

My name is Lisa Zuniga and I have three children attending Portland Public Schools.

Portland Public School parents like me have been pressuring the district since Spring of 2011 to meet state minimum standards for class hours and instructional hours. To put that in perspective, my daughter Maria, a senior at Franklin High School, was in eighth grade when I first testified before our School Board. Until this school year, when staffing and schedules were adjusted in response to sustained and effective lobbying by Portland parents who were tired of having their students shortchanged and an order from the Oregon Department of Education, Maria and her peers, the class of 2015, did not have a single year of high school during which classes met for enough hours to cover all of the curriculum required. As I watch her finish up her Oregon education, I can't help but think of all the lost hours of instruction and missed opportunities for engagement, and wonder how this will play out in the years to come, not just for her but for all of these promising young students.

My concerns about the students I see who are being graduated into the larger world with so many gaps in their education is why I beseech you to consider, What will Oregon high school students gain by the state reducing the amount of time available for them to learn? Why would any state argue that instructional time matters for some kids but not others? Why are lobbyists, including the one from Portland Public Schools, asking our State Board of Education to support new policies that have the potential to significantly disadvantage historically underserved students and high school students?

High school students in Oregon have been an afterthought for too many years and, however unintentionally, the instructional hours rule changes under consideration only continue this trend. Oregon kids struggle more than students in all but one other state just to graduate high school, much less make their way through college or launch a career. Why? Too many of them have been given inadequate preparation.

PPS should serve as a cautionary tale. I well remember the PTSA meetings at my daughter's high school when parents were told that juniors and seniors could only take 5 out of 8 classes, and lowerclassmen had to choose between late arrival, early dismissal, and the sorriest excuse for a study hall imaginable. Parents of juniors and seniors were beyond distressed; their students' transcripts were embarrassingly weak; what excuse could they give other than that in Portland, Oregon, students were literally not allowed to go to school?

My daughter's sophomore year found AP Psychology students meeting with their teacher outside of school hours, just to try to get through the curriculum before the AP exam. Students in many other classes were expected to work their way through entire chapters on their own, as there simply wasn't time. Just as the state is requiring all students to have three college level classes – a proposal that most parents support – ODE is suggesting that those AP, IB, and dual credit classes can be taught with even fewer hours of instruction. In fact, by proposing the elimination of the 130 hours per credit, the state is sending an invitation to districts to further abbreviate curriculum. If the 130-hour requirement is removed, we can expect many districts to reduce the number of hours students are in any given class, putting students at great risk of not

having the time to receive enough instruction to master the material, and perpetuating a downward spiral of academic rigor.

If 190 and 990 are in conflict, then the ODE should increase 990 rather than decrease the amount of time students are able to spend engaged in learning. What, frankly, could be more important than that?

Public testimony and further ODE analysis have demonstrated a significant flaw in the proposal requiring districts to demonstrate that at least 90% of students are scheduled for the minimum number of instructional hours. PPS, for instance, has a four-year pattern of shortchanging high school students exclusively from a full day of instruction. For this rule to have any meaning it needs to require that the 90% scheduling standard is **BY SCHOOL RATHER THAN A DISTRICT AVERAGE**. The rule proposal has already been dramatically watered down to where it actually will likely result in less instruction for Portland high school students.

As a taxpayer and citizen, and above all as a parent, I cannot support a rule change that diminishes access to education. My husband and I encourage our kids to take advantage of every educational opportunity they can; I cannot imagine a system set up to do otherwise. I have spent the past several years fighting the culture of part-time high school that has become the norm in Portland. I urge you to resist the temptation to institutionalize **STATEWIDE** the disinvestment in high school students; it might be compelling in theory to do away with the tediousness of counting hours, but I am convinced that in practice it will lead to worse results for our students, especially those who count themselves among the historically underserved.

The students I see who are thriving are those who are engaged in their school, mastering challenging subjects and maximizing electives. What breaks my heart are the students who show up for a handful of classes a day, when they even bother to show up, because they've bought in to Portland's marketing of part-time high school as a viable choice. The thought of this happening across the state makes me cringe. As Oregon Deputy Superintendent Rob Saxton recently stated, "We have not taught to a high enough standard. Kids and parents thought they were on a trajectory for success, and they weren't, because we were too afraid to be honest." I could not agree more, which is why I am against eliminating the bare minimum requirement of 190 hours and the ODE allowing school districts to use averages to mask the fact that students are actually getting hundreds of hours less instruction than the advertised minimums. It's time Oregon set up and supported students all the way through high school and, ideally, into a bright future.

Hello my name is Emma thank you for allowing me to testify today

I'd like start off by saying that, as a student who has been involved in numerous campaigns for school funding and has personally testified on behalf of raising the number of minimum required instructional hours, it is disheartening to now be asking the states to not reduce hours further through non-existent enforcement of the minimum standard.

The class of 2015, my class, will be the first to be robbed of these instructional hours- over 240 hours in just my junior and senior year, which is the equivalent of 40 days - by the cutting of minimum requirements and then including study hall as a way to meet them. At Cleveland, the school I attend, many freshman's schedules now include study hall and one free period or a second study hall, which amounts to over 7 hours each week of class time that they are not given. This is problematic for two reasons. One, because freshman year is the year a student is most likely to be given the least amount of choice in which classes they are taking, thus its traditionally the year that a student will have the fullest schedule. If we start off their time in high school by encouraging less class time, it is likely that by the time these freshmen become seniors they will have even fewer options to fill their schedule, or even a desire to do so. The second problem is that this is a decrease from the class hours that even I saw as a freshman. Meaning even in the last four years there has been a very visible and rapid decrease in minimum hours met for the average high school student. Because the proposal requires 90% of students to meet the minimum hours but does not require 90% at each grade level or each school, we see that ultimately no one will be held accountable for the failing of our schools to prepare a student for college and the rest of their academic life. No one will be held accountable that is, except for the students themselves, who will be forced to pick up the extra slack in their education if they want any hope of succeeding and/or remaining academically competitive in their future.

