



DEPARTMENT OF
EDUCATION

2015 REPORT ON

INSTRUCTIONAL TIME SURVEY

HB 5507 (2015)

EXECUTIVE SUMMARY

A budget note attached to HB 5507 (2015) directed the Oregon Department of Education to survey school districts on the financial effects of the new instructional time requirements adopted by the State Board of Education in January 2015.

On November 19, 2015, ODE issued a survey on instructional time. As directed by the budget note, the survey focused on financial impacts resulting from the increased instructional time for kindergarten through grade 3 and the requirement that a certain percentage of students be scheduled to receive the required minimum hours of instructional time.

Oregon has 197 school districts; 141 of the districts responded to the survey. The responses show that the large majority of districts in Oregon are either meeting the new instructional time requirements, or are on track to meet the new instructional time requirements, and are doing so without additional financial impact. A small percentage of school districts have incurred some financial impact in meeting the new requirements. About 20% of districts anticipate some financial impact as the instructional time rule reaches full implementation in 2018-19 if funding remains at current service level. The most significant financial impact is the need to hire additional teachers at the high school level in order to ensure students in grades 9-12 are scheduled to receive the minimum hours of instructional time.

BUDGET NOTE

In 2015, in a budget note attached to SB 5507, the Legislature directed ODE to survey school districts on the financial effects of the new instructional time requirements adopted by the State Board of Education in January 2015:

The Department of Education is instructed to survey school districts on the financial effects of the: (1) adaptation of new instructional hour minimums, (2) mandated full scheduling of 92 percent of students, and (3) projections for programs and personnel possibly eliminated in order to comply with these mandates at current budget levels. The Department is to report back to the Joint Committee on Ways and Means by February 1, 2016.

BACKGROUND

The Legislature has directed the State Board of Education to “[e]stablish state standards for public kindergartens and public elementary and secondary schools consistent with the policies stated in ORS 326.011.” ORS 326.051. ORS 326.011 directs the State Board to consider “the goals of modern education, the requirements of a sound, comprehensive curriculum best suited to the needs of the students and the public and any other factors consistent with the maintenance of a modern and efficient elementary and secondary school system.” Under this authority granted by the Legislature, the State Board has adopted administrative rules for Oregon’s K-12 public schools, including rules requiring a minimum amount of instructional time for students. The rules governing required instructional time are set forth in OAR 581-022-1620 (Required Instructional Time) and OAR 581-022-0102(30) (Definition of Instructional Time).¹

In January 2015, the State Board of Education revised the administrative rules governing instructional time. The revisions were prompted by four things. First, there was a need to

¹ Copies of the rules are attached to this report.

better align the rule governing annual instructional time and the rule governing instructional time per credit. The two rules were not well aligned and the tension was causing some problems for districts.

Second, the rule governing instructional time per year allowed districts to under-schedule students. A district could adopt a school calendar that provided 8 classes for a total of 990 hours, and then only schedule students for 5, 6 or 7 of those 8 classes. In some cases, students were unable to register for a full schedule even if they wanted to. Parents had complained to ODE about this practice. ODE determined that under the existing rules, the district would technically be in compliance because of the 8-class day, but those students scheduled for 5, 6 or 7 classes were receiving far fewer than 990 hours of instructional time.

Third, annual reporting from districts alerted ODE that several districts were not in compliance with instructional hours rules. Districts that believe they will not be able to meet one or more of the standards may ask the State Board of Education for a one-year waiver of that standard. The waiver request must include the district's plan for coming back into compliance the following school year. In the spring of 2014, the State Board received 13 requests for waivers relating to instructional time.

Finally, the instructional time rule had not been revised since 1999. As such, the rule did not specifically address some of the more recent educational developments, such as virtual education programs.

ODE staff raised these concerns with the State Board of Education in the spring of 2014, and the State Board directed ODE staff to begin working on revisions.

