

BEA Compliance for Instructional Hours

Updated: November 2013.

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1. What is the basic education requirement for minimum instructional hour offerings in grades one through twelve?

Beginning with the 2014-15 school year, each school district shall make available to students instructional hour offerings of at least 1,080 hours for students enrolled in each of grades seven through twelve, and at least 1,000 hours in each of grades one through six. -- RCW 28A.150.220(2)

2. How has the instructional hours requirement changed?

ESHB 2261, the landmark 2009 legislation redefining the state's responsibilities for basic education, directed that the minimum offering of instructional hours be increased, for students in grades 1-12, from a ***district-wide annual average*** of at least 1,000 hours to 1,080 hours ***in each of*** grades 7-12 and 1,000 hours in each of grades 1-6, "according to an implementation schedule adopted by the Legislature." Legislation passed in 2011 amended the statute to add that implementation could not take place before the 2014-15 school year.

Through 2013-14 “BEFORE”	District-wide annual average 1,000 hours in grades 1-12
Beginning 2014-15 “AFTER”	1,000 hours in <u>each</u> of grades 1-6 1,0 <u>80</u> hours in <u>each</u> of grades 7-12

The 2013-15 operating budget act implements the instructional hour requirement established by ESHB 2261, as authorized in RCW 28A.150.220. The budget act provides:

School districts shall implement the increased instructional hours for the instructional program of basic education required under the provisions of RCW 28A.150.220(2)(a) beginning with the 2014-15 school year, which enhancement is within the program of basic education. -- 3ESSB 5034, Sec. 502 (12)

3. What is the definition of instructional hours?

“Instructional hours” is defined for purposes of basic education as follows:

"Instructional hours" means those hours students are provided the opportunity to engage in educational activity planned by and under the direction of school district staff, as directed by the administration and board of directors of the district, ***inclusive of intermissions for class changes, recess, and teacher/parent-guardian conferences that are planned and scheduled by the district for the purpose of discussing students' educational needs or progress, and exclusive of time actually spent for meals.*** – RCW 28A.150.205 (Emphasis added.)

Therefore, “instructional hours” includes all time in a school day from the beginning of the first scheduled class period to the end of the last scheduled class period, reduced by time actually spent for meals.

The definition is unchanged from its enactment in 1992. The change in the requirement for instructional hours was *not* accompanied by any change in how instructional hours are defined or counted for the purpose of basic education compliance.

4. Does time scheduled by a district before the first class and after the last class in a school day count toward the instructional hour requirement?

No. The phrase “inclusive of intermission for class changes” refers to the time between one class and the next. Scheduled time before classes begin cannot by definition be time between one class and the next. The same applies to time scheduled after the last period or class of the day.

SBE has been asked what counts as “passing time” for calculating instructional hours. The language in the statute is “intermission for class changes,” which has a different and more descriptive meaning than “passing time.”

5. Do before- and after-school programs provided to some students count toward the instructional hour requirement?

No, they do not.

The word “students” is not defined in RCW 28A.150.205; however, the legal analysis provided to us suggests that “all students” enrolled in grades kindergarten through twelfth grade must be provided the required hours of instruction as set forth in RCW 28A.150.220(2).

When the Legislature prescribes a definition applicable to all public schools within a district, it is reasonable to presume it is intended to cover all students. This is consistent with other K-12 statutes governing the education system in this state. To cite just one of many examples, RCW 28A.230.130(1) requiring public high schools to provide a program for “students” to meet minimum entrance requirements at baccalaureate granting institutions or to pursue a career or other opportunities plainly requires that such program be provided to all students, not just some.

Interpreting “students” in RCW 28A.150.205 to mean only “some students,” therefore, is inconsistent with the structure of basic education law, and negates the intent of the Legislature in increasing the number of instructional hours deemed needed to meet the goals of basic education.

6. Do optional educational activities offered before or after school to all children count toward the instructional hour requirement?

No. Offering educational activity to students before and after school that may, in theory, be open to all (e.g., chess or band) does not satisfy the intent of the Legislature in increasing the number of instructional hours deemed needed to meet the basic education purposes set out in RCW 28A.150.220.

7. Is there a standard time that should be reduced from the calculation of instructional hours for time spent for lunch?

There is no provision in basic education law setting specific parameters for “time actually spent for meals” in the definition of instructional hours. Other factors, however, may condition how districts can make this determination.

RCW 28A.405.460, for example, provides that all certificated employees shall be allowed reasonable lunch period of not less than thirty continuous minutes during the regular school lunch periods and during which they shall have no assigned duties, unless they work out other arrangements by mutual consent. Children therefore cannot be under the supervision of certificated staff during those thirty minutes.

The Department of Labor & Industries requires by rule that an adult employee (public or private) must be allowed at least a 30-minute meal period starting no earlier than two hours and no later than five hours from the beginning of a shift. (WAC 296-126-092.)

8. For compliance with the instructional hour requirement in each grade, should districts average hours within a grade across schools?

No, they should not.

If instructional hours for each grade can be averaged across schools to reach the required 1,080 hours, 11th graders may be provided with more than 1,080 offerings of instructional hours in some high schools and less than 1,080 hours in others. This is inconsistent with the declaration of the Legislature in ESHB 2261 that in order for students to have the opportunity to develop the basic education knowledge and skills under RCW 28A.150.210, school districts must provide instruction of sufficient quantity that includes instructional offerings of 1,080 hours in each of grades 7-12. We believe it was the intent of the law to establish a program guarantee for students, and to intentionally move away from averaging as a mechanism for program compliance.

9. Are school districts that have 180-day waivers in the 2014-15 school year required to meet the new instructional hour requirement?

Yes. WAC 180-18-040 provides that a district granted a 180-day waiver under the authority given the SBE by RCW 28A.150.305 is still required under its waiver plan to offer “the equivalent in annual minimum instructional hours as prescribed in RCW 28A.150.220 in such grades as are conducted by such district.” WAC 180-18-050 provides that the school board resolution that accompanies the waiver application “must include a statement attesting that the district will meet the minimum instructional hours requirement of RCW 28A.150.220(2) under the waiver plan.

An SBE waiver is a grant of authority to the district to use school days within a 180-day calendar for purposes specified in the waiver plan, such as professional development of staff. It is not a requirement that the district use all or even any of the waiver days approved. A district with a 180-day waiver for the 2014-15 school year may find it is unable to use all days waived while achieving compliance with the instructional hours requirement for basic education under RCW 28A.150.220(2).

10. If a district has a 180-day waiver in 2014-15 for the sole purpose of teacher-parent conferences, can hours in the waiver days be counted toward the instructional hours requirement?

Yes. The definition of “instructional hours” includes “teacher-parent/guardian conferences that are planned by and scheduled by the district for the purpose of

discussing students' educational needs or progress." Whether those conferences take place through late starts, early releases, or in full days enabled by a BEA waiver does not affect whether the time may be counted toward the instructional hours requirement. It can.