86%	595.40	31.09%
Grants Pass SD 7	5,826	1,842	31.62%	873.9	47.44%	728.3	39.54%	582.60	31.63%
Woodburn SD 103	5,743	1,582	27.55%	861.5	54.45%	717.9	45.38%	574.30	36.30%
Bethel SD 52	5,660	1,717	30.34%	849.0	49.45%	707.5	41.21%	566.00	32.96%
Hermiston SD 8	5,241	1,490	28.43%	786.2	52.76%	655.1	43.97%	524.10	35.17%
Newberg SD 29J	5,195	1,597	30.74%	779.3	48.79%	649.4	40.66%	519.50	32.53%
Lincoln County SD	5,182	1,592	30.72%	777.3	48.83%	647.8	40.69%	518.20	32.55%
Sherwood SD 88J	5,116	1,536	30.02%	767.4	49.96%	639.5	41.63%	511.60	33.31%
Three Rivers/Josephine County SD	4,916	1,664	33.85%	737.4	44.31%	614.5	36.93%	491.60	29.54%
Canby SD 86	4,747	1,561	32.88%	712.1	45.61%	593.4	38.01%	474.70	30.41%
Central Point SD 6	4,471	1,381	30.89%	670.7	48.56%	558.9	40.47%	447.10	32.38%
Lebanon Community SD 9	4,458	1,488	33.38%	668.7	44.94%	557.3	37.45%	445.80	29.96%
Oregon Trail SD 46	4,252	1,481	34.83%	637.8	43.07%	531.5	35.89%	425.20	28.71%
Scio SD 95	4,164	1,762	42.32%	624.6	35.45%	520.5	29.54%	416.40	23.63%

OAR 581-022-1620 Regarding 90% of district students scheduled to meet minimum instructional hours

OAR 581-022-1620 (currently proposed – markup included to reflect changes)

Required Instructional Time

(1) Each school district shall ensure that at least 90% of all students in the district are scheduled to receive ~~annually adopt and implement a school calendar which provides its students at each grade level with the~~ following minimum hours number of instructional time ~~hours~~:

(a) Grades 9-12 -- 990-966 hours;

(b) Grades 9-11 -- 990 hours;

(~~b~~c) Grades 4K-8 -- 900 hours;

Concerns:

The percentage is based on the district's entire enrollment instead of by school/program and grade band. If the goal was to encourage districts to schedule students to meet the minimum instructional hours, using percentages based on the district total enrollment will not encourage this behavior.

Example

Assumption: The majority of students that are generally scheduled for shortened school days are high school students. The general grade level makeup of the district will remain similar in subsequent years.

- In Fall Membership 2013-14, Portland SD had **47,111 students**.
- There were **12,605 high school students** in Portland.

Year 1

- In the first year, **15% of students** could be scheduled part-time. For Portland, this would be **approximately 7,067 students**.
- 7,067 students out of 12,605 high school students is approximately 56% high school students.
- **In the first year, in Portland SD, approximately 56% of high school students could be scheduled for less than the minimum instructional hours required** in this Administrative Rule - more than half of high school students.

Year 2

- In the second year, **12.5% of students** could be scheduled part-time. For Portland, this would be **approximately 5,889 students**.
- 5,889 students out of 12,605 high school students is approximately 47% high school students.
- **In the second year, in Portland SD, approximately 47% of high school students could be scheduled for less than the minimum instructional hours required** in this Administrative Rule - nearly half of high school students.

Year 3

- In the third and final year of phasing in, **10% of students** could be scheduled part-time. For Portland, this would be **approximately 4,711 students**.
- 4,711 students out of 12,605 high school students is approximately 37% high school students.
- **In the third year, in Portland SD, approximately 37% of high school students could be scheduled for less than the minimum instructional hours required** in this Administrative Rule - over one third of high school students, which could be the entire senior class and part of another class.

Requested change to the proposed OAR:

Base the percentages on school/program and grade band.

No instruction occurs at Parent Teacher conferences so it should not be included in instructional time. No instruction of students occurs at professional development events for teachers so it should not be included in instructional time either. While both are valuable and necessary, the instructional hours of students should not be reduced because of non-instructional administrative tasks. I understand Districts are struggling with their teacher contracts with regards to offering Professional Development but that is a local matter – it is not a State matter and should not be influencing Administrative Rule creation or adjustment.

Requested change to the proposed OAR:

Do not identify waivers that are at the District's option with no State oversight. For transparency to the public, simply identify the actual minimum instructional hours required for Students. If Districts wish to offer their staff professional development, that is a local decision. As for Parent Teacher conferences, while important, students are not receiving instruction so the time should not count as student instructional time.

