



Ken Wagner  
Commissioner

State of Rhode Island and Providence Plantations

## DEPARTMENT OF EDUCATION

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255 Westminster Street  
Providence, Rhode Island 02903-3400

Enclosure 8a  
September 21, 2015

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**TO:** Members of the Council on Elementary and Secondary Education

**FROM:** Ken Wagner, Commissioner

**RE:** Proposed revisions to the Regulations Governing the School Calendar and Length of the School Day, for the purpose of public review and comment

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During and following our extremely difficult winter, we received numerous inquiries from the field about our regulations on 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.

**RECOMMENDATION: That, the Council of Elementary and Secondary Education approves the proposed revisions to the Regulations Governing the School Calendar and Length of the School Day, for the purpose of public review and comment, as presented.**

**PROPOSED 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, to 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 and 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 and 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 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 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 171 instructional days. Districts may schedule final exams for seniors and graduation any time after the completion of the 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 171 instructional days. Final exams for students in grades 7 – 11 should be scheduled up through the 179th day of the 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 and 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 and 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 and 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 and 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.

# ~~REGULATIONS GOVERNING THE LENGTH OF THE SCHOOL DAY~~

~~June, 2004~~

## ~~1. Required Length of School Day — Elementary and Secondary:~~

~~1.1. For the purposes of 16-6-6 and 3 of the General Laws of Rhode Island, 1956, as amended, a “day” or “school day” is defined by the Board of Regents for — Education to mean regular operation of all schools in the town for a period — which, in the case of elementary schools, consists of not less than five and a half (5 ½) hours (three hundred and 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. The kindergarten day shall be not less than two and three quarters (2 ¾) hours (one hundred and sixty five (165) minutes) of actual school work excluding, recess and any other time that is not actual instructional time).~~

~~1.2. 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 and 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.~~

~~1.3. 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 review of each district’s submission of its elementary and secondary schedules.~~

## ~~2. Secondary Level Compliance:~~

~~2.1. School districts may comply with the requirement to provide students with three hundred and thirty (330) minutes of actual instructional time per school day in a traditional secondary school model which utilizes six (6) or seven (7) class periods per day. While the actual structure of the traditional secondary school day varies from district to district this approach requires the use of significant amounts of non instructional time which must be excluded when calculating the required five and a half (5 ½) hours of instructional time. A sample traditional secondary school schedule is included below.~~

- 2.2. A school district shall provide the Commissioner with either:
- (a) their traditional schedule following a configuration similar to that set forth in the Sample Secondary Schedule, demonstrating that five and a half (5 ½) hours of time is dedicated solely to instruction; or
  - (b) their non traditional (e.g. block or other) schedule demonstrating that five and a half (5 ½) hours of time is dedicated solely to instruction.

**SAMPLE SECONDARY SCHEDULE**

<b>Required</b>	<b>Minutes</b>	<b>Non-instructional</b>	<b>Minutes</b>
6-7 class periods	330	5-6 passing times @ approx. 5 minutes	30
Lunch @ approx. 30 minutes			30
Pre and post teacher time @ approx. 30 minutes			30
<b>Subtotal</b>	<b>330</b>		<b>90</b>
<b>Total = 420 minutes = 7 hours</b>			

2.3. A school district using this traditional six (6) to seven (7) class period day approach must exclude all lunch, study halls, homeroom, common planning time, student passing time, and pre and post school teacher time in demonstrating that five and a half (5 ½) hours (three hundred and thirty (330) minutes) of instructional time have been delivered to students but may include time dedicated to student advisory in calculating instructional time requirements.

**3. Alternative Secondary Level Approaches:**

3.1. A school district can comply with these regulations utilizing a schedule other than a traditional six (6) to seven (7) class period secondary schedule. To do so a school district shall submit a plan to the Commissioner for approval that documents the district's plan for delivering any of the following instructional time equivalencies in compliance with these regulations:

- (a) 1,650 (one thousand six hundred and fifty) minutes of instructional time per week (330 minutes times five days), excluding lunch, study halls, homeroom, common planning time, student passing time, pre and post teacher time, and any other time that is not actual instructional time;
- (b) 59,400 (fifty nine thousand four hundred) minutes of instructional time per year (330 minutes times 180 days), excluding lunch, study halls, homeroom, common planning time, student passing time, pre and post teacher time, and any other time that is not actual instructional time;

3.2. A plan, approved by the school committee, for alternative means of complying with the instructional minutes requirements for students set forth in these regulations must be submitted by December 31 of the year prior to the proposed

implementation year. The Commissioner will review the plan and approve the plan as submitted or require amendments to the plan by February 1 of the year prior to the proposed implementation year in order that staffing decisions can be made consistent with the approved schedule providing the required amount of student instructional time.

#### **4. Elementary Level Compliance:**

~~4.1. The elementary school student instructional time requirement has heretofore been five (5) hours (three hundred (300) minutes) of instruction. The Board of Regents has determined that it is necessary to increase the elementary school instructional time requirement to five and a half (5 ½) hours (three hundred and thirty (330) minutes) in parity with the secondary school instructional time requirement to reflect the expanded challenges of increasing student performance so that all students are proficient in reading and mathematics by grade four and so that the elementary school instructional day includes sufficient instructional time for all students to have meaningful access to art, music, foreign language (where applicable) and other related instructional activities including but not limited to library, health and physical education as required by the Basic Education Program (BEP).~~

4.2. School district compliance with the requirement to provide elementary students with five and a half (5 ½) hours (three hundred and 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. 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 must combine to provide five and a half (5 ½) hours (three hundred and thirty (330) minutes) of actual instruction to students. This will exclude lunch, recess, pre and post school teacher time, common planning time and other non instructional use of time. A sample elementary schedule is provided below.

