



Date: January 22, 2015
To: Chair, Dr. Samuel Henry and Members, State Board of Education
From: Laurie Wimmer, OEA Government Relations Consultant
RE: *Instructional Time Rule Proposals OAR 581-022-0102; 581-022-1620; & 581-022-1131*

Thank you for the opportunity to address you again, as I did in October 2014, on the issue of instructional time changes. On behalf of OEA’s 42,000 members, it is my honor once again to share with you our concerns for the unintended consequences of key elements of the proposals. Our message is clear: now is not the time to pass regulations that will impose hardship conditions on schools and students. In education, it is not quantity, but quality that counts most. Unfunded mandates will increase class sizes, and that will in turn impair the learning opportunities of our children.

I have prepared a chart to reflect our understanding of what has changed as these rule proposals have been changed and changed again over the past few months. The latest set of changes have only worsened the prospects for our students in several significant ways, and so, with regret, we must reiterate our plea to this board: do not pass OAR 581-022-0102 and 581-022-1620. We are fine with 581-022-1131, which will delete the cumbersome 130-hour seat time requirement.

A COMPARISON OF THE NOVEMBER AND JANUARY VERSIONS OF THE RULES

	Nov 2014	January 2015	Issues and Comments
Elements	90% of all students are “scheduled” to receive min. instructional hours.	Increases this enrollment and scheduling mandate to 92%. Adds new requirement that 80% of students PER BLDG must be full-time enrolled.	Significantly increases mandate from hours “offered” – forces more full-schedule enrollments in high schools. Impairs alternative ed programs, impacts special-education students, and disregards need of low SES students who must work.
	Increase inst. hrs. from 810 to 900 in Grades K-3; grades 4-8 remain at 900 as in current law.	Same.	Adds 3 weeks of school in school districts with elementaries at the 810 mark, without funding.
	Grade 12 is dropped to 966 hrs.	Same.	
	Grades 9-11 remain at 990 hrs.	Same.	
	Delineates full-day Kindergarten hours at 900 (versus 810 under current law).	Same.	
	Phases in requirements over 3 years.	Phases in over 4 years.	Phase-ins still impact student learning.
	Changes definitions of countable hours, eliminating parent-teacher conferences, phasing out professional development, deleting 14 snow days, and ending “non-academic” assemblies and field trips (not defined). Online instruction clarified.	Outdoor School in prior definition of allowable time is specifically deleted, and instructional time explicitly “shall not include” participation in optional school programs or study halls. Restores conferences and professional development.	Will have a dramatic impact on students who need study hall (especially homeless and ELL kids); will likely end student participation in Outdoor School; will force reopening of hundreds of employee contracts.
	130-hour seat time for high school deleted.	Same	This is a common-sense change.

The impacts of the changes (all but the last one) are inevitably going to be about loss: lost programs, staffing, and instructional quality. According to the ODE's own records, fully 39 school districts have half- and full-day kindergarten classes below the proposed new minimum, 29 school districts have grades 1-3 below this new threshold, and 1 district offers less for its 4-8 graders. If these districts' budgets cannot accommodate the unfunded mandate, there is nothing to do but cut teachers and increase class size. Oregon already has the dubious distinction of having the second highest class sizes in the nation, due to inadequacy of funding.

By including the minimum percentages and the wording change from "provided" to "scheduled" -- less-discussed aspects of these proposals -- your "yes" vote will close schools. We have been told of alternative education programs that will be shuttered, trimester and four-day week programs that are at risk, and more.

We continue to call on this Board to act responsibly, recognizing that we all want to maximize learning opportunities for our students, but this is not the mechanism to do it. Please do what this state's major newspaper, *The Oregonian*, urged you to do. Vote "no" on adoption of the changes to the instructional hours definition and increases. Please vote "yes" to delete the 130-hour seat time requirement.

Thank you so much for your time.