

STATE BOARD OF EDUCATION – ADMINISTRATIVE RULE SUMMARY

Title/OAR #: Required Instructional Time OAR 581-022-1620, Definition of Instructional Time OAR 8-1022-0102(30) and Credit Options OAR 581-022-1131

Date: October 24, 2014

Staff/Office: Cindy Hunt and Emily Nazarov, ODE

New Rule **Amend Existing Rules** **Repeal Rule**
Hearing Date: 11/21/14 **Hearings Officer Report Attached**
Prompted by: **State law changes** **Federal law changes** **Other**

Action Requested:
 First Reading/Second Reading **Adoption** **Adoption/Consent Agenda**

PROPOSED/AMENDED RULE SUMMARY: Amend three rules relating to instructional time to accomplish the following:

- Require that districts ensure at least 90% of all students are scheduled to receive the minimum instructional hours;
- Increase instructional time for students in K-3 grade;
- Specify how many hours constitute a full day of kindergarten;
- Improve Oregon’s definition of instructional time; and
- Eliminate the 130 hours requirement for a credit.

BACKGROUND

The State Board of Education has established educational standards every district must implement. To qualify to receive state school funds, districts must comply with the regulations set forth in OAR Chapter 581, Division 22 (“Division 22 standards”). Districts are required to report their compliance with Division 22 standards to the community and submit assurances of their compliance to the Department.

Included in the Division 22 Standards are two rules on instructional time: OAR 581-022-1620, which governs the required instructional time per year, and OAR 581-022-1131, which governs the minimum hours per course.

Over the past year, the issue of instructional hours has been raised in a variety of ways: a complaint was filed against Portland Public Schools alleging that the district was out compliance with the two instructional hours rules; the Board received 13 requests for waivers of the instructional hours rules; and the 2013-14 Division 22 assurances showed that several schools are not in compliance with instructional hours rules.

Last Spring, ODE staff reported to the State Board that ODE recognized that OAR 581-022-1620 and OAR 581-022-1131 are not perfectly aligned and ODE would undertake a process to review and revise the two rules during the 2014-15 school year.

Beginning in the summer of 2014, ODE staff conducted extensive research on instructional hours across the country. ODE then pulled together a group of stakeholders for a series of three meetings and met with SACSE, The Community Advisory Group, and the American Indian Alaska Native Advisory Panel to gather feedback. The goal was not to find a way for the groups to reach consensus on a set of proposed revisions. Rather the goal was to engage the groups in policy questions and use the feedback to guide ODE's drafting efforts.

ODE staff is ready to present the board with policy options and rule revisions addressing three areas:

- Require Minimum Instructional Time (OAR 581-022-1620)
- Definition of Instructional Time (581-022-0102)
- Options for Awarding Credit (OAR 581-022-1131)

Staff will present a high level view of the proposals and gather feedback from the Board. Staff will then return to the board for a second reading on December 11, and an adoption vote on January 22.

PROPOSALS

Required Instructional Time (OAR 581-022-1620 and OAR 581-022-0102)

ODE Staff are proposing rule revisions that would have the following effect:

- Require that districts ensure at least 90% of all students are scheduled to receive the minimum instructional hours;
- Increase the hours required for grades K-3 to 900;
- Tighten up the definition of instructional time; and
- No longer allow a reduction for parent-teacher conferences, professional development, or inclement weather.

ODE Staff are proposing that the new requirements be phased in over a three year period (see Implementation Timeline).

Options for Awarding Credit (OAR 581-022-1131)

ODE staff are proposing to eliminate the 130 hours of seat time requirement.

ISSUES/CONCERNS THAT SURFACED DURING RULE WORK:

- Timing of implementation;
- Whether the 90% benchmark is appropriate and whether the percentage should apply district wide or to each school within the district;
- Impact on professional development if that time may no longer be counted as instructional time;
- Whether districts should be allowed to seek a waiver to have things such as professional Learning Community time counted as instructional time;

- Whether time spent with an educational assistant should count as instructional time; and
- How to count instructional time for students who are receiving instruction through post secondary institution;
- Cost of implementation; and
- Impact on collective bargaining agreements.

CHANGED SINCE LAST BOARD MEETING?

- N/A; first read—hasn't been before board
- No; same as last month
- Yes – As follows:

POLICY QUESTIONS:

- Does the State Board agree with the proposal to move from districts providing a calendar of 990 hours to districts ensuring at least 90% of all students are scheduled to receive the minimum instructional hours?
- Should the State Board increase the instructional hours requirement for the early grades (K-3)?
- Does the State Board agree with the decision to eliminate the reductions for parent-teacher conferences, professional development, and inclement weather?
- If the State Board of Education adopts changes to the minimum required hours of instructional time rule (OAR 581-022-1620), when should these changes be implemented?
- Does the State Board agree with the proposal to eliminate the 130 seat hours requirement from OAR 581-022-1131?