Now I'd like to take a moment to speak about my personal experience with these cost-cutting measures and how they have effected my education. One area in which we can clearly see these measures in effect is in the state of Oregon's increased dependence on study hall. My freshmen year when I took study hall, it was the first year that they weren't worth any credit, they didn't have TA's to help the kids with homework, and they were no longer considered even pass-fail class, they were simply required. Two- Three times a week up to a hundred kids would shuffle into the cafeteria where we would be left to our own devices for an hour and a half. There was no way for the two security guards - who were the ones whose job it was to be in the room with us- to monitor us and make sure we were doing homework, meaning that for the most part we weren't. The only thing they would make sure to enforce is that we didn't fall asleep, which is a shame because at that point it would've been a much better use of our time.

In conclusion, this proposal comes down to accountability. Who will be held accountable for the failing of our students? If this proposal is passed it will not be the schools, or the school districts, or the state of Oregon. Instead more and more students will slip continue to slip through the cracks while no one is held responsible.

Hello and thank you for allowing me to speak before you on this issue,

My name is Keegan Williams-Thomas and I am a senior at Cleveland High School and a lifelong student of the Portland Public District. I believe that these proposed rule changes will do nothing but worsen problems that already exist in High School scheduling in the state. Minimum hour requirements are vital in that they provide a baseline of education and ensure that public schools can adequately educate the youth of Oregon so they can pursue an enriching future.

As an international baccalaureate student at Cleveland High School I've seen directly how 130 hour class meetings simply aren't enough to cover the internationally mandated curriculum. In my IB Chemistry class last year we were told that we would need to self-study a portion of the curriculum that would be worth 15% of our final grade. This wasn't due to the negligence of the teacher, who was trying his best with the class time he was given, but rather the fault of a scheduling system that didn't allow him to teach all of the topics required. When hour requirements are reduced at the state level, districts can lower the number of hours per school they fund, putting at risk IB programs which have to meet strict accreditation standards. By allowing a 90% district wide average, districts are essentially being told that scheduling standards for High Schools are unimportant because they can bring up the average with close to 100% K-8 scheduling. The IB programs in this State are one of the most vital ways to provide rigorous college preparation for students, and by placing these programs at risk; we risk the opportunities of future students.

Many students rely on IB programs as a way to get an early start on earning college credits but the continual reduction in class hours has put that at serious risk. Both teachers and students are fearful that the time in class isn't enough to help students achieve the scores they need to earn college credit. As the cost of a college education increases while high school instructional hours go down, what is at stake is thousands of dollars of crippling personal debt. Even attending a state school, earning a sophomore standing through IB testing can mean \$10,000 dollars saved. This year I am taking 6 IB tests and need to do well on all of them to save this money, dealing with financial stakes larger than I ever have before. This is tremendously stressful even without knowing that I am underprepared because the district and state level have failed to take action and provide me with the number of instructional hours mandated by the IB program.

In the end what matters most in educational policy is making the decision that best benefits all students, these proposed rule changes however won't be benefitting any.

Thank you

Caroline Fenn
Parents Coalition

I have testified on this topic twice and I have attended all hearings to date.

Very strong voices have spoken on behalf of the adults in our system of public education. They have supported the reductions in instructional time that result from the proposed rule changes. They have raised reasonable questions about implementation, and at the end of the day, the consensus request seems to be for more time and money to implement those reductions. Adult needs and concerns are very important and must be taken into consideration. However, the mission of public education is to educate students, to support all children on their path to becoming competent and self-sufficient adults, engaged citizens able to share their talents with the rest of us and pursue their dreams. When parents and students have spoken about the needs of the children in our K-12 system, they have asked that ODE and the state of Oregon no longer sanction cutting short their access to instruction. They have asked that children's love of learning and our commitment as a society to support all children in developing into happy, productive adults be honored and in fact prioritized. They have asked for MORE, not less, instructional time.

My children have graduated from high school. They suffered through the years of declining investment in their education that too many Oregon public school students have experienced. I am no longer fighting for my children's K-12 education. I am fighting for all of our children. I hope that ODE and the State Board of Education find the courage to take this fight on. We need strong education leadership at the state level to insist that students' needs be placed first and foremost. Oregon students need more time in class and more time in school. Anything less sells them short, and puts the future of our state and all Oregonians at needless risk. Oregon students need your help now.

Major concerns with the proposed rule change follow.

- The minimum of 130 class hours per high school credit should be retained or increased. The 130 hours standard should not be eliminated.
- The minimum of 990 instructional hours per year for high school students should be retained or increased to make the total minimum consistent with the class hours requirement.
- Parent teacher conferences and professional development should be funded but not included in the instructional time calculation. Their inclusion as proposed will result in a net loss of instructional time for students.
- The 90% standard should be applied by school and/or by grade level, not by district, and should in no case be allowed to result in fewer instructional hours for students than they currently receive. As proposed, the 90% district level measurement will result in fewer hours of instruction for all students except those in Grades 1-3.
- The proposed standard for study halls to be counted as instructional time must be revised. Instructional assistance must be provided, attendance must be taken, and the individual leading the study hall, if not a licensed teacher, must be working under direct supervision of a licensed or regular teacher working in close proximity.