OAR 581-022-1620 Regarding the minimum instructional hours

OAR 581-022-1620 (currently proposed – markup included to reflect changes)

Required Instructional Time

(2) If a school district chooses to offer less than 900 hours of instructional time for kindergarten students, the kindergarten program shall be considered a half-day program for purposes of ORS 327.006(1) and the school district shall ensure that every kindergarten student is scheduled to receive a minimum of 450 hours of instructional time per year.

Concerns:

If scheduling to meet the annual minimum instructional hours is what determines a KG student is full-day and less than the minimum annual instructional hours is what determines half-day, why is it that we don't require grades 1-12 to meet the annual minimum instructional hours required in order to be considered full-day and less than the annual minimum instructional hours to be considered half-day? Currently, Districts claim full funding for students who are only scheduled just over half the school's day (time in a school's day varies from school to school) It is not tied to the annual minimum instructional hours – it is merely based on whatever a day means in that particular school. In order to claim 1 FTE or full funding, regardless of grade level, a student should have to be scheduled for at least the annual minimum instructional hours required in Rule.

Requested change to the proposed OAR:

Identify that, for any grade level, a full-day program means the students are scheduled to meet or exceed the annual minimum instructional hours required by the Rule. Anything less than that should be half similar to KG as indicated in this Rule or scheduling of students should more accurately reflect the proportion of time students are being scheduled to attend to a more granular level because it directly impacts the distribution of the State School Fund.

OAR 581-022-1620 Regarding the minimum instructional hours

OAR 581-022-1620 (currently proposed – markup included to reflect changes)

Required Instructional Time

(1) Each school district shall ensure that at least 90% of all students in the district are scheduled to receive annually adopt and implement a school calendar which provides its students at each grade level with the following minimum hours number of instructional time hours:

- (a) Grades 9-12 -- 990-966 hours;
- (b) Grades 9-11 -- 990 hours;
- (~~b~~c) Grades 4-8 -- 900 hours;

(3) Upon approval by the local school board, a district may include in its calculation of instructional time required by subsection (1) of this rule the following:

- (a) For kindergarten programs offering 900 hours or more of instructional time, up to 60 hours of recess;
- (b) For kindergarten programs offering less than 900 hours of instructional time, up to 30 hours of recess;
- (c) Up to 30 hours for staff professional development;
- (d) Up to 30 hours for parent teacher conferences; and
- (e) For the 2015-16 school year, up to 14 hours for emergency school closures due to adverse weather conditions and facilities failure.

Concerns:

NEW

There is a 30 hour waiver for professional development for all grade levels and there is a 30 hour waiver for parent teacher conferences.

CURRENT

There is a 30 hour waiver for professional development, a 14 hour waiver for inclement weather, and, for seniors, an additional waiver of 30 hours for graduation activities.

Instructional hours actually decrease for most grade levels in this Rule.

New Rule indicates Grade 12 966 hours - 30 hours - 30 hours = **906 hours.**

Current Rule indicates Grade 12 990 hours - 30 hours - 30 hours - 14 hours = **916 hours.**

New Rule indicates Grades 9-11 990 hours - 30 hours - 30 hours = **930 hours.**

Current Rule indicates Grades 9-11 990 hours - 30 hours - 14 hours = **946 hours.**

The grade band that increases is grades 1-3.

New Rule indicates Grades 1-8 900 hours – 30 hours -30 hours = **840 hours.**

Current Rule indicates Grades 4-8 900 hours -30 hours – 14 hours = **856 hours.**

Current Rule indicates Grades 1-3 810 hours – 30 hours – 14 hours = **766 hours.**

In the current published version of the Rule, only parent teacher conferences that involved students directly were allowed to be counted as instruction, however, if the time was identified as counting toward instruction, the student would be counted absent in the attendance record if the student did not appear with their parents which would negatively affect the school's attendance rates. For this reason, and because many conferences are held in the evenings, most schools were not counting the time for the purposes of claiming ADM for distribution of the State School Fund. Now with the explicit inclusion of parent teacher conferences, it equates to lowering total hours for all students regardless of whether students are involved or receiving instruction.

OAR 581-022-1620 Regarding the maximum instructional hours per day

OAR 581-022-1620 (currently proposed – markup included to reflect changes)

Required Instructional Time

(36) No student shall be required to exceed the following number of instructional hours per day:

(a) Grades 9-12 -- 7.5 hours;

(b) Grades 4K-8 -- 6.58 hours; ~~(c) Grades K-3 -- 6 hours.~~

Concerns:

While these are maximums, is it realistic to expect students to be in class receiving instruction for more hours per day than we ourselves are required to work? Can a K-8 student benefit from sitting in a classroom 8 hours per day?

