



### What Cannot Count Toward Official Instructional Time?

#### State Snapshots

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State policymakers typically set the minimum number of instructional days or hours (pupil-teacher contact days). However, fewer states explicitly address whether certain non-teaching activities that fall within the school day count toward that minimum number.

The following represents a scan of state laws in search of such provisions. A number of policies are established in state rules and regulations and are identified as such in the table below. The table does not necessarily include all provisions for emergencies – particularly in states where there were neither explicit exclusions nor explicit inclusions.

Complications: In many instances, states establish the length of the calendar year that differs from the required minimum number of days/hours. This allows for activities such as professional development, conferences and so on. Where such activities are mentioned below, it is because they are explicitly excluded or included as part of the pupil-teacher contact days. Otherwise, one normally can assume they are allowed for in the broader calendar. Admittedly, however, this is often a grey area.

Additions or corrections are welcome. Please submit (with legal citation) to [kchristie@ecs.org](mailto:kchristie@ecs.org).

State	Explicit Exclusions	Explicit Inclusions
Alabama	<ul style="list-style-type: none"> <li>recess</li> <li>intermissions</li> </ul>	---
Alaska	<ul style="list-style-type: none"> <li>intermissions</li> </ul>	<ul style="list-style-type: none"> <li>minimum length of days set at 4 hours K-3 and minimum of 5 hours for grades 4-11. (Commissioner may approve exceptions.)</li> <li>up to 10 days inservice</li> <li>up to 1 emergency day</li> </ul>
Arizona	---	---
Arkansas	---	<ul style="list-style-type: none"> <li>travel time (for instructional purposes) between public schools or programs</li> </ul>

State	Explicit Exclusions	Explicit Inclusions
California	<ul style="list-style-type: none"> <li>student participation in regional occupational centers</li> <li>summer school</li> </ul>	---
Colorado	---	<ul style="list-style-type: none"> <li>1080 hrs. secondary may be reduced to 1056 hrs. for conferences, staff in-service, health/safety/welfare (same applies to reducing to 990 to 968 for elementary; from 450 half-/900/full-day kindergarten to 435 half-/870 full-day kindg.)</li> </ul>
Connecticut	---	---
Delaware	<ul style="list-style-type: none"> <li>lunch</li> </ul>	<ul style="list-style-type: none"> <li>early dismissal for emergencies of no more than 2 hours</li> </ul>
District of Columbia	---	<ul style="list-style-type: none"> <li>lunch</li> <li>recess</li> <li>class breaks</li> </ul>
Florida	---	---
Georgia	<ul style="list-style-type: none"> <li>rest periods</li> <li>recess</li> <li>breaks</li> <li>class change time</li> <li>lunch</li> </ul> <p>(from rules/regulations GA. COMP. R. &amp; REGS. r. 160-4-2-.16)</p>	<p>State law defines what constitutes direct classroom expenditures (20-2-171) (state board defines days)</p> <ul style="list-style-type: none"> <li>testing</li> <li>counseling</li> <li>health screenings</li> <li>up 10 hours of parent-teacher conferences</li> <li>field trips</li> <li>5<sup>th</sup> year high school students</li> </ul> <p>(from rules/regulations GA. COMP. R. &amp; REGS. r. 160-4-2-.16)</p>
Hawaii	N/A – by teacher contract	N/A – by teacher contract

State	Explicit Exclusions	Explicit Inclusions
Idaho	<ul style="list-style-type: none"> <li>• transportation to and from school</li> <li>• passing times</li> <li>• recess</li> <li>• lunch</li> </ul>	<ul style="list-style-type: none"> <li>• up to 22 hours of staff development</li> <li>• up to 11 hours for emergencies</li> <li>• student and staff activities related to opening/closing of school year</li> <li>• grade reporting</li> <li>• program planning</li> <li>• staff meetings</li> <li>• other classroom and building management activities</li> <li>• school assemblies, testing and other instructionally-related activities</li> </ul>
Illinois	---	<ul style="list-style-type: none"> <li>• study hall</li> <li>• school-sponsored extracurricular activities</li> </ul>
Indiana *	---	<ul style="list-style-type: none"> <li>• waivers available for extraordinary circumstances</li> </ul>
Iowa	<ul style="list-style-type: none"> <li>• lunch</li> </ul>	<ul style="list-style-type: none"> <li>• passing time</li> <li>• parent-teacher conferences</li> <li>• less than the minimum (5.5 hrs.) may count if emergency health or safety factors require late arrival/early dismissal; or, if total hours for grades 1-12 for any 5 consecutive days equal at least 27.5 hours because staff development or conferences have been scheduled outside the regular day; or if the total instructional time for the first 4 consecutive days equals at least 27.5 because parent-teacher hours/conferences have been scheduled outside the regular day, the school/district may record 0 hours of instructional time on the 5<sup>th</sup> day as a minimum school day.</li> </ul>