ODE began by conducting extensive research on instructional hours across the country. ODE convened a stakeholder group, consisting of representatives from OEA, COSA, OSBA, PTA, Portland Public Schools, Stand for Children, and Portland Parents Coalition, as well as two superintendents and representatives from ODE's Educational Equity Team, Office of

School Finance and Office of Learning, to engage in a series of policy discussions that would guide ODE’s drafting efforts. In addition, ODE staff met with standing stakeholder groups including the State Advisory Council for Special Education, the Community Advisory Group, the American Indian Alaska Native Advisory Panel, and the COSA Vision and Policy Group. ODE also worked with OSBA and COSA to survey school districts about their instructional time practices and solicit input.

After three presentations to the State Board, two public hearings, and significant public comment, the State Board adopted the proposed revisions.

NEW INSTRUCTIONAL TIME STANDARDS

There are two main components to the new standards that are the focus of the 2015 budget note: (1) the increase in minimum hours of instructional time for kindergarten and grades 1-3; and (2) the new requirements that a certain percentage of students must be scheduled to receive the minimum hours.

Minimum Required Hours: The instructional time rule establishes minimum hours of instructional time for each grade level. The 2015 revisions increased the minimum hours for kindergarten and grades 1-3:

| Grade | Old standard | New standard |
|-----------------------|---------------------|------------------------|
| Half-Day Kindergarten | 405 hours | 450 hours |
| Full-Day Kindergarten | n/a | 900 hours |
| Grades 1-3 | 810 hours | 900 hours |
| Grades 4-8 | 900 hours | 900 hours |
| Grades 9-11 | 990 hours | 990 hours |
| Grade 12 | 990 | 966 hours ² |

² This is not a reduction in instructional time, but maintains the practice that was allowed under the old rule whereby districts were allowed to reduce time for seniors.

In revising these standards, the State Board increased instructional time for kindergarten and grades 1-3. Under the old rule, which was drafted prior to the implementation of funding changes for full-day kindergarten, districts were required to provide only 405 hours of instructional time for kindergarten and 810 hours of instructional time for grades 1-3. There was no minimum set for full-day kindergarten.

The increases adopted in 2015 – 45 hours for half-day kindergarten and 90 hours for grades 1-3 – are mitigated in part by another provision in the rule allowing districts to count a certain amount of recess as instructional time for the early grades. For half-day kindergarten, districts may count 30 hours of recess as instructional time; for full-day kindergarten through grade 3, districts may count 60 hours of recess as instructional time.

The recommendation to increase instructional time for full-day kindergarten and grades 1-3 to 900 hours was based in large part on information provided by districts as part of the 2014-15 annual reporting. That information showed that the large majority of districts were already providing 900 hours of instructional time for grades 1-3. In fact, based on the information provided by districts ODE was able to anticipate that if the instructional time requirement for grades 1-3 was raised to 900 hours and districts were allowed to count up to 60 hours of recess towards the instructional time total, only 26 districts would have to add between 1-30 hours of instructional time. The remaining districts, ODE anticipated, would not be impacted.

Percentage of students scheduled: The most significant change to the instructional time rule is that districts must now ensure that a certain percentage of students are scheduled to receive the minimum hours of instructional time. This change was made to prevent the problem of under-scheduling high school students. By 2018-19, districts will be required to ensure that at least 92% of students in the district and 80% of students at each school operated by the district are scheduled to receive the minimum hours of instructional time.

In order to give districts time to meet this new requirement, the rule provides for a four-year phase-in:

| Year | Requirement |
|---------|---|
| 2015-16 | 80% of students in the district must be scheduled to receive annually the minimum hours of instructional time |
| 2016-17 | 85% of students in the district must be scheduled to receive annually the minimum hours of instructional time |
| 2017-18 | 90% of students in the district must be scheduled to receive annually the minimum hours of instructional time |
| 2018-19 | 92% of students in the district and 80% of all students at each school operated by the district must be scheduled to receive annually the minimum hours of instructional time |

State Board Review: Finally, the rule provides that the State Board will review the new instructional time requirements and any resulting financial impact on districts every January during the four-year phase-in. For 2016, the State Board is scheduled to review the instructional time rules on January 21, 2016, at the regularly scheduled board meeting.