**Required Instructional Time and Definition of Instructional Time
IMPLEMENTATION TIMELINE**

Year	Hours Required	Definition of Instructional Time
2015-16	<ul style="list-style-type: none"> • Each school district shall ensure that at least 80% of all students in the district are scheduled to receive the following minimum hours of instructional time per school year: <ul style="list-style-type: none"> (a) Grade 12 – 966 hours; (b) Grade 9-11 – 990 hours; (c) Grades K-8 – 900 hours. 	Removed from definition of instructional time: <ul style="list-style-type: none"> • Parent Teacher conferences • Non-academic assemblies • Non-academic field trips Can be counted as instructional time in 2015-16: <ul style="list-style-type: none"> • Professional Development • Inclement Weather
2016-17	<ul style="list-style-type: none"> • Each school district shall ensure that at least 85% of all students in the district are scheduled to receive the following minimum hours of instructional time per school year: <ul style="list-style-type: none"> (a) Grade 12 – 966 hours; (b) Grade 9-11 – 990 hours; (c) Grades K-8 – 900 hours. 	Removed from definition of instructional time: <ul style="list-style-type: none"> • Professional Development • Inclement Weather
2017-18	<ul style="list-style-type: none"> • Each school district shall ensure that at least 90% of all students in the district are scheduled to receive the following minimum hours of instructional time per school year: <ul style="list-style-type: none"> (a) Grade 12 – 966 hours; (b) Grade 9-11 – 990 hours; (c) Grades K-8 – 900 hours. 	

581-022-0102

Definitions

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

(1) "Assessment": Systematic gathering of data with the purpose of appraising and evaluating children's social, physical, emotional, and intellectual development. Activities may include testing to obtain and organize information on student performance in specific subject areas.

(2) Career and Technical Education: A sequence of organized educational activities that:

(a) Provides individuals with coherent and rigorous content aligned with challenging academic standards and relevant technical knowledge and skills needed to prepare for further education and careers;

(b) Provides technical skill proficiency and may provide an industry-recognized credential, a certificate or an advanced degree; and

(c) Includes applied learning that contributes to an individual's academic and technical knowledge, higher-order reasoning and problem-solving skills, work attitudes and general employability skills.

(3) "Career Development": The exploration of personal interests and abilities with regard to career selection, and the development of tentative career goals.

(4) "Career Education": A process for improving educational programs to enhance student understanding of and preparation for work and continuing career development.

(5) "Career-Related Learning Experiences": Structured student activities in the community, the workplace, or in school that connect academic content and career-related learning to real life applications. These experiences extend, reinforce and support classroom learning. They include, but are not limited to:

(a) Workplace mentoring;

(b) Workplace simulations;

(c) School-based enterprises;

(d) Structured work experiences;

(e) Cooperative work and study programs;

(f) On-the-job training;

(g) Apprenticeship programs;

(h) Service learning; and

(i) Field-based investigations.

(6) "Charter school": A public charter school as defined in ORS 338.005.

(7) "Child development specialist program": An optional elementary (grades K-8 or any configuration thereof) component of a district's comprehensive guidance and counseling program for grades K-12.

(8) "Collection of Evidence": The work of a student collected and evaluated together to measure the student's ability to apply what the student knows and can do in relation to a set of standards or criteria.

(9) "Common Curriculum Goals": The knowledge and skills expected of all students as a result of their educational experience; defined by the state as:

(a) The Essential Learning Skills which means essential skills as defined by this rule; and

(b) The Common Knowledge and Skills in instructional programs as adopted by the State Board of Education.

(10) "Common Knowledge and Skills in Instructional Programs": Facts, concepts, principles, rules, procedures and methods of inquiry associated with specific subject matter areas as adopted by the State Board of Education.

(11) "Common School District": A school district other than a union high school district formed primarily to provide education in all or part of grades K through 12 to pupils residing within the district (ORS 330.005(2)(b)). See section (20) of this rule.

(12) "Community Partnerships": Collaborations to network resources to assist students to meet state and local standards and prepare students for post high school transitions. These partnerships include parents, students, business, education, government and community-based organizations.

(13) "Compliance Indicator": Statement of the action taken by a local district which can be accepted as evidence that the district is in compliance with the intent of a particular state standard.