581-022-1620

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 -- 96690 hours;

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

(cb) Grades K4-8 -- 900 hours.;

(c) Grades 1-3 -- 810 hours;

(d) Grade K -- 405 hours;

(e) A district unable to meet minimums for a particular grade level, e.g., when Grade 9 is part of a 7-9 configuration, should utilize the request for a waiver process set forth in OAR 581-022-1920. (2) There shall be no fewer than 265 consecutive calendar days between the first and last instructional day of each school year at each grade level.

(3) 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.

(4) For students participating in online instruction:

(a) Instructional time includes:

(A) Online instruction provided by a licensed or registered teacher in real-time through electronic means; and

(B) For all other methods of online instruction, up to one hour per course per day where the following criteria are met:

(i) During regular school hours, as outlined in the predefined school schedule, eEvery student has access to a licensed or registered teacher through in-person, telephone, or electronic means for each course taken; and

Comment [p1]: "has access to" could be interpreted as "teacher of record" or "teacher down the hall".

(ii) Every student has regular contact with a licensed or registered teacher for the purpose of attendance, instruction, and progress monitoring as outlined in the policies maintained by the Oregon Department of Education.

(b) Instructional time may not be claimed for weekends or holidays, per ORS 336.010 and ORS 187.010, or any other day during which a licensed or registered teacher is not available to students.

(5) For the 2015-16 school year, the instructional time requirement in subsection (2) may be reduced by action of the local school board as follows:

(a) Up to a total of 30 hours to accommodate staff professional development; and

(b) Up to a total of 14 hours of emergency school closures due to adverse weather conditions and facility failures.

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

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

(b) Grades 4-8 -- 6.5 hours;

(c) Grades K-3 -- 6 hours.

(7) The minimum instructional hours requirement set forth in subsection (1) of this rule shall first apply to the 2015-16 school year but full compliance shall be phased in over a period of three school years. A school district will be in compliance with the requirements of subsection (1) of this rule if the following benchmarks are met:

(a) For the 2015-16 school year, 80% of all students in the district must be scheduled to receive the minimum hours of instructional time set forth in subsection (1) of this rule.

(b) For the 2016-17 school year, 85% of all students in the district must be scheduled to receive the minimum hours of instructional time set forth in subsection (1) of this rule.

(c) For the 2017-18 school year, 90% of all students in the district must be scheduled to receive the minimum hours of instructional time set forth in subsection (1) of this rule.

(4) School assemblies, student orientations, testing, parent teacher conferences, and other instructionally related activities involving students directly may be included in the required instructional hours. However, transportation to and from school, passing times between

classes, noninstructional recess and lunch periods shall not be included. Passing time is defined as those minutes between segments of the program that are apparent in the school's daily schedule.

(5) When approved by a local school board, annual instructional hour requirements stated in section (1) of this rule may be reduced as follows:

(a) Up to a total of 30 hours to accommodate staff development activities, pupil transportation schedules, or other local program scheduling arrangements;

(b) Up to a total of 14 hours of emergency school closures due to adverse weather conditions and facility failures.

(6) Student and staff activities related to the opening and closing of the school year, grade reporting, program planning, staff meetings, and other classroom and building management activities shall not be counted as instructional time or in the reductions provided for in subsection (5)(a) of this rule.

(7) For multiple shift programs, this rule applies to each shift (i.e., each student must have access to the minimum annual required hours of instruction).

(8) The instructional time requirement for twelfth grade students may be reduced by action of a local school board for an amount of time not to exceed 30 hours of instructional time.

Stat. Auth.: ORS 326.011 & 326.051

Stats. Implemented: ORS 326.051

Hist.: EB 18-1996, f. & cert. ef. 11-1-96; ODE 25-2008, f. & cert. ef. 9-26-08

DALLAS HIGH SCHOOL



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Good afternoon,

Chair Henry, members of the state board of education, and Hearings Officer Nazarov. For the record, my name is Steve Spencer. I am the principal at Dallas High School and am offering testimony on behalf of multiple districts and organizations. Today I am representing the 5-A Mid-Willamette Conference league principals, MWEC Executive Council, and Mid-Willamette Educational Consortium; specifically South Marion and Polk County schools. In the month since these proceedings began hearing public testimony, I have visited with numerous school districts and principals opening dialogue surrounding the proposed rules changes being addressed in this hearing.

We wish to voice loud and clear that none of the ideas are wrong. It is not wrong to desire full-time kindergarten, it is not wrong to desire increased instructional hours for elementary and secondary schools. I would also argue it isn't wrong to clearly define instructional hours and hold school districts accountable for ensuring that students attend and receive those hours of instruction.

We also wish to voice loud and clear that you are killing us! Each rule change that is not accompanied with the appropriate level of funding, or with a complete understanding of the intended (or worse yet, the unintended) consequences of the rule, makes educating our kids more difficult.

One common response has been voiced repeatedly amongst the schools I represent here today to the question: Why is this rule change happening? The answer is that a group of parents is upset with Portland Public Schools and so we need a rules change to govern all schools. These changes may absolve you of this complaint, but you have sold the rest of us out. At this time of year, the analogy I think is most understandable is that Santa is thinking of giving everyone a lump of coal because one child is on the "naughty list". To ODE and the State Board of Education I would say this: You are definitely not Santa, because he would have provided a gift of stable and sustainable funding so that we could do our jobs...ironically something that if it had existed would have prevented the complaint from being levied in the first place.

