

**STATE BOARD OF EDUCATION – ADMINISTRATIVE RULE SUMMARY****OAR # & Title:** 3.k—Breakfast After the Bell and Instructional Time / OAR 581-022-0102**Date:** October 2, 2015**Staff/Office:** Emily Nazarov / Government and Legal Affairs **New Rule**     **Amend Existing Rule**     **Repeal Rule****Hearing Date:** \_\_\_\_\_  **Hearings Officer Report Attached****Prompted by:**  **State law changes**     **Federal law changes**     **Other****Action Requested:** **First Reading/Second Reading Agenda**     **Adoption**     **Adoption/Consent**

**PROPOSED/AMENDED RULE SUMMARY:** Clarifies that up to 15 minutes of time spent eating breakfast as part of a school breakfast program may be counted as instructional time.

**BACKGROUND:**

Schools offering a school breakfast program can offer breakfast before the morning bell or after the morning bell. When districts move breakfast programs after the bell, there is typically a 40% increase in student participation in the breakfast program.

Following the state board’s adoption of the new instructional time rules, some districts questioned whether time spent eating breakfast would count as instructional time.

HB 2846 (2015) clarifies that if a student is eating breakfast in a school breakfast program and the student is in classroom and receiving instruction, up to 15 minutes of that time may be counted as instructional time.

The proposed revisions to OAR 581-022-0102 would bring ODE’s definition of instructional time in alignment with HB 2846.

**ISSUES/CONCERNS THAT SURFACED DURING RULE WORK:****CHANGED SINCE LAST BOARD MEETING?**

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

**STAFF RECOMMENDATION:**

- Adopt administrative rule as prepared this month  
 Adopt administrative rule next month  
 No recommendation at this time

**FISCAL IMPACT:** No fiscal impact from the rule.

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**EFFECT OF ADOPTING STAFF RECOMMENDATIONS:** Adopting the proposed revisions would ensure that the definition of instructional time in OAR 581-022-0102 is consistent with state law.

**EFFECT OF NOT ADOPTING STAFF RECOMMENDATIONS:** The definition of instructional time as it is currently written does not preclude districts counting time spent eating breakfast as instructional time. However, if the OAR is not revised, there would likely be confusion among districts about whether the time can be counted, and districts could decide to move breakfast before the morning bell.

**Created by EN 8/12/15**

**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.

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(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.

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(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)(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; ~~and~~

(C) up to fifteen minutes each day of the time that a student spends consuming breakfast in the classroom if instruction is being provided while the student is consuming breakfast.

(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.

(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.

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- (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.

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(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).

[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; ODE 4-2015, f. 1-30-15, cert. ef. 7-1-15