OAR 581-022-0102 Regarding Educational Assistants teaching courses

OAR 581-022-0102 (currently proposed)

Definitions

(30) (a) "Instructional time" means time during which students are engaged in regularly scheduled instruction, learning activities, or learning assessments that are designed to meet Common Curriculum Goals and academic content standards required by OAR 581-022-1210, and are working under the direction and supervision of a licensed or registered teacher, licensed CTE instructor, licensed practitioner, or Educational Assistant who is assigned instructionally related activities and is working under the supervision of a licensed or registered teacher as required by OAR 581-037-0015.

(b) Instructional time shall include time that a student spends traveling between the student's school and a CTE center, internship, work experience site, or post-secondary education facility.

(c) Instructional time shall not include time that a student spends passing between classes, at recess, in non-academic assemblies, on non-academic fieldtrips, participating in optional school programs, or in study hall where attendance is not required and no instructional assistance is provided.

Concerns:

The majority of Education Assistants in Oregon are not Title I-A funded and the guidance on Educational Assistants in OAR 581-037-0006, for those who are not Title-1A funded, indicates Educational Assistants need only a high school diploma or equivalent (potentially a GED), be at least 18 years old, and be of good moral character. The definition of "supervision" of those Educational Assistants in OAR 581-037-0015 does not require a teacher to be present (or even in the building) while the Educational Assistants conduct learning activities.

However, the guidance in OAR 581-037-0015 regarding supervision of Educational Assistants who are funded under Title I-A, require that the Education Assistant be "in close and frequent proximity to the appropriately licensed teacher". As well, according to OAR 581-037-0006, those Education Assistants must have:

Completed two years of study at an institution of higher education; or

Obtained an Associate's (or higher) degree; or

Met a rigorous standard of quality and demonstrate through a formal state, or local academic assessment or para-educator certificate program, knowledge of and the ability to assist in instructing:

- Reading, writing, and mathematics; or
- Reading readiness, writing readiness, and mathematics readiness, as appropriate

Requested change to the proposed OAR:

Since the federal guidance indicates Educational Assistants should be working in close and frequent proximity to the appropriately licensed teacher, and to prevent entire classrooms from being taught by Educational Assistants holding only a GED without a teacher present, I'd like to ensure students have direct access to appropriately licensed teachers during the time the Educational Assistants are providing instructionally related activities. I would like to suggest the following change to the Proposed OAR 581-022-0102:

"...and are working under the direction and supervision of a licensed or registered teacher, licensed CTE instructor, licensed practitioner, or Educational Assistant who is assigned instructionally related activities and is supervised and working in close and frequent proximity to an appropriately licensed or registered teacher..."

OAR 581-022-0102 Regarding Clarifying “Supervision”

OAR 581-022-0102 (currently proposed)

Definitions

(30) (a) “Instructional time” means time during which students are engaged in regularly scheduled instruction, learning activities, or learning assessments that are designed to meet Common Curriculum Goals and academic content standards required by OAR 581-022-1210, and are working under the direction and supervision of a licensed or registered teacher, licensed CTE instructor, licensed practitioner, or Educational Assistant who is assigned instructionally related activities and is working under the supervision of a licensed or registered teacher as required by OAR 581-037-0015.

(b) Instructional time shall include time that a student spends traveling between the student’s school and a CTE center, internship, work experience site, or post-secondary education facility.

(c) Instructional time shall not include time that a student spends passing between classes, at recess, in non-academic assemblies, on non-academic fieldtrips, participating in optional school programs, or in study hall where attendance is not required and no instructional assistance is provided.

Concerns:

“Instructional Time”, as identified in this Administrative Rule, is for the purpose of clarifying what time would count toward meeting the minimum instructional hours required under OAR 581-022-1620 and will likely be used as the basis for what time could be counted as attendance for the State School Fund distribution formula.

“Direction and supervision” as identified in this Administrative Rule does not specifically indicate that the “learning activities” must be in the presence of one of the identified staff or through an approved online delivery method where teachers are immediately accessible to the student should they have questions. This creates a loophole that would allow time spent doing homework at home to be counted as Instructional Time.