In October, ODE sent a survey out to districts in an attempt at compiling information to determine the fiscal impacts of the proposals that are on the table in this hearing. In my meetings with principals around the region, not one told me that they had any input to increased costs that would be incurred at the building level. Let me share with you my personal results of the survey:

- To the request to indicate the increased staffing costs incurred to be in compliance with the proposed instructional hour change my building would need \$720,000 annually.
- Additional costs for classroom furniture, curriculum materials, technology, etc, we project an additional \$90,000

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A staggering \$810,000 just to be compliant and that doesn't even begin to address the needs that exist because of a decade of inadequate funding and cuts because of a sick economy.

If no additional funding comes and assuming that compliance to all proposed rules changes are achieved, this is what will happen in my building alone. Each principal I represent can share a similar scenario:

- General class sizes will balloon to over 45 students
- Core class enrollment increases because sections are lost to create new programs or bring back electives cut due to budgetary crisis.
- Accelerated learning programs will disappear because of a disincentive in the funding model. (Ex: Students wishing to take 8 classes in a 7 period model will be told no to reserve classes for senior year.)
 - When students are taking a full load of classes, plus additional coursework that places them on an accelerated track (super FTE), they still only count as 1.0 adm. We will get penalized for helping students on accelerated tracks twice. 1st by not getting additional weighted adm for the extra coursework, and 2nd by not getting full adm when they are seniors and don't need a full load of classes.
 - This certainly is a disincentive to accelerated learning tracks and rewarding schools with money for holding restrictions on student's education options. It also seems contrary to the Governor's plan moving toward proficiency based education and accelerating students toward higher education.
- Release time religious instruction, that we are required by law to provide, immediately puts us at odds with the new rules proposal for minimum instructional time and we will be penalized in our compliance percentage.
- Spirit Assemblies are discontinued
- Successful and accredited online programs are decimated
- The list goes on and on...Again, this is a part of the unintended consequences to the rules changes you are proposing today.

May I conclude my remarks today by again reiterating that the ideas in this proposal are not wrong, they just need to be fully funded. There is no room in education for another unfunded mandate. My request today, and one echoed by dozens of principals in many districts in the valley, is that you delay making a decision on this rule until you have adequately researched the fiscal impact on all districts and procured and protected the funds necessary for all districts to implement the proposed changes.

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December 22, 2014

To: Oregon Department of Education

Re: Proposed Rule Changes on Instructional Time and Definitions

Thank you for the opportunity to share my concerns regarding the proposed changes to instructional time requirements as well as the definition of instructional time. My name is Polly Kreisberg . I am the parent of a child in Portland Public Schools and a teacher in Reynolds School District. I have been teaching in Title I schools for 27 years, and for the last 19 in two of the lowest income schools in Oregon and at both Alder Elementary and Glenfair over 93% of the students qualify for free lunch. My teaching career spans kindergarten to fourth grade as well as time as a reading specialist.

I have read some of the prior public testimony that has been given and can only hope that you will give serious consideration to the comments made by Hanna Vaandering from OEA, Betty Reynolds from Oregon PTA, Michelle Zundel from Ashland High School, Morgan Allen a Legislative Specialist from the Oregon School Boards Association, Deborah Barnes from North Clackamas School District, and Matt Utterback Superintendent of North Clackamas School District. It is clearly apparent to me that all the testimony from individuals directly involved with working with students have serious concerns about the proposed changes. Which leaves me to wonder what I can add that would impact your consideration. So I speak to you as a classroom teacher who has seen how mandates from Salem trickle down to and impact the children in the classroom.

It is an act of optimism to come to Salem on the first Monday of winter break to hope that something that is said will have an impact on how the decision is made to move forward on these changes. I admit to a sinking feeling that these hearings are often more a formality than a true opportunity for input. However, I

come because of the young kindergarten children in my charge and my concern for them and with the hope that ultimately you will do what is right for them.

I have first hand experience of how well intentioned mandates can have profoundly negative effects on the classroom. A few years ago I worked for a superintendent in Reynolds who canceled all fieldtrips for the students and told staff, "We are not here to enrich children's lives, we are here to educate them," as if they weren't the same thing. His intent was to improve academic skills by requiring all instructional minutes be spent in the classroom. However, the reality was a narrowing of the classroom to a radical effect and reduced engagement of the students that I believe diminished their academic achievement. The students I work with on the eastside of Portland never went downtown unless we took them on a fieldtrip. After a fieldtrip they would write about it for weeks. They would buzz with excitement about walking across the Steel Bridge and seeing the boats on the river, going inside a museum and theater for the first time, and the thrill of looking out the third story windows at the main downtown library. Incredibly for most of my students it was their first time in the public library.

