



Ken Wagner
Commissioner

State of Rhode Island and Providence Plantations

DEPARTMENT OF EDUCATION

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255 Westminister Street
Providence, Rhode Island 02903-3400

Enclosure 6d
December 9, 2015

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TO: Members of the Council on Elementary and Secondary Education

FROM: Ken Wagner, Commissioner

RE: Regulations Governing the School Calendar and Length of the School Day - Feedback from Public Review and Comment

During and following our extremely difficult winter, RIDE received numerous inquiries from the field about the Regulations Governing the School Calendar and the Length of the School Day, which led RIDE to look closely at the regulations and to propose revisions.

The proposed revisions clarify, simplify, update, and improve the existing regulations in a number of aspects.

First, the revised regulations eliminate the confusion and contradictions regarding delayed school openings and early dismissals.

Second, these regulations authorize the Commissioner "to shorten the school year for individual schools based on short term emergency closures of no more than five school days." This change obviates the need for schools to petition the Council on Elementary and Secondary Education for emergency reductions - an operational area that we believe does not require review and discussion by a policy-making body.

These regulations also emphasize that the instructional school day must include the full range of academic requirements included in the Basic Education Program, including instruction in the arts, world languages, physical education, health, library-media studies, and student advisories.

The proposed regulations also eliminate much extraneous material, such as sample schedules and references to requirements for professional time for teachers in schools "in intervention status," initiatives that are no longer in practice.

On September 21, 2015, the Council on Elementary and Secondary Education approved the proposed revisions for the purpose of the state-required 30-day public-review and comment. After the public-review period, a public hearing was held at which 11 individuals spoke (see attached summary of public comment) and a petition signed by 735 individuals requesting that recess be added as mandate to the regulations for elementary school children was submitted.

RIDE's staff reviewed the feedback collected during the public-review and comment period and we do not recommend that any further changes be made to the proposed regulations for reasons indicated in the rationale column of the attached summary of public comment.

Summary of Comments – Regulations Governing the School Calendar and the Length of the School Year

Section #	Summary of Comments	Change to document or section	Suggested change to language or rationale for no change
1	<p>Change School Committees to LEAs and clarify what “review” means in line 4 (1 person)</p> <p>180 days in section 1 contradicts 184 day school year in section 4 (1 person)</p>	<p>No Change</p> <p>No Change</p>	<p>While “local educational agency” is a more expansive phrase than “school committee,” school committee is more generally used throughout the Education Code. It is generally understood that governing bodies of non-district public schools have the same duties and responsibilities as school committees.</p> <p>The 184 days in section 1 refers to the number of school days that must be calendared in order to account for four potential snow days.</p>
2			
3			
4	<p>184 days in section 4 contradicts 180 day school year in section 1 (1 person)</p>	<p>No Change</p>	<p>The 180 days in section 4 refers to the minimum days schools must be in <u>operation</u>, as opposed to how many days must be calendared. There is no conflict between section 1 and section 4.</p>
5			

Summary of Comments – Regulations Governing the School Calendar and the Length of the School Year

	<p>11d - Add language to more explicitly allow for approved out of school learning being part of the core instruction time, allowing it to be more of the instructional time and the quality of the program versus the hour of the day. <i>(1 person)</i></p> <p>Also consider including a provision for additional flexibility in the calendar where LEAs could request waivers (similar to the 171 days allowed to seniors) for students who are part of a personalized learning program and are able to show competency in less than the 180-day required instruction. <i>(1 person)</i></p> <p>Section 11e refers to 6 hours in a school day - Not consistent with Section 8 and Section 11a <i>(1 person)</i></p>	<p>No Change</p> <p>No Change</p> <p>No Change</p>	<p>The Regulation is purposefully written to define the few activities that do <u>not</u> count as instructional time rather than the opposite, thereby imposing no limits on innovations.</p> <p>These Regulations in no way connote an intent to equate adequacy of instructional time with measures of accomplishment or competency. In the given example, an equally valid response would be to continue to provide challenging content to a student who achieves competency in less than the allotted time. This is the cornerstone of a mastery-based curriculum, which should not be construed as conflicting with regulating the amount of instructional time.</p> <p>11e is a recitation of RIGL §16-2-2(a)(1). The statute refers to a minimum six hour school day; the regulations require 330 minutes (5 ½ hours) of instructional time within the school day. There is no conflict between Sections 8, 11a and 11e.</p>
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Summary of Comments – Regulations Governing the School Calendar and the Length of the School Year

<p>OTHER</p>	<p>Questioned why the revised regulations did away with additional support to the persistently low-performing schools. <i>(1 person)</i></p>	<p>No Change</p>	<p>At the time the Regulations were originally drafted, RIDE was using an accountability system based on state statute – progressive support and intervention. In the intervening years, the state accountability system has been merged with the federal accountability structure required by the Elementary and Secondary Education Act (ESEA). As such, the very specific prescriptions for time allotment for schools in state-determined “multi-year intervention status” does not currently have actionable legal meaning.</p>
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REGULATIONS GOVERNING THE SCHOOL CALENDAR
AND LENGTH OF THE SCHOOL DAY – 2015

1. Adoption and filing of calendar and minimum number of days scheduled. —

Each school committee shall, no later than the July 1 next preceding the beginning of the school year for its district, adopt, file with the Commissioner of Education and give public notice of a tentative calendar for that year, in which shall be included at least one hundred eighty-four (184) school days. Such calendar is subject to the review of the Commissioner of Education.

