

# Frequently Asked Questions About Instructional Days And Time Requirements 2009-10

## **1. What is instructional time?**

Instructional time is time in which students are participating in an approved course, curriculum, or educationally related activity under the direction of a teacher. Instructional time includes a reasonable amount of passing time between classes within a single school building or on a single school campus. Instructional time does not include lunch or recess. (IC 20-30-2-1)

## **2. What is the minimum length of the school year?**

Each school corporation shall conduct at least 180 student instructional days. (IC 20-18-2-17 and IC 20-30-2-3)

## **3. Are there any restrictions on days that are in addition to the 180 minimum student instructional days?**

No. Indiana law establishes the minimum school day and school year. The number and structure of other days (including, but not limited to, program and professional development, parent-teacher conferences, student days beyond 180, and other days) will be determined locally.

## **4. Must a school corporation provide every student at every grade level with 180 days of instruction?**

Yes. State law requires every school corporation to conduct 180 student instructional days. This means that every student in Grades 1 through 12 must have the opportunity to come to school 180 days every school year. The law, however, is not an attendance law. Excused and unexcused absences are determined according to local policy. [See #13 for additional information about kindergarten issues.]

## **5. May a school corporation establish a year-round education calendar?**

The term "school year" is defined by IC 20-18-2-17 as a period of time beginning after June 30 of each year and ending before July 1 of the following year, except when a different period is specified for a particular purpose. A school corporation may determine locally the calendar dates between July 1 and June 30 of any school year when the 180 student instructional days are scheduled.

## **6. How is the minimum school year requirement enforced?**

If a school corporation does not conduct the minimum number of student instructional days, the Indiana Department of Education is required to impose a financial penalty against the corporation. The dollar amount of the penalty is determined using a formula that yields the proportion of tuition support that would have been generated had students been in school on all 180 instructional days. (IC 20-30-2-4) The minimum school year is also enforced as one of the legal standards required for accreditation. Not later than June 15, school corporations shall certify to the Indiana Department of Education through the [DOE-CID](#), the number of instructional days conducted during the school year.

## **7. Does the Department of Education have the authority to waive the financial penalty?**

Yes. Under Indiana law, the Indiana Department of Education may grant a waiver of the financial penalty for a particular number of canceled instructional days only if each of the days was canceled due to extraordinary circumstances. A school corporation may apply for a waiver of the

financial penalty for the corporation or for an individual school by completing a [“REQUEST FOR WAIVER OF PENALTY FOR LOSS OF INSTRUCTIONAL DAYS”](#) form. Note, however, that schools are expected to conduct 180 days of instruction and the Department of Education will exercise its waiver authority only under the most compelling circumstances. (IC-20-30-2-5)

**8. What is the minimum length of a student instructional day?**

A student instructional day consists of a **minimum** of five (5) hours of instructional time in Grades 1 through 6 and six (6) hours of instructional time in Grades 7 through 12. (IC 20-30-2-2(a)) Neither statute nor rule dictates the minimum instructional time for Kindergarten. The minimum instructional time for Kindergarten traditionally has been one-half of the instructional time for Grades 1 through 6. An instructional day for a school flex program consists of a minimum of three hours of instructional time. (IC 20-30-2-2(b))

**9. Must every instructional day be a full day?**

Yes. A calendar day may be counted as a full student instructional day only if the day includes the required minimum amount of instructional time. This means that if students come to school only 180 times during the year, each day must include at least five (5) hours of instruction for students in Grades 1 through 6 and six (6) hours of instruction for students in Grades 7 through 12.

**10. May two half days be combined to count as a full day of instruction?**

No. Every school day must include the required minimum amount of instructional time in order to qualify as an instructional day. (See # 9 above.)

**11. Are there any restrictions that govern how schools utilize minutes during the school day that are in addition to the daily minimum instructional time requirements?**

Every school day must include the required minimum amount of instructional time in order to qualify as an instructional day. Once **daily** instructional time requirements are met (5 hours elementary / 6 hours M.S. and H.S.), it is a local decision as to how the remaining time is utilized. Non-instructional activities, such as professional development activities, may be conducted during a school day so long as the school meets the minimum daily instructional time requirements of IC 20-30-2-2. Breakfast may be served during the school day, but cannot be counted as instructional time.

**12. Is a day that is shortened because of late student arrival or early student dismissal due to an emergency counted as a full day?**

The law defines a student instructional day as a day that includes a minimum amount of instructional time. **A day that does not include this minimum cannot count as a full day.** However, for accreditation and financial penalty purposes, the Department has determined that an **automatic waiver** will be granted under the following circumstances:

(a) School starts **no more than two hours** after the regular start of the school day, the delay was caused by weather-related conditions or a loss of utility service and the school schedule is adjusted so that students do not miss all of the planned instruction in any curriculum area.