These experiences created a reason to read, investigate, write, ask questions and broaden their horizons from the narrow realm of their neighborhood in East County. When fieldtrips were canceled I had to give up a grant I had received to take all the third grade students in my building on multiple fieldtrips that year: the ballet, the theater, the art museum, the symphony. None of those children had the opportunity to go to these cultural centers. Do I believe that the those four extra days spent in class reviewing the writing process, doing reading groups, and practicing math skills was more beneficial than those fieldtrips? I have to reply with a resounding no. Those out of class experiences would have given the students experiences to write about and reasons for reading about

artists, history, transportation, city planning, and many concrete connections we could have made in math like reading time schedules for transportation, story problems with passing time, and I could go on. Were we able to justify them to our administration? No, they went with the narrowest definition of instruction. Only recently have classes started to return to fieldtrips on a limited basis. Under the new definitions being proposed if even programs such as Outdoor school, which is all about instruction, will not count as instructional then I am left wondering what ODE sees as an acceptable fieldtrip? These new rules will reinforce the pressure to drill our children in class rather than inspire learning through expanding their world. For the very low income students at the schools where I work at the time spent going out of the classroom creates the impetus for learning and broadening their horizons with reasons to study and think about careers. These are the students who will suffer the worst detrimental impacts of the new regulations.

I am terrified of how the interpretation of instructional minutes will trickle down to the classroom. Will I be told to limit recess time for the five year olds in my charge? A recent article on research about recess states, *"the exclusion of play breaks during school makes for stressed, restless kids and beleaguered teachers. And, ironically, this tough-love commitment to boost academic accountability by cutting recess has no grounding in empirical research. What repeated studies show is that recess helps kids recalibrate their minds and bodies, making them more focused and effective learners. After examining related research, the American Academy of Pediatrics (AAP) issued a policy statement in 2012 entitled The Crucial Role of Recess in School. "Cognitive processing and academic performance depend on regular breaks from concentrated classroom work," the AAP concluded, noting that this need to decompress mentally applies "equally to adolescents and young children." Recess "offers cognitive, social, emotional and physical benefits," it added, and*

is "a crucial and necessary component of a child's development" that "should not be withheld for punitive or academic reasons."

<http://www.pressherald.com/2014/09/21/sea-change-recess-is-serious-business-or-should-be-in-todays-education-system/>

Removing recess from instructional time during the school day will inevitably push down to trying to create an inappropriate setting for all elementary children. I have seen this enacted in schools in Portland where I have taught and we were told that we were not allowed to take recess, where teachers had to sneak the desperate children outside and hope no one was looking while writing "Gross motor development" into our lesson plans. Providing appropriate breaks to support and improve student learning should not have to be a subversive activity.

Removing school assemblies and fieldtrips will stop art assemblies and further disengage children from their education. It will narrow the scope of their world rather than expanding it. Behavioral concerns often dominate conversations in my building. It is impossible for children to learn when they are in a state of crisis and frequently there are multiple children in crisis in one classroom. Current research looks at how many children in poverty have symptoms of post traumatic stress. *"Nearly half of U.S. children have gone through a traumatic experience like exposure to violence, economic hardship, family discord or mental health and substance abuse. And for the one in five children who've been through at least two traumatic experiences, the consequences can be dire, a study in this month's issue of Health Affairs says. Those kids were twice as likely as their peers to have a chronic condition and special health needs. And they were 2.5 times more likely to repeat grades in school."*

<http://m.content.healthaffairs.org/content/33/12/2106.abstract> I would argue that in schools where almost all the children live in poverty that rather than one in five children who have experienced multiple traumatic experiences it would

be closer to two in five or three in five. Many of our students need a supported therapeutic environment and opportunities to learn appropriate ways to interact with peers and self-regulation skills. For students in my kindergarten that looks like self-directed play activities. My experience tells me that in order to build appropriate skills with the children I see in kindergarten, to support success in school, they need opportunities for dramatic play and choice time where they learn how to interact appropriately with their peers. Will this be eliminated as it is not considered direct instruction? All research for the most effective programs for young children, and this includes kindergarten, support play based programs. The narrowing definition of instructional time will have a disproportionately negative impact on the neediest students in Oregon, especially minority and low income students who have never had the opportunity to build with blocks or have any appropriate preschool experience where they learn cognitive skills and even more critically how to function appropriately in a group.

Finally, the time I spend with the parents of my students is invaluable. The majority of my students had no pre-school, no prior out of home experience prior to kindergarten. I have committed myself to trying to build parent teacher collaborations. Conferences are critical to making time for that relationship. The new instructional time rules will create pressure on districts to remove needed time for parent conferences.

My students do need more time in school, but not through longer school days with less enrichment and time for appropriate activities. They need year round school opportunities. However, they also need a reason to want to come to school. Student engagement is key for student attendance and participation in the learning activities. Middle class students have repeated experiences out in

the world on weekends, vacations, summer camps and traveling. They bring these experiences with them to school and have background knowledge and schema they can apply to the activities in the classroom. For the most at risk students in Oregon, the students in poverty, these opportunities only happen at school. They are critical if you wish the children to become college and career ready. First they need to have a sense of what careers are even possible and that they are possible for them. A virtual fieldtrip does not have the same impact as going out into the world.

My students need opportunities to go out in the world on fieldtrips, in outdoor school, have art based experiences, art assemblies, have adequate and appropriate recess times. I can find no research to support these current changes and much evidence to the contrary. I hope you will revise and broaden your thinking about what is instructional time and how it is defined to allow for rich and appropriate learning environments for all children, but especially the most at risk students in the state of Oregon.

Polly Kreisberg
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ODE Hearing

OAR 581-022-0102

- (32) “Kindergarten”: A planned program that provides activities designed to foster the physical, social, emotional and cognitive development of young children.

OAR 581- 022 – 1620

Proposed elimination of:

(4) ...student orientations, testing, parent-teacher conferences and other instructionally related activities involving students directly may be included in the required instructional hours...