2. First day of school. — In said tentative calendar, the first day of school shall be scheduled to take place not later than the first Thursday following the first Monday of September.

3. Filing of changes. — By May 1 of each year, each school committee shall file with the Commissioner of Education any changes in the originally scheduled calendar.

4. Statutory minimum. — Nothing contained in these regulations should be construed to require any school to operate more than the statutory minimum of one hundred eighty (180) days for students. Conversely, nothing herein shall be deemed to limit a school district from exceeding the minimum amounts of days and hours set forth herein.

5. School opening and closing dates. — Regulations of the Council on Elementary and Secondary Education relating to the one hundred eighty (180) day school year do not permit the opening of schools on a staggered basis (grade-by-grade). However, it is recognized that there is merit to the provision of a special day for an incoming new class or students in a secondary school (the so-called “staggered opening” schedule), to give the newcomers one day to get acclimated before the upper classes arrive. The Department will permit a day so used to be counted as one (1) of the one hundred eighty (180) required school days provided:

1. That it is clearly identified on the school calendar;
2. That it is limited to one day and one class; and
3. That the day is a full school day.

6. Special provisions— kindergarten screenings. — Up to five of the one hundred eighty (180) required school days may be set aside at the kindergarten level for the purpose of screening kindergarten students, orientation of parents and students, parent-teacher conferences, or any combination of the preceding (not to exceed 5 days in total). Such programs are subject to Commissioner of Education approval.

7. Graduation dates. — The school calendar shall indicate the graduation date and the last day of school for the senior. The school year for the senior shall be a minimum of one hundred seventy-one (171) instructional days. Districts may schedule final exams for seniors and graduation any time after the completion of the one hundred seventy-one (171) instructional days.

8. Inclement weather. — During inclement weather, schools shall remain open and provide at least three hours of instructional time in order to be considered a school day. If however, a school does not remain open for at least three hours, superintendents must provide written notification within five (5) days to the Commissioner of Education explaining the situation.

9. Physical plant problems — other emergencies. — In instances of a physical plant problem severe enough to close a school, students may be dismissed early. Schools must be in operation for at least three hours to be considered a school day. If a school is not open for at least three hours, superintendents must provide written notification to the Commissioner of Education within five (5) days explaining the situation. The Commissioner is hereby authorized to shorten the school year for individual schools based on short term emergency closures of no more than five (5) school days.

10. Mid-Term and final exams. — A maximum of four days for mid-term and four days for final examinations may be scheduled at the school level. Schools must be open for at least 5 ½ hours exclusive of lunch. Teachers must be present during the school day. However, students are required to be present only during the examination. Senior exams shall be scheduled any time after the completion of one hundred seventy-one (171) instructional days. Final exams for students in grades 7 – 11 should be scheduled up through the 179th day of the one hundred eighty (180) day student calendar.

11. Required Length of School Day – Elementary and Secondary:

(a). For the purposes of Rhode Island General Laws §§16-2-2 and 16-2-3, a “day” or “school day” is defined by the Council on Elementary and Secondary Education to mean regular operation of all schools in the local education agency (LEA) for a period which, in the case of elementary schools, including kindergarten, consists of not less than five and a half (5 ½) hours (three hundred thirty (330) minutes) of actual school work excluding lunch, recess periods, common planning time, pre and post school teacher time and any other time that is not actual instructional time. LEA compliance with the requirement to provide elementary students with five and a half (5 ½) hours (three hundred thirty (330) minutes) of actual instructional time per school day must include the requirements found in the Basic Education Program (BEP) for provision of art and music programming to students at the elementary level in addition to instructional activities in basic academic disciplines of English language arts, mathematics, social studies and science, combined with instruction in art, music, foreign language (where applicable) or other related instructional activities including but not limited to library, health, physical education and student advisory.

(b). In the case of secondary schools, the school day shall also consist of not less than five and a half (5 ½) hours (three hundred thirty (330) minutes) of actual school work, excluding lunch, recess periods, study halls, homeroom, common planning time, student passing time, pre and post teacher time, and any other time that is not actual instructional time.

(c). The requirement of three hundred thirty (330) minutes of instructional time in each school day is effectively waived in those instances in which the superintendent of schools relies upon Section 8 herein to shorten the school day to no less than one hundred eighty (180) minutes in cases of inclement weather.

(d). For purposes of determining the adequacy of instructional time, time dedicated to student advisory may be included in calculating the required instructional time. The Commissioner shall make such additional determinations as to the inclusion or exclusion of time within the category of instructional time based upon his/her review of each local education agency’s submission of its elementary and secondary schedules.

(e). A school district may establish a school year that is the equivalent of one hundred eighty (180) days through the use of longer school days in terms of hours, and which may total less than one hundred eighty (180) separate days, so long as through the use of the longer school day, the school district annually provides a minimum of one thousand eighty (1080) school hours in a single school year. This figure is based on a minimum of six (6) hours per school day. In all cases, subject only to the exceptions set forth herein, there must be a minimum of 330 minutes of instructional time in order to constitute a school day.