

**STATE BOARD OF EDUCATION – TOPIC SUMMARY**

**Topic:** Division 22 Waivers

**Date:** June 19, 2014

**Staff/Office:** Emily Nazarov, Board Staff

**Action Requested:**

Informational Only    Adoption Later    Adoption    Adoption/Consent Agenda

**ISSUE BEFORE THE BOARD:**

Whether the State Board of Education should grant a waiver of the Division 22 standard governing minimum instructional time per credit for the following school districts:

- Beaverton School District
- Bethel School District
- Hood River County School District
- Lake Oswego School District
- Newberg School District
- North Clackamas School District

**BACKGROUND:**

Division 22 Standards

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”). ORS 327.103; OAR 581-022-0102(46). 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 hours: OAR 581-022-1131, which governs the minimum hours per course, and OAR 581-022-1620, which governs the minimum instructional hours per year.

The Department recognizes that the rules governing minimum hours per year and minimum hours per credit are not perfectly aligned. The Department will undertake a process to review and revise OAR 581-022-1131 and OAR 581-022-1620 during the 2014-15 school year.

OAR 581-022-1131 – minimum instructional hours per course

OAR 581-022-1133 requires districts to offer students the option of earning each credit required for the diploma or modified diploma by successfully completing classroom or equivalent work in a course of at least 130 clock hours. In calculating the 130 hours, districts should count only classroom instructional time and equivalent work. Examples of equivalent work include supervised independent study, career-related learning experiences, and project based learning that is related to the specific course.

### What if a district is out of compliance?

If a district is found to be out of compliance with a Division 22 standard, the district must submit a plan, acceptable to the Deputy Superintendent of Public Instruction, for becoming compliant. The district then has until the beginning of the following school year to demonstrate compliance. Therefore, if a district were to identify a deficiency in Division 22 standards in the spring of 2014, the district must submit a plan for becoming compliant prior to the beginning of the 2014-15 school year. If more time is required, the Deputy Superintendent of Public Instruction may allow an extension of time, not to exceed 12 months, if the Deputy Superintendent determines that the deficiencies cannot be corrected or removed before the beginning of the next school year.

If the district fails to show compliance by the beginning of the next school year or by the end of the granted extension, the Deputy Superintendent of Public Instruction may withhold state school funds.

### Waivers

Districts may apply for a waiver from the Division 22 standards under OAR 581-022-1920.

To apply for a waiver, the district must submit a written request to the State Board Administrator or the Deputy Superintendent. The request must set forth the reasons for the waiver request and address the following points:

- What is the district's plan for getting back into compliance by 2015-16?
- How does a waiver serve the best interests of students?
- Does the district have furlough days during which students are not receiving instruction?

Financial hardship does not constitute grounds for waiver of the Division 22 standards.

If the Deputy Superintendent determines that the request conforms with the intent of the standards, the Deputy Superintendent shall recommend the waiver to the State Board for approval.

The State Board of Education may grant a waiver for up to one year. The State Board may renew a waiver each year upon request by a district.

### **WAIVER REQUESTS:**

Attached are the waivers requests from the six school districts seeking waivers.

Beaverton, Newberg, and Hood River do not have furlough days. Bethel, Lake Oswego, and North Clackamas will have furlough days in 2014-15.

- Bethel will have 2 furlough days in 2014-15.
- Lake Oswego will have 3 furlough days in 2014-15.

- North Clackamas has 5 furlough days in 2013-14. The district is working to get to 2 furlough days for 2014-15, but is still in negotiations with the district's employee groups.

Each of the districts seeking a waiver will be in compliance with the 990 instructional hours per year requirement (OAR 581-022-1620) for the 2014-15 school year.

**STAFF RECOMMENDATION:**

The Deputy Superintendent and ODE staff recommend that the waivers be granted with the understanding that any renewals would need to meet the conditions of future waiver process and be supported by evidence of student achievement during the period for which the district was granted a waiver.