(5) (a) Up to a total of 30 hours to accommodate staff development activities, pupil transportation, or other local program scheduling arrangements.

The elimination of these opportunities for teachers to meet with parents and with other teachers will have a profound impact on the students and families living in certain zip codes that have the greatest need for a supportive and responsive school system.

To operate a licensed childcare enrolling 5 year old children in the State of Oregon, a program must meet certain class size and staff:student ratios. No more than 30 students in a class, and 1 staff member for every 15 students. A public school kindergarten has no class size limits, and more often than not no staff:student ratios. One adult is often responsible for 30+ 5 year old children. This one adult is responsible for the physical, social, emotional and cognitive development of all 30+ students.

I am speaking on behalf of the students that live in certain zip codes ... the zip codes where it is well known that children face enormous challenges and often enter kindergarten with limited to no experience with English as a language of communication and/or symptoms of post-traumatic stress due to hunger, homelessness, crime and violence. While the definition for Kindergarten lists 4 different areas, the current focus is almost entirely on the 4th area – cognitive development. No teacher who works with these children minimizes the importance of cognitive development – but at this point in time it appears that the State of Oregon has little or no need for the first three “physical, social and emotional development”.

The State of Oregon, under the leadership of Governor Kitzhaber, the OEIB and the Oregon Department of Education continues to draft policy and practice that is at best educational malpractice and at worst educational abuse. Rather than basing policy and

practice on current social and educational research, the ODE appears to believe that the example of Lake Woebegone is the best foundation from which to build.

Superintendent Saxton frequently refers to the Kindergarten students he sees who are reading at a 3rd grade level (and since what is grade level appropriate seems to change every year – and sometime even during a school year – who knows exactly what this means) as proof that it can be done. Basic statistical analysis, and I agree, in any pool of data there is a normal curve, more commonly known as the Bell Curve, and on the normal curve there are outliers. What is statistically inappropriate is to take the existence of outliers and assert that all students can and must achieve that same status.

The reality of working with families living in certain zip codes is not easily altered by imposing lofty educational goals. It is in fact harmful to focus on the cognitive needs of children before you have met their basic needs of food, shelter and safety. I invite policy makers to come and participate in a classroom for a week – not to sweep through with a tour group for a 10 minute viewing. I can not tell you the number of observers who have come through my classrooms and buildings and expressed surprise at how engaged and interesting the classrooms and lessons are, at how involved the students are. This “compliment” implies that the observer expected to see teachers lolling about ignoring students.

Spend a week in the classroom and observe the students who miss one to two days a week, the students who arrive one to two hours late each day, the student who spends the majority of the day under a desk, running out of the room, ripping instructional materials off of the walls – and then draft policy that will help that one teacher provide a safe, supportive, enriching learning environment for both the troubled student, and the remaining 29 who are waiting for the dust to settle.

The educational leaders in Oregon seem to create policy based on experiences found in different zip codes. There seems to be a flagrant disregard for the opportunities that children in one zip code receive and children in another do not. During my licensure program I observed 5 year old children in the YWCA Transitional School and at Catlin Gabel School. A parent at Catlin Gabel asked me about my project, and at the end of our conversation remarked “Well, it doesn't really matter, they are all just kids.” Really? The life experience of a hungry, homeless, stressed 5 year old, is the same as a fed, housed, clothed 5 year old? While I may excuse this disconnect from a parent, I am shocked to find the same level of misunderstanding from the State Department of Education ... an almost willful philosophy to disregard social and educational research in favor of a Garrison Keillor catch phrase “all children are above average”.

Gene Trowbridge



BEFORE THE: State Board of Education Hearings Officer
REGARDING: OAR 581-022-1131; 581-022-1620; 581-022-0102
BY: Morgan Allen, Legislative Specialist
DATE: 12-22-14

Chair Henry, members of the State Board of Education and Hearings Officer Nazarov, for the record, my name is Morgan Allen and I am offering testimony on behalf of the Oregon School Boards Association regarding the proposed changes to administrative rules that define the number of instructional hours in Oregon K-12 classrooms.

General Comments from School Board Members

After so many years of program cuts and lost school days, it is a great relief to be engaged in a serious discussion about increasing instructional time for students and extending the length of the school year. The latest proposed changes to the administrative rules impacting hours contain thoughtful and well-reasoned improvements to earlier drafts. Your staff have done an excellent job of taking input from all sides and giving stakeholders an opportunity to ask questions.

However, OSBA continues to have concerns that as drafted the proposed changes are too much too soon. There has not be enough time to analyze the impacts and costs of these changes. Right now, school districts in Oregon have achieved a fragile financial stability that will be severely disrupted without resources and time to implement.

Ultimately, this is the right policy discussion to be having, but our members ask the Board to spend more time refining the proposal discussing the ability of districts to pay for these changes and deal with collective bargaining impacts.

OAR 581-022-1131 - 130 Clock Hours - SUPPORT AS PROPOSED

OSBA supports the proposed elimination of the "130 hour" provision in the OAR.

We believe the rule needs to be changed for the following reasons:

- It recognizes that the current rule creates an impediment to school districts that are using "proficiency" based education models
- It allows more flexibility for districts to design educational programs and models within the instructional hours requirement and recognizes that "seat time" does not define student success in a class
- As ODE staff has noted, there is a demonstrated need for school districts right now to have additional flexibility. Thirteen school districts have been granted waivers to the "130 hour" provision by the State Board in 2014.