4.3. A school district shall provide the Commissioner with either:

- (a) their traditional schedule following a configuration similar to that set forth in the Sample Elementary Schedule, demonstrating that five and a half (5 ½) hours of time is dedicated solely to instruction; or
- (b) their alternative schedule demonstrating that five and a half (5 ½) hours of time is dedicated solely to instruction.

**SAMPLE ELEMENTARY SCHEDULE**

— Final version 9-10-04

<b>Required</b>	<b>Minutes</b>	<b>Non-instructional</b>	<b>Minutes</b>
English/Language Arts, mathematics, science, social studies, art, music, health, physical education and other related instruction as required by the BEP	330	Recess @ approx. 30 minutes	30
Lunch @ approx. 30 minutes			30
Pre and post teacher time @ approx. 30 minutes			30
<b>Subtotal</b>	<b>330</b>		<b>90</b>
<b>Total = 420 minutes = 7 hours</b>			

**5. Alternative Elementary Level Approaches:**

5.1. A school district can comply with these regulations utilizing a schedule other than the sample elementary schedule provided in these regulations. To do so a school district shall submit a plan to the Commissioner for approval that documents the district's plan for delivering any of the following instructional time equivalencies in compliance with these regulations:

- (a) 1,650 (one thousand six hundred and fifty) minutes of instructional time per week (330 minutes times five days), excluding lunch, recess periods, pre and post teacher time, common planning time, and any other time that is not actual instructional time;
- (b) 59,400 (fifty nine thousand four hundred) minutes of instructional time per year (330 minutes times 180 days), excluding lunch, recess periods, pre and post teacher time, common planning time and any other time that is not actual instructional time;

5.2. A plan, approved by the school committee, for alternative means of complying with the instructional minutes requirements for students set forth in these regulations must be submitted by December 31 of the year prior to the proposed implementation year. The Commissioner will review the plan and approve the plan as submitted or require amendments to the plan by February 1 of the year prior to the proposed implementation year in order that staffing decisions can be made consistent with the approved schedule providing the required amount of student instructional time.

**6. Additional Requirements for Districts in Multi-Year Intervention Status:**

6.1. School districts that are in intervention status pursuant to R.I.G.L. 16-7-1-5 "Progressive Support and Intervention" for more than three consecutive years shall require professional time for teachers which shall be used for professional planning for school improvement and improvement of student learning and results. This professional time shall include at least two distinct elements: (1)

not less than fifteen hours of ongoing professional development annually (as already required for high schools pursuant to the Regulations of the Board of Regents for Elementary and Secondary Education Regarding Public High Schools) and (2) not less than one hour per week of common planning time for teachers organized around students (as already required for high schools pursuant to the Regulations of the Board of Regents for Elementary and Secondary Education Regarding Public High Schools).

6.2. **Professional time defined** — In those districts in which student learning and results have been substantially insufficient over a period of years the Board of Regents has determined that it is absolutely essential that teachers have both (1) opportunities to meet together to plan for school improvement and improvement of student learning as well as (2) opportunities to acquire professional development and skills necessary to meeting the substantial challenges of educating whole populations of children that are lagging significantly behind — state and federal goals for learning. Mandatory professional time for teachers in districts in multi-year intervention status shall include both (1) routine, embedded, substantial and continuous professional development activities, as well as (2) ongoing, continuous and substantial common planning time, organized around students, for purposes of school improvement and improvement of student learning.

6.3. **Monitoring and compliance with the professional time requirement in the context of Progressive Support and Intervention pursuant to R.I.G.L. 16-7.1-5** — The sufficiency and use of mandatory professional time in districts in multi-year intervention status shall be monitored through the Progressive Support and Intervention Face to Face meeting process by a Commissioner of Education. Each district in multi-year intervention status may employ different approaches for the amount and use of this mandatory professional time for teachers.

6.4. The sufficiency and use of such time must be approved on a district by district basis by the Commissioners in the context of Progressive Support and Intervention utilizing frameworks and rubrics for what is necessary and sufficient for district and school improvement and reform in the districts with the lowest student results.

6.5. Although the authority to make this district by district determination of adequacy has been delegated to the Commissioner, the Board of Regents has determined that (1) not less than fifteen hours of ongoing professional development annually (as already required for high schools pursuant to the Regulations of the Board of Regents for Elementary and Secondary Education Regarding Public High Schools) and (2) not less than one hour per week of common planning time for teachers organized around students (as already required for high schools pursuant to the Regulations of the Board of Regents for Elementary and Secondary Education Regarding Public High Schools) is the minimum necessary if school

~~improvement and improvement of student learning and results is to be seriously undertaken.~~

~~6.6. The Board of Regents expect that teacher professional time substantially in excess of these minimum requirements will be necessary in those districts most in need of school improvement and improvement of student learning and results.~~

~~6.7. Each district subject to this section shall submit a plan to the Commissioner for approval no later than December 31 of the year prior to the implementation of the plan for how such time will be required of teachers in the school district.~~

**7. Effective Date:**

~~7.1. These regulations shall be effective for the 2005-2006 school year for districts in intervention status pursuant to R.I.G.L. 16-7.1-5 for more than three consecutive years. In these districts the plan for providing the required instructional time for students pursuant to these regulations and mandatory professional time for teachers in the context of Progressive Support and Intervention pursuant to R.I.G.L. 16-7.1-5 shall be due to the Commissioner by December 31, 2004.~~

~~7.2. For any school district which enters into its third consecutive year in intervention status pursuant to R.I.G.L. 16-7.1-5 during or after the 2004-2005 school year shall submit to the Commissioner its plan for compliance with these regulations by December 31 of the year following the year in which it is so designated.~~

~~7.3. For all other school districts these regulations shall be effective for the 2007-2008 school year or not sooner than 2006-2007.~~

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