Requested change to the proposed OAR:

*“...and are working under the **guidance and direct supervision** of a licensed or registered teacher...”*

OAR 581-022-0102 Regarding Clarifying “Licensed Practitioner”

OAR 581-022-0102 (currently proposed)

Definitions

(30) (a) “Instructional time” means time during which students are engaged in regularly scheduled instruction, learning activities, or learning assessments that are designed to meet Common Curriculum Goals and academic content standards required by OAR 581-022-1210, and are working under the direction and supervision of a licensed or registered teacher, licensed CTE instructor, licensed practitioner, or Educational Assistant who is assigned instructionally related activities and is working under the supervision of a licensed or registered teacher as required by OAR 581-037-0015.

(b) Instructional time shall include time that a student spends traveling between the student’s school and a CTE center, internship, work experience site, or post-secondary education facility.

(c) Instructional time shall not include time that a student spends passing between classes, at recess, in non-academic assemblies, on non-academic fieldtrips, participating in optional school programs, or in study hall where attendance is not required and no instructional assistance is provided.

Concerns:

The term “licensed practitioner” is undefined. In asking some district staff what it meant to them, each had a different answer and many had no idea.

Requested change to the proposed OAR:

Add a definition of the term as an item in the definitions section.

OAR 581-022-0102 Regarding Clarifying “Study Hall”

OAR 581-022-0102 (currently proposed)

Definitions

(30) (a) “Instructional time” means time during which students are engaged in regularly scheduled instruction, learning activities, or learning assessments that are designed to meet Common Curriculum Goals and academic content standards required by OAR 581-022-1210, and are working under the direction and supervision of a licensed or registered teacher, licensed CTE instructor, licensed practitioner, or Educational Assistant who is assigned instructionally related activities and is working under the supervision of a licensed or registered teacher as required by OAR 581-037-0015.

(b) Instructional time shall include time that a student spends traveling between the student’s school and a CTE center, internship, work experience site, or post-secondary education facility.

(c) Instructional time shall not include time that a student spends passing between classes, at recess, in non-academic assemblies, on non-academic fieldtrips, participating in optional school programs, or in study hall where attendance is not required and no instructional assistance is provided.

Concerns:

The way it is currently written, study hall where attendance is required but no instructional assistance is provided would count as instructional time. As well, it doesn’t identify who is to provide the instructional assistance.

Requested change to the proposed OAR:

“...or in study hall where attendance is not required ~~and~~ or no instructional assistance is provided by appropriately licensed or registered staff as indicated in section (a).”

OAR 581-022-0102 Regarding Travel Time Between Locations

OAR 581-022-0102 (currently proposed)

Definitions

(30) (a) *“Instructional time” means time during which students are engaged in regularly scheduled instruction, learning activities, or learning assessments that are designed to meet Common Curriculum Goals and academic content standards required by OAR 581-022-1210, and are working under the direction and supervision of a licensed or registered teacher, licensed CTE instructor, licensed practitioner, or Educational Assistant who is assigned instructionally related activities and is working under the supervision of a licensed or registered teacher as required by OAR 581-037-0015.*

(b) *Instructional time shall include time that a student spends traveling between the student’s school and a CTE center, internship, work experience site, or post-secondary education facility.*

(c) *Instructional time shall not include time that a student spends passing between classes, at recess, in non-academic assemblies, on non-academic fieldtrips, participating in optional school programs, or in study hall where attendance is not required and no instructional assistance is provided.*

Concerns:

I fundamentally disagree with counting time spent travelling between locations as instructional time since it is no different than passing times between classes -no instruction is provided so it should not be counted as instructional time. However, if districts insist that this time should be included, then there should be a cap limiting the amount of time that may count.

For example, a student who travels 30 minutes each way between locations for the full school year in a district whose schedule is 175 days would lose 175 hours of instruction.

In the current proposal for OAR 581-022-1620, a high school senior’s instructional time could look like this
960 hours

minus 30 hours staff’s professional development

minus 30 hours parent teacher conferences

minus 175 hours travel time

Total required actual instruction: **725 hours** (or 4.14 hours per day in a 175 day school)

As well, creating a scenario where students are driving themselves between locations and counting the time as instructional time creates risk for the district since the district is responsible for the safety of the student from the point the student arrives at school or gets on the school bus to go to school until the point that the student leaves school for the day or exits the school bus at the end of the day. A clause should be added indicating the transportation methods that may be used – ODE approved transportation.

Requested change to the proposed OAR:

“...(b) Instructional time shall include up to 30 minute per day for time that a student spends traveling in ODE approved district-provided transportation between the student’s school and a CTE center, internship, work experience site, or post-secondary education facility...”