ODE staff also notes in their Fiscal Impact Statement that without this rule change school districts would "...have to choose between adding time to each day, adding more days to the calendar and revising the high school schedule."

ODE staff also notes that these districts would have to either pay for the additional time or reduce time spent on other educational activities; no additional funds have currently been identified or earmarked for districts to make these changes. OSBA notes that this would also require reopening collective bargaining agreements without the rule change.

OAR 581-022-1620 - Increased Instructional Hours K-3 - NEEDS MORE WORK

This rule as proposed attempts to address a concern OSBA shares: there are too few instructional hours at the early grades (K-3). OSBA supports the goal of increased instructional time but would ask the State Board to put together a work group to give more consideration about implementing and funding these changes beginning in the 2016-17 school year at the earliest. At a minimum, our members believe that the Board should not take action on any proposal to increase hours until after the 2015 Legislative Session has finished its work and budgets have been set for the K-12 system.

Our concerns about the proposal as currently drafted include:

- Data compiled by ODE shows that around 70 school districts are currently offering less than 900 hours in the early grades.
- The ODE data does not describe or adequately analyze why districts are currently offering less than 900 hours. Possible explanations are likely linked to locally driven education decisions or funding insufficiency. For example, some districts have chosen to keep class sizes small (20-25) in the early grades. They may have chosen to keep art, music, PE, counselors or librarians instead of offering more class time. Or they may simply lack the resources to add more time.
- Adding time is not free. It will cost money. Current K-12 budget proposals do not contain adequate financial resources for districts to add time. Somehow funding has been disconnected from the conversation for this rule change. This stands in stark contrast to the acknowledgment from the Governor, OEIB and the Legislature that additional resources will be needed to pay for the additional instructional hours required by full-day kindergarten.
- As currently drafted, the changes will trigger intensive collective bargaining discussions that would need to be completed before the 2015-16 school year starts. Based on past experience, OSBA estimates the majority of districts have signed contracts for the 2015-16 school year and would need to reopen contract negotiations to meet the hours required in the rule. This is no small task and it is fair and reasonable to expect that our employees will want additional compensation for additional work.
- The State Board needs more information about the tradeoffs of implementing this rule in a resource challenged environment absent of additional K-12 investments. Will it mean larger class sizes? A loss of recess and other enrichment activities? Less diverse offerings for students in music, art or PE? A shifting of resources to increased instructional time for all students and away from targeted investments for students in the opportunity gap? There is no analysis yet of these impacts.

OSBA believes increasing instructional time is a serious issue that deserves a comprehensive plan for implementation and funding. The Board needs to better understand the tradeoffs that districts may be forced to make. Our concern is not with just *increasing* instruction time but ensuring the *quality* of that time is also considered.

OSBA understands that there needs to be a change in the rule regarding the minimum number of hours for full-day kindergarten prior to the 2015-16 school year and would support a temporary minimum of 810 hours while the longer term plan for increasing instructional hours is developed.

OAR 581-022-1620 - % Students Attending Full Time - NEEDS CLARIFICATION

OSBA supports the goal of full schedules and school years for students. Specifically, our members support the use of a district-wide measure for tracking minimum instructional

hours for students as currently included in the proposal. We also believe that the measure raises some challenges and questions about the best way to count student enrollment.

Under current state and federal law, there are students who may not attend a full instructional day based on their individual needs and circumstances. These include, but may not be limited to:

- Students with special education needs as defined by their IEP
- Students with a 504 educational plan
- Students in alternative education programs
- Students in credit recovery programs
- Students facing disciplinary action

Under the current administrative rules for what constitutes a full-time student, there are several other categories of students who may not attend a full instructional day but are considered full time for purposes of State School Fund payment. These include, but are not limited to:

- Pregnant and parenting teens
- Students in Expanded Options programs or other dual credit programs offering college credits
- Students in CTE programs, internship programs or work experience programs that may require travel time.
- High school students who are on track to graduate or who have already completed the necessary credits for a high school diploma
- Students who work or have extraordinary family circumstances

As constructed, the proposed rule tacitly acknowledges that there are these and other individual student circumstances that would legitimately prevent a student from receiving the minimum number of instructional hours. The proposed rule does this by allowing districts to offer fewer hours to a fixed percentage of their enrolled students.

OSBA believes the proposal should be improved by clarifying which students must be enrolled for at least the minimum number of required instructional hours and then clearly defining the categories or exemptions when it is allowable for a student to be enrolled at less than full time. We believe the list above is a good start.

Additional concerns that have been expressed to OSBA include:

- How does travel time to and from extracurricular activities factor into this calculation? Based on the proposed revised definition of instructional time there is concern that districts which have extensive travel times for these activities would have trouble complying with the rules.
- There is concern that districts with 7 or 8 period high school schedules would need to change their calendar. This can greatly impact collective bargaining and long settled district schedules.

OSBA supports the goal, students attending full school days and full school years, but believes the proposal would benefit from additional work.

OAR 581-022-0102/1620 - Redefining Instructional Hours - NEEDS MORE WORK

OSBA supports the goal of having a clear, bright line between what is counted as instructional time in our schools and what is not. While we believe that there are potential areas of agreement around what should not be counted as instructional time

(non-academic field trips or assemblies, study hall, closure for inclement weather) the proposal as currently constructed continues to raise issues the Board needs to consider:

OSBA supports the changes to add back instructional time for professional development and parent teacher conferences. This will ensure that these important practices continue and do not disrupt work that is making a difference for students. There needs to be certainty that college courses not taught by licensed teachers, college instruction and some CTE programs count. Allowances for travel time and creative work or internship based programs also need to be counted.