(14) "Comprehensive guidance and counseling program: A program that is integral to a district's total PreK through 12 educational program that is planned, proactive and preventative in design to address each student's academic, career, personal and social development and community involvement.

- (15) "Conditionally Standard School": A school that fails to meet the standards but has submitted a plan of correction, approved by the district school board, to the State Superintendent.
- (16) "Course Goals": Statements describing the knowledge and skills students are expected to acquire as a result of having completed a course, elementary unit, or grade level.
- (17) "Diploma": The document issued by school districts and charter schools in accordance with OAR 581-022-1130 or 581-022-1134.
- (18) "District": A common or union high school district (ORS 332.002(2)).
- (19) "District Goals": Statements related to State Board of Education goals (OAR 581-022-1030) which describe the local district and community's expectations for student learning.
- (20) "District School Board": The board of directors of a common school district or a union high school district (ORS 332.002(1)).
- (21) "Education Plan": A formalized plan and process in which a student identifies their academic, personal and career interests which helps the student to connect school activities with their post-high school goals.
- (22) "Education Profile": Documentation of a student's academic achievement and progress toward their graduation requirements, post-high school goals and other personal accomplishments identified in their education plan.
- (23) "Education Record": has the same meaning as in OAR 581-021-0220.
- (24) "Elementary School": Any combination of grades K through 8.
- (25) "Essential Skills": Process skills that cross academic disciplines and are embedded in the content standards. The skills are not content specific and can be applied in a variety of courses, subjects, and settings. The essential skills include: Read and comprehend a variety of text; Write clearly and accurately; Listen actively and speak clearly and coherently; Apply mathematics in a variety of settings; Think critically and analytically; Use technology to learn, live, and work; Demonstrate civic and community engagement; Demonstrate global literacy; and Demonstrate personal management and teamwork skills.
- (26) "Extended Application Standard": The application and extension of knowledge and skills in new and complex situations related to the student's personal and career interests and post-high school goals.
- (27) "Global Studies": An area of study for learning about the people and cultures of the world through history, geography and other social studies disciplines.

(28) "High School": Any combination of grades 10 through 12 in districts providing a junior high school containing grade 9; any combination of grades 9 through 12 organized as a separate unit; grades 9 through 12 housed with grades K through 12; grades 7 or 8 through 12, if approved by the Oregon Department of Education.

(29) "Identification Team" referred to as the "Team": A team of at least two district staff who carry out district identification procedures and determine the identification of students under OAR 581-022-1310.

~~(30) "Instructionally related activities": Instructionally related activities is defined as field trips, outdoor school, work study periods or other activities required of students as part of the student's academic program. Study periods or advisory periods may be included where student attendance is required and instructional assistance is provided.~~

(30) "Instructional Time" means time scheduled for purposes of instruction, assessment, and other student learning activities, where there direct interaction is maintained between a student and a licensed or registered teacher or an educational assistant who is assigned to instruction-related activities and is working under the supervision of a licensed or registered teacher as required under OAR 581-037-0015. Time that a student spends passing between classes, at recess, in non-academic assemblies, on non-academic field trips, and participating in optional school programs shall not count as instructional time.

(31) "Junior High School": A secondary school composed of one or more of grades 7, 8, and 9 organized separately from other grades and approved by the Oregon Department of Education.

(32) "Kindergarten": A planned program that provides activities designed to foster the physical, social, emotional, and cognitive development of young children (ORS 336.092 and 336.095).

(33) "Middle School": An organizational unit composed of any combination of grades 5, 6, 7, and 8 organized separately from other elementary grades and identified as a middle school with the Oregon Department of Education.

(34) "Next steps": The education and/or career choices students make after leaving high school, which may include the workforce, community colleges, four-year colleges and universities, private career schools, apprenticeships, and the military.

(35) "Nonstandard School": A school which fails to meet the standards, and which within ninety days of the State Superintendent's notification of deficiencies, fails to submit a plan of correction or adhere to a plan of correction approved by the State Superintendent (ORS 327.103).

(36) "Parent": Has the same definition as in Oregon Revised Statute 343.035.

