



The Washington State  
**BOARD OF EDUCATION**

# **Policy Memo on Rules for Instructional Hours, School Days, and Basic Education Compliance**

*PREPARED FOR THE JULY 2020 WORK SESSION*

## **Synopsis:**

The Board is considering action to enact emergency rules on instructional hours, school days, and basic education compliance reporting for the 2020-2021 school year while the longer-term permanent rule-making process takes place.

Due to the dynamic nature of the COVID-19 epidemic, local education agencies need to be responsive to state and local public health measures such as social distancing, school closures, limiting capacity of buildings, and other suggested ways of limiting community spread of COVID-19. Thus, this section of the rule is designed to allow districts the maximum latitude to respond to public health needs and still count their delivery of basic education as instructional hours. Whether their delivery of basic education can be counted as instructional hours is relevant to receiving the necessary funding in a predictable way. This rule change is responsive to OSPI's initiative to keep districts "whole" for funding and the proposed draft has been reviewed by OSPI. Board action on waiver authorities in Chapter 180-18 WAC is not recommended at this time.

State Board of Education guidance for how to count instructional hours for schools using the traditional Basic Education Act funding model has been, simply put, that "Instructional hours are counted from the beginning of the school day to the end of the school day, excluding lunch" (statutory definition in [additional information may be found in the June 17, 2020 background document](#)). This rule change allows districts that are utilizing modalities other than traditional seat time to count as instructional hours for delivery of basic education.

## **Recommended Rule Change Subsection Descriptions**

On the following pages of the rules draft, the recommended draft accomplishes the following in the bullets that feature exact wording from the rule draft. The sub-bullets describe planned actions outside to support these elements or further explains the purpose of the recommended rule change.

- Page 2 (exact wording): For the 2020-2021 school year, local education agencies shall submit a copy of the reopening schools plan to the State Board of Education and Superintendent of Public Instruction two weeks before school begins and no later than September 15, 2020.
  - The above requirement is consistent with OSPI direction. Staff will also revise basic education compliance reporting to include questions to elicit quantitative and/or qualitative responses to important questions that provide vital information about how districts are responding to COVID-19 through instructional hour, school day, and modality changes. Staff will also make changes to existing questions and/or add new questions to gather information about time, graduation, High School and Beyond Plans, and other policy issues. Revisions will be designed to maximize useful information and minimize administrative burden to districts on filling out the Basic Education reporting.
- Page 10 and onward: (4) For the 2020-2021 school year, “instructional hours” as defined in RCW 28A.150.205 are not limited to in-person educational services. Local education agencies may count instructional hours towards the minimum district-wide annual average those hours of educational activity planned by and under the supervision of school district staff that are delivered through remote learning modalities that include but are not limited to distance learning, hybrid classrooms, rotating schedules, or other methods that allow for delivery of basic education services during the COVID-19 epidemic. The following are applicable to the 2020-2021 school year:
  - Due to the dynamic nature of the COVID-19 epidemic, local education agencies need to be responsive to state and local public health measures such as social distancing, school closures, limiting capacity of buildings, and other suggested ways of limiting community spread of COVID-19. Thus, this section of the rule is designed to allow districts the maximum latitude to respond to public health needs and still count their delivery of basic education as instructional hours. Whether their delivery of basic education can be counted as instructional hours is relevant to receiving the necessary funding in a predictable way. This rule change is aligned to OSPI direction to keep districts “whole” for funding by allowing them to respond to public health measures through various learning modalities or scheduling options.
- (a) The allowance to count instructional hours through modalities other than in-person instruction does not preclude local education agencies from applicable funding allocation requirements as required by the Legislature or Office of Superintendent of Public Instruction; and,
  - Rule change through SBE’s authority pursuant to RCW 28A.150.220(7) does not relieve local education agencies from their responsibility to meet any pertinent statutory requirements or OSPI funding allocation requirements. The goal here is to make it clear that districts are still required to meet any funding formulae

requirements that are in place through statute, and that OSPI allocates funding to districts.

- (b) The State Board of Education encourages school districts to prioritize in-person instruction for students of Elementary grade levels to support their developmental needs for in-person instructional activity as allowable under state and local emergency status;
  - Feedback on the transition to online learning during COVID-19 indicates that students at the high school level are better prepared to engage in online coursework due to their developmental stage of learning and familiarity with technology. Generally, the younger students are less able to engage in online learning. Additionally, students with diverse learning needs (i.e. students receiving Special Education Services, English Language Learners, et cetera) may need to be supported with different learning modalities. Staff have already received a concern from a board member that this is not necessarily a rule and staff has considered the issuance of guidance to this effect.
- (c) Days in which instructional hours are offered to all students under this allowance shall count as school days for the purpose of meeting the minimum 180-day school year requirement;
  - Local education agencies need to consider their compliance with both the instructional hour and school day requirements. Traditionally, there have been opportunities for waivers from the 180-day school year requirement but not from the instructional hour requirement. This would clarify that days on which instructional hours provided under this rule in a remote setting would be counted towards the 180-day school year requirement. Thus, simplifying procedural aspects of responding to COVID-19 by not requiring statewide use of 180-day waivers to be responsive to public health needs.
- (d) Local Education Agencies must implement a system to track student engagement, consistent with OSPI attendance rules, in instructional activities delivered through remote learning modalities; and,
  - Feedback from the COVID-19 transition to remote learning during school closures has been that local education agencies have had challenges with ensuring student engagement. Tracking that engagement is vital to ensuring that all students are receiving the benefits of Basic Education. This subsection of the rule reinforces OSPI's efforts to ensure that students are being engaged in modalities that a local education agency may have only begun offering in response to the closures due to the COVID-19 epidemic.
- (e) The State Board of Education will revisit this rule no later than its regularly scheduled July 2021 board meeting.

- Beyond COVID-19, there is considerable interest in delivering basic education in ways that are different from the traditional school day in the traditional school building. Feedback on drafting this rule has been to limit it to the 2020-2021 school year to ensure sufficient review both by SBE and the Legislature, in collaboration with our education partners including OSPI. Education policy should be responsive to the changing learning needs of students and delivery models that support student needs. SBE plans to revisit these concepts after legislative session.

## Background

Please see the [June Work Session memo on policy options](#) for full background information.