Another question that has been raised in the field only recently that deserves additional consideration is around the Smarter Balanced Assessment. The proposal appears to eliminate testing time from the counts. Our understanding is that the new tests will not have a time limit, and at least at the high school level, may take 3-4 hours per subject tested. The impacts of this deserve discussion. Especially in light of the growing movement of parents who want to “opt-out” from the tests, this could bolster arguments against the Common Core standards.

Conclusion

OSBA agrees that we need to add quality time to the school calendar. There is no question that this will greatly benefit students, particularly those who need extra help and supports.

But we again ask the State Board to give due consideration to the following:

1. Additional cost impacts identified by school districts
2. Appropriate timeline for making any changes
3. Impacts on collective bargaining
4. Resources available to implement the changes and the trade-offs school districts will have to make absent adequate resources
5. Adding additional time versus adding quality instructional time

We encourage the State Board to give careful consideration to the policy issues that are raised during this discussion and break them into two categories for consideration.

The first category should be changes that need to be made in January. We believe these include:

1. Elimination of the 130 hour rule in 2015-16
2. Creating an hour definition for full-day kindergarten for 2015-16 of 810 hours

The second category includes issues that clearly need additional discussion and work and would be problematic if implemented in 2015-16. These include:

1. Increasing instructional time in K-3
2. Finalizing a definition of instructional time that carefully examines potential unintended consequences.

OSBA urges the State Board to invest more time in creating a plan that is clear, ready to implement and does not have unknown pitfalls.

Our members are ready and willing to assist in crafting a long-term, comprehensive plan to give more quality instructional time to our students. Let's take the time to do it right.



PWA

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Dec. 17, 2014

Dear members of the Oregon State Board of Education,

Thank you for making instructional time a priority for Oregon schools. We appreciate your efforts to raise and clarify state standards for the benefit of our students. We also ask that you **craft Oregon's administrative rules around instructional time to clearly support and encourage career-related learning experiences for students.**

The Portland Workforce Alliance is a decade-old nonprofit that connects high school students with local businesses to provide career-related experiences. Our mission is to raise the graduation rate and help meet our region's future workforce needs by giving students opportunities to be educated, informed and inspired about career possibilities. During the 2013-14 school year, we provided Portland-area students with more than 8,100 career-related learning experiences. These experiences include:

- Nearly three dozen **career days** at local employers such as Howard S. Wright Construction, Nike, Wieden+Kennedy, OHSU, Mercy Corps and the Port of Portland. Students typically are released by their teachers to attend the career day and learn directly from employers about the skills and education needed to pursue given career paths.
- An annual **NW Youth Careers Expo**, a major career-education event supported by the community and held every spring at the Oregon Convention Center. Last year, more than 5,000 students from 65 high schools attended the Expo, where they had access to mock interviews, workplace simulations, informational interviews and other key educational tools for career exploration. Many Oregon schools leverage the Expo as a great opportunity to offer students a career-related learning experience: Some send their entire sophomore class; others send a busload of students under the guidance of a career coordinator or a few teachers.
- More than 150 **mentorships**, internships, apprenticeships and other in-depth experiences.

Many state education leaders, including Gov. John Kitzhaber and Dr. Nancy Golden, have spoken at our Expo Breakfast and shown their support for this important work. In 2013, during his Expo speech to several hundred business leaders and educators, Gov. Kitzhaber said, **"One of the ways to keep kids in school and keep them engaged is to give them a glimpse of what the world outside school looks like."**

We are also pleased to see the state and local school districts give career readiness and career-related learning experiences heightened importance in laws, statutes, budgets and graduation requirements: Research and our experience tell us that career education makes students more likely to graduate from high school, continue their education and find a place in the middle class.

We're particularly pleased to see career-related exploration and learning as a key component of the "Personal Education Plan" now required of students for graduation.

However, we're also aware that many school districts in Oregon are experiencing some confusion over the related issue of what "counts" as instructional time. Some of these districts are in danger of overcorrecting because of their uncertainty around state rules, seat time, academic vs. non-academic field trips, instructional hours, compliance, etc. As a result, they could limit some of their best career-education opportunities for high-school students.

This would have a disparate impact on lower-income students, who have the greatest need for career exploration opportunities during the school day: Lower-income students don't have access to the professional networks and serendipitous opportunities enjoyed by more affluent families.

With that in mind, we ask you that you craft ORS 581-022-01021 around instructional time to **make clear that the state supports and encourages career-related learning experiences, such as the annual Careers Expo, career days and mentorships.** For example, by:

- 1) In section 5: Adding "structured career exploration, such as a youth careers expo" to your definition of career-related learning experiences.
- 2) In section 30: Clarifying that the definition of "instructional time" includes career-related learning experiences.
- 3) In section 30: Clarifying that career coordinators or career counselors are included in your definition of staff who may provide guidance for career-related learning experiences.

We appreciate the work you and your staff have already done to adjust your draft rules to clarify that instructional time covers CTE programs and internships. We would appreciate you offering further guidance to school districts that are eager to comply with state law and offer their high school students access to meaningful, relevant, community-supported career learning made possible through community partnerships.

If you have questions, don't hesitate to contact me at kevin@portlandworkforcealliance.org or at (503) 997-0459. Thank you for your consideration.

Sincerely yours,

Kevin Jeans Gail
Executive director