- (37) "Planned Course Statement": Course title, course overview, course goals (including essential learning skills, career-related goals and common curriculum goals as set forth in OARs 581-022-1210) and, where appropriate, graduation competence assigned to the course for verification.
- (38) "Potential": As used in OAR 581-022-1310, the demonstrated capacity to perform at or above the 97th percentile as determined by the team.
- (39) "Program": A planned series of interrelated activities or services contributing to the attainment of a goal or set of goals.
- (40) "Program Evaluation": A process for making judgments about the philosophy, goals, methods, materials and outcomes of a program to guide program improvement.
- (41) "Program Goals" (instructional): Statements describing what students are expected to learn in each district instructional program in any combination of grades K through 12.
- (42) "Program Goals" (support): Statements describing program outcomes which support the entire learning system, or one or more of its components, usually stated in terms of services to be performed.
- (43) "Program Needs Identification": Procedures, which specify and rank the differences between actual and desired outcomes leading to the consideration of program revision.
- (44) "School District": A common or union high school district (ORS 332.002). For the purposes of OARs 581-022-0403, 581-022-1310, 581-022-1320 and 581-022 1330, school district has the same meaning as in Oregon Revised Statute 343.395.
- (45) "Standard School": A school, which is in compliance with all of the standards.
- (46) "State Standards": State Board division 22 Administrative Rules for public elementary and secondary schools.
- (47) "Student Activity Funds": All money raised or collected by and/or for school-approved student groups, excluding money budgeted in the general fund.
- (48) "Talented and Gifted Students": Those children defined in Oregon Revised Statute 343.395.
- (49) "Union High School District": A school district, other than a common school district, formed in accordance with ORS 335.210 to 335.485 (330.005).

~~(50) "Unit of Credit": Certification of a student's successful completion of classroom or equivalent work (e.g., independent study, work experience, research) in a course of at least 130 clock hours, or equivalent as set out in OAR 581-022-1131.~~

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 326.011

Hist.: 1EB 19-1980, f. 6-17-80, ef. 7-1-80; 1EB 4-1986, f. 1-23-86, ef. 2-1-86; EB 8-1989, f. & cert. ef. 1-27-89; EB 6-1995, f. & cert. ef. 1-24-95; ODE 7-1999, f. & cert. ef. 1-15-99; ODE 12-2002, f. & cert. ef. 4-15-02; ODE 4-2003, f. & cert. ef. 3-14-03; ODE 25-2008, f. & cert. ef. 9-26-08

581-022-1131

Credit Options

(1) A school district or public charter school shall grant required and elective credit towards the diploma or a modified diploma, provided the method for accruing such credit is described in the student's personal education plan and the student earns the credit by meeting the requirements of one or more of the options described in this rule.

~~(2) Each school district or public charter school shall offer students the option for earning each credit required for the diploma or a modified diploma by successfully completing classroom or equivalent work (e.g., supervised independent study, career related learning experiences, project based learning) in a course of at least 130 clock hours in accordance with OAR 581-022-0102. The classroom or equivalent work must meet Common Curriculum Goals and academic content standards required by OAR 581-022-1210.~~

~~(3) In addition to the option of earning credit required by section (2) of this rule, a school district or charter school may offer one or more of the options described in section (4) of this rule for earning credits. The school district or charter school must identify by district or school policy which options are available to students for earning credits.~~

(4) A school district or charter school may grant credit to a student if the student demonstrates defined levels of proficiency or mastery of recognized standards (e.g., state academic content standards and essential skills, industry-based or other national or international standards) by any one or more of the following options:

(a) Successfully completing classroom or equivalent work (for example, supervised independent study, career-related learning experiences, project based learning) that meets Common Curriculum Goals and academic content standards required by OAR 581-022-1210;

(b) Successfully completing classroom or equivalent work designed to measure proficiency or mastery of identified standards (knowledge and skills) in class or out of class, where hours of instruction may vary;

(c) Successfully passing an appropriate exam designed to measure proficiency or mastery of identified standards (knowledge and skills);

~~(ed) Provides-Providing~~ a collection of work or other assessment evidence which demonstrates proficiency or mastery of identified standards (knowledge and skills); ~~and or~~

~~(de) Provides-Providing~~ documentation of prior learning activities or experiences which demonstrates proficiency or mastery of identified standards (knowledge and skills) (e.g., certification of training, letters, diplomas, awards, etc.); ~~or~~

~~(e) Successfully completes a combination of the options set out in section (2) and this section of this rule.~~

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 326.051

Hist.: ODE 4-2003, f. & cert. ef. 3-14-03; ODE 2-2009, f. & cert. ef. 4-23-09

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 ~~number of instructional~~ hours of instructional time per school year:

(a) Grade 12 – 966 hours;

(b) Grades 9-12-11 -- 990 hours;

~~(bc) Grades 4K-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 school 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, every student has access to a licensed or registered teacher through in-person, telephone, or electronic means for each course taken; and

(ii) Every student has regular contact with a licensed or registered teacher for the purpose of attendance 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.

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

(a) Grades 9-12 -- 7 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