



# Oregon Department of Education

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SB 957: Limit on Instructional Time  
Senate Education Committee  
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Good afternoon Chair Roblan and members of the Senate Education Committee. For the record, I am Emily Nazarov speaking on behalf of the Oregon Education Department. I am here today to speak on SB957. SB 957 limits the State Board of Education's ability to adopt standards relating to instructional time.

### **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 the authority granted by the Legislature, the State Board has adopted OAR 581-022-1620, Required Instructional Time.

In January, 2015, after a 6 month rulemaking process, the State Board adopted revisions to OAR 581-022-1620, Required Instructional Time. The State Board also adopted revisions to the definition of “instructional time” in OAR 581-022-0102. Copies of the revised rules are attached. The revisions did the following:

- Required that districts ensure at least 92% of all students are scheduled to receive the minimum instructional hours and that each school operated by a district is providing at least 80% of minimum instructional hours;
- Specified how many hours constitute a full day of kindergarten;
- Increased instructional time for students in grades 1-3;
- Improved Oregon's definition of instructional time in OAR 581-022-0102; and
- Provided a 4-year implementation timeline for the requirement that districts ensure a certain percentage of students are scheduled to receive the minimum instructional hours (a copy of the Implementation Timeline chart is attached).

The rulemaking process leading up the State Board's adoption vote was open, transparent, and provided many opportunities for stakeholder input.

- Beginning in August 2014, ODE convened a stakeholders group to engage in a series of policy discussions that would guide ODE's drafting efforts. The stakeholder group consisted 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. The stakeholder group met three times, in August, September, and October.
- ODE staff met with standing stakeholder groups, including SACSE (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 staff shared the discussions from the stakeholder group and asked for feedback on the proposals being considered.
- In order to better understand the impact of the proposed revisions on school districts, ODE worked with OSBA and COSA to survey school districts about their instructional time practices and solicit input.
- On October 24, staff presented a high level overview of the proposed revisions to the State Board. The board meeting included an opportunity for public comment.
- On November 21, ODE held a public hearing on the proposed rules.
- On December 11, ODE staff presented the proposed rules to the State Board for a first read. The board meeting included an opportunity for public comment.
- On December 22, ODE held a second public hearing on the proposed rules.
- On January 22, ODE staff presented the proposed rules to the State Board for an adoption vote. After two hours of public comment and discussion, the board adopted the proposed revisions.

In January 2015, school districts reported their Division 22 assurances to ODE. As part of the Division 22 assurances, ODE asked districts to provide additional information regarding where the districts stood in relation to the instructional time requirements adopted by the State Board. Based on the information provided by districts, ODE believes almost all districts currently meet the benchmarks for the first two years of implementation.

### **Legislation:**

SB 957 would limit the applicability of the minimum instructional time requirements of OAR 581-022-1620.

### **Concerns:**

- The language in SB 957 is ambiguous about whether the 83% threshold applies to total K-12 funding or just the State School Fund.

- SB 957 creates a moving target for districts. Under the bill, districts could be in the position of having to meet the old standards in year one, the new standards in year two, and the old standards in year three.
- The impact of SB 957 could be to reduce instructional time available to students.

## **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.
- (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) 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 OAR 581-022-1131 (credit options).

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

## **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.

\* \* \* \*

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

**Required Instructional Time / OAR 581-022-1620  
IMPLEMENTATION TIMELINE**

Year	Hours Required	Definition of Instructional Time
2015-16	<ul style="list-style-type: none"> <li>• 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"> <li>(a) Grade 12 – 966 hours;</li> <li>(b) Grade 9-11 – 990 hours;</li> <li>(c) Grades K-8 – 900 hours.</li> </ul> </li> </ul>	<p>Removed from definition of instructional time:</p> <ul style="list-style-type: none"> <li>• Non-academic assemblies</li> <li>• Non-academic field trips</li> </ul> <p>Capped at 30 hours</p> <ul style="list-style-type: none"> <li>• Parent teacher conferences</li> <li>• Staff professional development</li> </ul> <p>Can be counted as instructional time in 2015-16:</p> <ul style="list-style-type: none"> <li>• Inclement Weather</li> </ul> <p>Included in definition of instructional time:</p> <ul style="list-style-type: none"> <li>• For kindergarten through grade 3 may include up to 60 hours of recess as instructional time</li> <li>• CTE travel time</li> </ul>
2016-17	<ul style="list-style-type: none"> <li>• 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"> <li>(a) Grade 12 – 966 hours;</li> <li>(b) Grade 9-11 – 990 hours;</li> <li>(c) Grades K-8 – 900 hours.</li> </ul> </li> </ul>	<p>No longer counted as instructional time:</p> <ul style="list-style-type: none"> <li>• Inclement Weather</li> </ul>

2017-18	<ul style="list-style-type: none"><li>• 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:  (a) Grade 12 – 966 hours;  (b) Grade 9-11 – 990 hours;  (c) Grades K-8 – 900 hours.</li></ul>	
2018-19	<ul style="list-style-type: none"><li>• Each school district shall ensure that at least 92% of all students in the district are scheduled to receive the following minimum hours of instructional time per school year:  (a) Grade 12 – 966 hours;  (b) Grade 9-11 – 990 hours;  (c) Grades K-8 – 900 hours.</li> <li>• Each school district shall ensure that each school has at least 80% of all students in the district scheduled to receive minimum hours of instructional time.</li></ul>	