



Date: October 24, 2014
To: State Board of Education, Chair Henry and Members
RE: *Proposed Rule Changes On Instructional Time, Definitions, Credit Options, and "Tenths" Method*

Thank you for considering our thoughts as you contemplate several interrelated policy issues coming before you with respect to student instructional time and financing associated with student learning. We believe that instructional time is one of the key inputs needed to help our students maximize their public education experience, and we are supportive of the intent, if not the details, of the proposals before you. We are also grateful to have been invited to share our concerns and ideas with Department of Education staff in three meetings on these proposals. Having said that, however, we have significant concerns that we feel the need to bring to the State Board's attention.

As we understand it, the changes to OAR 581-022-1620, OAR 8-1022-0102 (30), and OAR 581-022-1131 would make significant changes to the definition of "instructional time"; would change the measurement from courses "offered" to courses "scheduled" for purposes of the count; would increase the required time for K-3 students; and would eliminate the 130 hours of "seat time" required. Additionally, the proposed changes to ADM and Full-time Equivalency would limit the reimbursement to school districts for students electing to enroll in courses that exceed a half-time level but do not maximize the possible courses per term other full-time students elect. Each of these proposed changes are problematic, and, taken together, would significantly alter the landscape of the K-12 education system. We believe that such dramatic changes warrant a "go-slow" and "research first" approach before adoption, even in a phased-in manner.

In our three advisory meetings prior to the submission of the formal proposed rule changes, we raised many questions about consequences, intended or unintended, of making such changes, particularly in an environment in which our schools continue to be underfunded. Among the various impacts we saw were:

- A likely dramatic increase in class sizes (we're already second in the nation in high class sizes);
- Worrisome impacts to the delivery of special education services;
- Impacts to the time districts have made for collaboration, planning, professional development, and other collegial interaction (such as professional learning community contact time);
- Implications for low-income students whose work schedules literally help keep their families fed and housed;
- Particular challenges in meeting the new requirements for districts with four-day weeks or trimester schedules;
- Greater impacts on small, rural, and poorer school districts with less flexibility;
- Budget instability with the tenths model will be greater because of timing – districts budget and hire staff months before students schedule their school year; differential funding could compromise these budgeting and staffing plans;
- Urgency to meet new, more expensive requirements could drive districts to cut costs in a way that may not optimize student learning. More virtual classes, less teacher planning time, reduction in off-campus learning activities such as internships are some likely casualties of these proposals.

While clearly these are well-intentioned proposals, they are being issued without adequate data to fully elucidate for the Board what the current conditions are and how, without resources to fund the changes, rulemaking will impact our students. Some districts estimate that these changes will, in effect, add the costs of between five and ten school days to their schedules. Without new resources to pay for these added costs, districts will be forced to make changes elsewhere in their programs such as those described in likely impacts, detailed above.

Take, for instance, the information brought forward by the North Clackamas School District. It is estimated that the changes would force the hiring of between 20 and 25 more teachers to meet the 130-hour requirements. The availability of electives will be lessened and overcrowding will be worsened. That's because North Clackamas buses 600 students to the district's Sabin-Schellenberg CTE center, and this includes "feeder classes" of students who take classes there every other day. This successful option for students has had the effect of greatly relieving the district's high school overcrowding problem, but it would be eliminated under the new rules (although, deleting the 130-hour rule would be helpful to them and should go forward as a stand-alone rule change). Furthermore, every program at Sabin-Schellenberg has articulation agreements with the local community college. These rule changes would impact the ability of North Clackamas students to obtain college credit – which would put at risk the \$30,000 per year of college tuition value parents realize because of this innovative program. North Clackamas foresees impacts to staff workload, preparation time, and class size. Their PLC/collaboration time would be seriously disrupted or eliminated. Student organizations and sports programs – enrichment opportunities that keep kids in school – would also be impacted, as the last period of the day is often used for those activities. Special Education disruption is also anticipated: the district learning specialist will be pulled out to perform other functions and won't be able to devote time exclusively to SPED services.