(b) School is dismissed **no more than two hours** before the regular end of the school day, and the dismissal was due to weather-related conditions or loss of utility service.

If both situations (delay AND early dismissal) occur on the same day for any reason, the day would not count as an instructional day.

***These circumstances are the only reasons for automatic waivers.*** Schools need not apply for automatic waivers but must list all **two-hour delays** and/or early release days within the [DOE-CL](#) (School Calendar). School corporations and accredited nonpublic schools should implement a policy for weather and emergency-related delays that ensures that neither the morning nor the afternoon kindergarten session is affected disproportionately.

### **13. What is the minimum number of student instructional days for Full and Half Day Kindergarten programs?**

**Full Day Program** – Full day kindergarten programs operate on the same basis as any elementary grade program and **must offer 180 full days of instruction**. Schools that offer a full day program are funded based on a formula distribution for the 180-day instructional school year. Activities such as, but not limited to, individual screenings and home visits that do not provide instruction to a full class of kindergarten students do not constitute an instructional day.

**Half Day Program** – Half day kindergarten programs **must offer students 180 half days of instruction**. The Indiana State Board of Education and the Indiana Department of Education permit a school to offer an alternating full day program that operates for 90 full student instructional days. School corporations and accredited nonpublic schools should implement a policy for weather and emergency-related delays that ensures that neither the morning nor the afternoon kindergarten session is affected disproportionately. Activities such as, but not limited to, individual screenings and home visits that do not provide instruction to a full class of kindergarten students do not constitute an instructional day.

### **14. Must every student have a full class schedule?**

Yes. The Indiana State Board of Education's instructional time rules require schools to provide a full instructional day to all students. This requirement includes seniors. A student instructional day is defined as a minimum of five (5) hours of instructional time in Grades 1 through 6 and six (6) hours of instructional time in Grades 7 through 12. This means that every student in Grades 1 through 12 must have the opportunity to come to school for 180 full days. Eighth semester seniors may not be granted early release. Shortened class schedules may be approved for students whose educational programs require a shortened schedule.

Such circumstances might include:

- (a) Vocational education students whose approved vocational education programs include an employment component.
- (b) Special education students whose individualized education programs (IEPs), as developed under 511 IAC 7, call for a shortened schedule.
- (c) Students receiving homebound instruction.
- (d) Students enrolled in college courses under the postsecondary enrollment program (i.e. Double-Up Program).
- (e) Students enrolled only in adult education programs.
- (f) Students enrolled in nonpublic schools, but who participate in public school programs on a part-time basis.
- (g) Kindergarten students on a traditional half-day schedule.
- (h) School flex program (IC 20-30-2-2.2)

**15. May a school shorten a student instructional day to conduct parent-teacher conferences and count the day as a full day?**

No. Parent-teacher conferences do not count as instructional time and must occur outside of the minimum daily instructional time requirement.

**16. May schools permit students not participating in the high school GQE, ISTEP+ testing or Final Exams to attend less than a full instructional day on scheduled test days?**

No. All students must attend a full instructional day on scheduled test days. Late arrival or early dismissal waivers are only permissible in instances of inclement weather or loss of utility services and may not be used for purposes of test administration.

**17. Is travel time for area vocational school programs counted as instructional time?**

Some students participating in area vocational school programs do not receive a full instructional day due to transportation difficulties. Reasonable travel time to area or satellite vocational education programs may be included in computing the minimum school day.

**18. What is an “educationally related activity”?**

An “educationally related activity” is a non-classroom activity, such as a field trip or convocation, which meets all of the following criteria:

- (a) Is consistent with and promotes the educational philosophy and goals of the school corporation and State Board of Education.
- (b) Facilitates the attainment of specific educational objectives.
- (c) Is a part of the goals and objectives of an approved course or curriculum.
- (d) Represents a unique educational opportunity.
- (e) Has been approved in writing by the local superintendent or the superintendent’s designee.
- (f) Cannot reasonably occur without interrupting the school day.

**19. May seniors attend fewer than 180 instructional days to facilitate graduation-related activities?**

No. All students, including seniors, must be offered 180 days of instruction. The State Board rule allowing for a senior graduation waiver has expired.

**20. May students graduate from high school after seven semesters of attendance in Grades 9 through 12?**

Yes. Graduation after completion of seven semesters is permitted. In order to graduate after seven semesters, a student must meet ALL state and local graduation requirements, including the GQE requirements. (IC 20-32-4 *et seq.*) A school corporation may, under certain circumstances outlined in 511 IAC 6-7.1-3, waive the seven semester requirement. A student who demonstrates proficiency in one or more courses or subject areas under IC 20-36-5-1 may not be required to complete a minimum number of semesters to graduate or receive an academic honors diploma.