2015 SURVEY RESULTS

On November 19, 2015, ODE issued a state-wide survey on instructional time. Districts had one month to respond to the survey. While the survey did not achieve 100% participation, the response rate was significant with 72% of districts responding to the survey.

As directed by the budget note, the survey focused on financial impacts resulting from the increased instructional time for kindergarten through grade 3 and the requirement that a certain percentage of students be scheduled to receive the required minimum hours of instructional time.

I. K-3 INSTRUCTIONAL TIME

Districts were asked how many hours of instructional time were added in 2015-16 to meet the new instructional time requirements for half-day kindergarten, full-day kindergarten, and grades 1-3. Districts were then asked what was the financial impact resulting from these increases.

The survey results show that very few districts had to add time in order to meet the new instructional time requirements for kindergarten and grades 1-3:

Half-Day Kindergarten:

- 118 districts responded to the question on half-day kindergarten.
- 118 districts (100% of responding districts) did not have to increase instructional time to meet new requirements.

Full-Day Kindergarten:

- 141 districts responded to the question on full-day kindergarten.
- 93 districts (66% of responding districts) did not have to increase instructional time to meet new requirements.
- 40 districts (28% of responding districts) increased instructional time at the full-day kindergarten level because the district moved from half-day to full-day kindergarten. This increase was due to earlier legislation that allowed districts to recover full funding for full-day kindergarten, not the new instructional time rules.
- 9 districts (6% of responding districts) increased instructional time to meet the new instructional time requirements.

Grades 1-3:

- 141 districts responded to the question on grades 1-3.
- 128 districts (91% of responding districts) did not have increase instructional time to meet new requirements.
- 13 districts (9% of responding districts) did increase instructional time to meet new requirements.

Only 12 districts (9% of responding districts) reported any financial impact – either an increased cost or a budget tradeoff – resulting from the increased instructional time requirement. The increased cost reported by those districts ranged from \$15,000 to

\$34,000. Districts that provided details regarding the impact reported that the money was spent on additional classified staff, such as Educational Assistants. Budget tradeoffs reported included lost professional development and planning time. One district reported that they decided to cut one afternoon recess.

The remaining 128 districts (91% of responding districts) reported no financial impact – either increased costs or budget tradeoffs – as a result of the increased instructional time requirement for kindergarten and grades 1-3.

II. PERCENTAGE OF STUDENTS SCHEDULED FOR MINIMUM INSTRUCTIONAL TIME

The 2015 Budget Note directed ODE to survey districts on the financial effects of the “mandated full scheduling of 92 percent of students,” and “projections for programs and personnel possibly eliminated in order to comply with these mandates at current budget levels.” Because we are only in year one of the four-year phase-in, we do not have concrete information regarding financial impact for full implementation. In order to get an idea of possible financial impact, the survey asked districts what percentage of students in the district are currently scheduled to receive the minimum hours, what financial impact districts experienced in meeting the 2015-16 benchmark, and what financial impact districts anticipate if required to meet the 2018-19 benchmark with current service level funding.

For the 2015-16 school year, 113 districts (100% of responding districts) reported that at least 80% of all students in their district are scheduled to receive the minimum instructional hours. In other words, 100% of responding districts have met the 2015-16 benchmark. This is consistent with information reported to ODE by districts during the 2014-15 annual reporting.

120 districts responded to the question about financial impact in meeting the 2015-16 benchmark. The large majority of districts – 101 districts (84% of responding districts) – did not experience any financial impact in meeting the 2015-16 benchmark. Only 19

districts (16% of responding districts) reported some financial impact in meeting the 2015-16 benchmark. Examples of financial impact include increasing online offerings (\$122,500); adding one student contact day and reducing one conference day (budget neutral); increased transportation costs (\$9,600); and additional FTE at the middle school and high school level (approximately \$75,000-\$100,000 per FTE).