In Portland Public Schools, one can see another insight into the difficulties that these rule changes will bring. While the elimination of the 130-hour seat time requirement adds to the district's flexibility in offering options to their students, the rest of the changes greatly limit their ability to optimize their financial resources. As it stands now, many of the problems identified by parents unhappy with the scheduling of their students have emerged because of insufficient resources, combined with an unanticipated influx of students this year. Because of this, there is no flexibility whatsoever in the carefully crafted plan the district and its staff have co-developed to try to serve all students. Changing definitions and requirements now would seriously disrupt that carefully crafted plan, which includes extra time in the school year for priority and focus schools, sacrifices to professional development and parent-teacher conference time, reduced time for IEP meetings, and loss of minutes students need to pass from class to class and for eating lunch. Anecdotal reports are that passing time has been cut to such an unreasonable level that actual start times for classes must adjust for the majority of the students who cannot make it in the door with just three minutes to sprint to class between bells. What is on the books as "actual" class time is really unrecorded mass tardies, or more accurately, shorter class periods.

Parent engagement is a critical element of this discussion as well. If parent-teacher conferences will not be considered in the definition of instructional time, then they may be eliminated in many or most districts. Other parent contact, so important for ensuring each and every student's educational success, will also be limited however inadvertently by these proposals, as money is squeezed, causing less flexibility than currently exists. Other key supports that will be on the chopping block are summer school, extra time for focus and priority schools, and remediation time blocks that some districts have woven into their day to help kids succeed.

Other casualties of interfering with this timing-funding balance act will be tutoring time inside the school year for students who need additional help. If requirements are increased without funding, students will either

have less help, or staff will have to provide it during what is supposed to be their lunch time, prep time, or after-hours time. This is an unsustainable impact.

Because instructional time itself is central to this issue, one must ask whether it is valid to assume that the sole determinant of student learning gains is maximal instructional time. Research would answer that question this way: educator time to plan and collaborate is also a critical component. Yet, whether intended or not, this rule would pit the two inputs against each other. That which is bound to be lost – electives, lower class sizes, tutoring time, parental engagement opportunities, and professional learning time – more than trumps that which would be gained in some extra instructional minutes. It would appear on first blush that these proposals, then, run contrary to much of the work that has been done, both legislatively and administratively, to enhance these other critical student supports.

Finally, it has been argued, with respect to the tenths model, that districts will have a smoother landing in absorbing funding losses because of the formula's "extended ADM" feature. We disagree. The extended rule enables a district to take the higher of two enrollment years; if the same number of students is enrolled, but funding is pared back for some enrolled students, extension will not make a bit of difference, because the head count has not changed in either of the two years – only the dollars have. The extension feature does not compensate for that in any way.

We believe that a good option for the Board to consider would be to slow down the adoption schedule of these ideas. If you set them aside now and undertake a study of the information you would need to truly make an informed decision, based on what is happening now and how these rules would impact districts, we believe your future steps to enhance student learning could avoid the unintended consequences our students will otherwise experience. We know that researching a few key districts of all sizes in the various regions of the state will take some time and resources to accomplish, but to jump on board such a huge change without sufficient information, especially given the stakes of enacting the wrong changes, could be counterproductive. Given that each school district tracks much of the data the Department of Education would need, ODE should do an informational request that drills down on the specifics that it currently lacks in order to predict impacts. Only then will the Board be able to determine whether the changes will lead increased teaching and learning time. And, given that the 2015 Legislative Assembly will soon begin to consider education budgets and policy, it also makes sense to see what kind of resources districts will receive for the coming biennium before forging ahead with distributional and regulatory changes.

Thank you so much for considering our request to delay these proposals (with the exception of the 130-hour rule), pending thorough research of the data you will need to understand the impact on students in our diverse school districts.