



Strategic Plan Priority | System Design

Goal: School and district structures and systems adapt to meet the evolving needs of the student population and community as a whole. Students are prepared to adapt as needed to fully participate in the world beyond the classroom.

Copy of Instructional Hours FAQ

PREPARED FOR THE JUNE 2020 SPECIAL BOARD MEETING

This is a transcript of the instructional hours FAQ on the SBE website.

Instructional Hours:

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

Beginning with the 2015-16 school year, each school district shall make available to students instructional hour offerings of at least a district-wide average 1,080 hours in grades nine through 12, and at least a district-wide average 1,000 hours in grades one through eight. The district calculation for compliance may be made as a district-wide annual average over grades one through 12. This equates to a district-wide annual average 1,027 instructional hours. -- [RCW 28A.150.220\(2\)](#).

2. How has the instructional hour requirement changed?

ESHB 2261, 2009 Session, 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 schedule to be 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. The 2013-15 operating budget act implemented the instructional hour requirement in established by ESHB 2261, beginning with the 2014-15 school year.

E2SSB 6552, 2014 Session, amended [RCW 28A.150.220\(2\)](#) to replace these instructional hour requirements with those described in question 1 above. The 2014 supplemental budget eliminated the provision of the original biennial budget requiring implementation of the 1,000/1,080-hour requirements in the 2014-15 school year.

The change in minimum instructional hours for the 2015-16 school year is therefore as follows:

School Year 2014-15	School Year 2015-16
District-wide annual average 1,000 hours in grades 1-12.	District-wide annual average 1,000 hours in grades 1-8 and 1,080 hours in grades 9-12, which may be calculated as a district-wide average in grades 1-12 (1,027 hours.)

3. What is the SBE rule for implementation of the requirement?

In July 2014 the SBE adopted amended [WAC 180-16-200](#) to implement the change made by the Legislature in E2SSB 6552. The SBE rule provides that, beginning with the 2015-16 school year, districts may demonstrate compliance with [RCW 28A.150.220\(2\)](#) by offering a district-wide average of at least 1,000 instructional hours in grades 1-8 and a district-wide average of at least 1,080 instructional hours in grades 9-12, or a district-wide average of 1,027 hours in grades 1-12.

4. 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

In a plain reading, 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 changes made in the requirement for instructional hours in 2013 and 2014 were not accompanied by any change in how instructional hours are defined or counted for the purpose of basic education compliance.

5. 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" clearly refers to the time between one class and the next. Scheduled time before classes begin (sometimes referred to as "zero period") cannot by definition be time between one class and the next. The same applies to time scheduled after the last period of the day.

SBE has been asked what counts as "passing time" for calculating instructional hours. The term "passing time" is not a term that appears in law. The language in the statute is "intermission for class changes," which has a different and more specific meaning than might be accorded the phrase "passing time."

6. 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 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. Construing "students" in RCW 28A.150.205, defining "instructional hours" for basic education, to mean only some students would be inconsistent with this statutory framework.

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.

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

No. The analysis is similar to that for the previous question. Offering educational activity to students before or 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.

8. 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 guard rails around "time actually spent for meals" in the definition of instructional hours. Other law, however, may condition how districts 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.)

9. Are school districts that have 180-day waivers 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."

10. If a district has a 180-day waiver for the sole purpose of teacher-parent conferences, can hours in the waiver days be counted toward the instructional hour 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 devoted to that activity may be counted toward the instructional hours requirement. It can.

After the start of the school year, districts should not add parent-teacher conference hours to make up for time lost due to non-instructional purposes such as emergencies (for example, snow days).

11. If a district has a 180-day waiver for the purpose of staff professional development, can hours in the waiver days be counted toward the instructional hour requirement?

No. Staff professional development is not within the definition of instructional hours provided in RCW 28A.150.205. A district that has a 180-day waiver approved for 2014-15 for the purpose of professional development may have to determine whether it could use each and all of the waiver days approved while still meeting the instructional hours requirement.

12. Under current law, a school district can schedule the last five days of a 180-day school for noninstructional purposes, such as graduation-related activities, for high school seniors graduating that spring. Can those five days be counted toward the minimum instructional hour offering of 1,080 hours in Grade 12?

Yes E2SSB 6552, 2014 Session, amended [RCW 28A.150.220\(5\)](#) to provide that for graduating seniors, any hours scheduled by a school district for noninstructional purposes, including but not limited to the observance of graduation and early release from school upon the request of a student, shall count toward the instructional hours requirement in RCW 28A.150.220(2).

13. Are students in Alternative Learning Experiences (ALE) receiving basic education?

Yes, ALE is a delivery model for basic education. Therefore, all ALE courses and programs must meet the requirements of basic education in order to claim state funding.

14. How are instructional hours for students in ALE calculated in basic education compliance?

ALE students are included in the district-wide annual average instructional offering requirements in RCW 28A.150.220. Districts have two options to meet the requirements:

Districts must provide at least 1,080 instructional hours to students in grades 9-12 and 1,000 instructional hours to students in grades 1-8.

The instructional hours may be calculated by a school district using a district-wide annual average of instructional hours over grades 1-12 to reach 1027 hours

Under RCW 28A.150.315, full implementation of all-day kindergarten programs must be "achieved in the 2017-18 school year." All-day programs must consist of no fewer than 180 days, comprising no fewer than 1,000 hours of instruction.

Districts should include ALE students in their calculation of district-wide annual average instructional hours, based on the average estimated hours written into full-time student WSLPs.

1000 hours of instruction equates to 27 hours and 45 minutes weekly.

1027 hours of instruction equates to 28 hours and 30 minutes weekly.

1080 hours of instruction equates to 30 hours weekly.

ALE programs may need to write WSLPs to include more than 25 hours/week in order to ensure the district-wide annual average doesn't fall below the requirements but hours cannot exceed the amount of hours available at the traditional school setting.

For more information on ALE, please visit the OSPI ALE site at <http://digitallearning.k12.wa.us/>

For more information, please contact Parker Teed, Basic Education Manager, at parker.teed@k12.wa.us