Looking to full implementation in 2018-19, 91 districts (76% of responding districts) reported they anticipate no additional financial impact in meeting the 2018-19 benchmark. This is not surprising given that 93% of responding districts reported that at least 92% of the students in the districts are scheduled to receive the minimum instructional hours. In other words, those districts are currently meeting one part of the 2018-19 benchmark.

Two districts reported that they were uncertain about whether there would be a financial impact. The remaining 26 districts (22% of the responding districts) do anticipate some financial impact, either in the form of increased cost or budget tradeoffs, if budget remains at current service level. The majority of those districts reported they would have to hire additional teachers at the high school level in order to meet the 2018-19 benchmark. Anticipated cost for additional teachers ranged from \$75,000 for one additional teacher to \$2.4 million for 22 licensed teachers and 12 classified staff. Other anticipated costs included modular classrooms (\$500,000); new academic wing with 22 classrooms (\$17 million); increased online offerings; additional college tuition to allow students to take advantage of dual credit options; and two additional student contact days added to the calendar.

CONCLUSION

The 2015 instructional time survey shows that the large majority of districts in Oregon are either meeting the new instructional time requirements, or are on track to meet the new instructional time requirements, and are doing so without additional financial impact. A small percentage of school districts have incurred some financial impact in meeting the new requirements. And about 20% of districts anticipate some financial impact as the

percentage scheduled requirement reaches full implementation in 2018-19. The most significant financial impact is the need to hire additional teachers at the high school level in order to ensure students in grades 9-12 are scheduled to receive the minimum hours of instructional time.

581-022-0102

Definitions

The following definitions apply to Oregon Administrative Rules 581-022-0102 through 581-022-1940, unless otherwise indicated by context:

* * * *

(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:

(A) Time that a student spends traveling between the student’s school and a CTE center, internship, work experience site, or post-secondary education facility; and

(B) Time that a student spends in statewide performance assessments.

(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 periods or advisory periods where attendance is not required and no instructional assistance is provided.

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581-022-1620

Required Instructional Time

(1) Each school district shall ensure that at least 92% of all students in the district and at least 80% of all students at each school operated by the district are scheduled to receive annually the following minimum hours of instructional time:

(a) Grade 12 — 966 hours;

(b) Grades 9–11 — 990 hours; and

(c) Grades K–8 — 900 hours.

(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.

(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) For grades 1–3, up to 60 hours of recess;

(d) Up to 30 hours for staff professional development;

(e) Up to 30 hours for parent teacher conferences; and

(f) For the 2015–16 school year, up to 14 hours for emergency school closures due to adverse weather conditions and facilities failure.

(4) For students participating in online instruction:

(a) Instructional time includes online instruction supported by a licensed or registered teacher through electronic means.

(b) For online instruction, up to one hour per course per day may be counted as instructional time where the following criteria are met:

(A) Every student has access to a licensed or registered teacher through in-person, telephone, or electronic means for each course taken; and

(B) Every student has regular contact with school personnel for the purpose of attendance and progress monitoring as outlined in the policies maintained by the Oregon Department of Education.

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

(5) 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.

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

(a) Grades 9–12 — 8.5 hours;

(b) Grades K–8 — 8 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 four 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, at least 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, at least 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, at least 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.

(d) For the 2018–19 school year, at least 92% of all students in the district and at least 80% of all students at each school operated by the district must be scheduled to receive the minimum hours of instructional time set forth in subsection (1) of this rule.

(8) The State Board of Education shall conduct a public hearing and board discussion relating to instructional time at the 2016, 2017 and 2018 January board meetings. The purpose of the public hearing will be to receive information about and consider the implementation and potential financial concerns relating to required instructional time, OAR 581-022-0102 (definition of instructional time) and 581-022-1131 (credit options).