State	Explicit Exclusions	Explicit Inclusions
Kansas	---	<ul style="list-style-type: none"> <li>• parent-teacher conferences</li> <li>• students participating in dual-enrollment</li> <li>• staff development/in-service training for the purpose of improving staff skills, developing competency in new or highly specialized fields, improving instructional techniques, or curriculum planning and study may be considered part of the school term for an aggregate amount of time equal to the amount of time in excess of the school term which is scheduled by a board of education for similar activities</li> <li>• emergency days not to exceed 5</li> </ul>
Kentucky	<ul style="list-style-type: none"> <li>• lunch</li> <li>• recess</li> <li>• breaks or passing times of more than 5 minutes</li> </ul>	<ul style="list-style-type: none"> <li>• 175 days pupil contact; 185 for year that can include up to 4 days for professional development; 4 for holidays; 2 planning, emergency days</li> <li>• H.B. 380 (budget bill passed in 2006) requires 177 instructional days and no less than 2 additional 6-hour instructional days in 07-08 – beyond the 6 hour instructional days provided during the 2005-2006 school year -- but no more than 177 days; for example, a school district offered 175 days of instruction, but 171 of those days supplied six hours and five minutes of instruction and the remaining four days supplied four hours of instruction. In this situation, the district would be required to be in session for at least 173 six-hour instructional days and meet the 1,062 instructional hours requirement during the 2007-2008 school year.</li> </ul>
Louisiana	<ul style="list-style-type: none"> <li>• recess</li> </ul>	---

State	Explicit Exclusions	Explicit Inclusions
Maine	---	<ul style="list-style-type: none"> <li>(overall days = 180; 175 instructional; no more than 5 inservice, conference, records days)</li> </ul>
Maryland	---	(sets minimum day at 3 hours – but must reach annual expectation of 1080 hours overall)
Massachusetts	<ul style="list-style-type: none"> <li>breakfast, lunch</li> <li>passing periods</li> <li>homeroom</li> <li>recess</li> <li>non-directed study periods</li> <li>receiving school services</li> <li>participating in optional school programs</li> </ul> <p>(from rules/regulations MASS. REGS. CODE tit. 603, § 27.00) (Commissioner may grant waivers)</p>	<p>State board defines structured learning time as time during which students are engaged in regularly scheduled instruction, learning activities, or learning assessments within the curriculum for study of the "core subjects" and "other subjects." In addition to classroom time where both teachers and students are present, structured learning time may include directed study, independent study, technology-assisted learning, presentations by persons other than teachers, school-to-work programs and statewide student performance assessments.</p>
Michigan	<ul style="list-style-type: none"> <li>lunch</li> <li>study hall (if providing 900 hours of instruction/year)</li> <li>strike(s) time</li> <li>conferences</li> </ul> <p>(from rules/regulations MICH. ADMIN. CODE r. 340.10)</p>	<ul style="list-style-type: none"> <li>passing periods</li> <li>study hall (if providing 990 hours of instruction/year)</li> </ul> <p>(from rules/regulations MICH. ADMIN. CODE r. 340.10)</p>
Minnesota	---	<ul style="list-style-type: none"> <li>boards that want to provide (and have salaries funded) professional development days must adopt 240-day calendar and use difference between instructional days and the 240 as professional development</li> </ul>
Mississippi	---	<ul style="list-style-type: none"> <li>emergencies</li> <li>(minimum day set @ 5 hours)</li> </ul>
Missouri	---	(minimum day set @ 3 hours)

State	Explicit Exclusions	Explicit Inclusions
Montana**	Teacher activities devoted to improving the quality of instruction are considered part of a pupil-instruction-related day (up to 7 days), but cannot count toward the minimum number of hours of pupil instruction: <ul style="list-style-type: none"> <li>• inservice training</li> <li>• attending state meetings of teacher organizations</li> <li>• parent conferences</li> </ul>	---
Nebraska	---	---
Nevada	<ul style="list-style-type: none"> <li>• lunch</li> </ul> (from rules/regulations NEV. ADMIN. CODE ch. 387, § 131)	<ul style="list-style-type: none"> <li>• recess</li> <li>• passing periods</li> </ul> (from rules/regulations NEV. ADMIN. CODE ch. 387, § 131)
New Hampshire	---	---
New Jersey	<ul style="list-style-type: none"> <li>• recess</li> <li>• lunch</li> </ul> (from rules/regulations N.J. ADMIN. CODE tit. 6A, § 32-8.3)	---
New Mexico	<ul style="list-style-type: none"> <li>• lunch</li> </ul>	---
New York	<ul style="list-style-type: none"> <li>• lunch</li> </ul> (from rules/regulations N.Y. COMP. CODES R. & REGS. tit. 8, § 175.5)	<ul style="list-style-type: none"> <li>• “study activities”</li> </ul> (from rules/regulations N.Y. COMP. CODES R. & REGS. tit. 8, § 175.5)
North Carolina	---	---
North Dakota	---	---
Ohio	<ul style="list-style-type: none"> <li>• lunch</li> <li>• interscholastic athletics</li> </ul>	<ul style="list-style-type: none"> <li>• recess</li> </ul>
Oklahoma	---	---

State	Explicit Exclusions	Explicit Inclusions
Oregon	<ul style="list-style-type: none"> <li>• transportation</li> <li>• passing time</li> <li>• recess</li> <li>• lunch</li> </ul>	<ul style="list-style-type: none"> <li>• assemblies</li> <li>• orientations</li> <li>• testing</li> <li>• parent-teacher conferences</li> </ul>
Pennsylvania	---	---
Rhode Island	<ul style="list-style-type: none"> <li>• lunch</li> <li>• recess</li> <li>• study hall</li> <li>• homeroom</li> <li>• common planning time</li> <li>• passing periods</li> <li>• “pre and post teacher time,”</li> <li>• “any other time that is not actual instructional time”</li> </ul> <p>(from rules/regulations R.I. CODE R. 08-010-010)</p>	---
South Carolina	<ul style="list-style-type: none"> <li>• lunch</li> </ul>	---
South Dakota	<ul style="list-style-type: none"> <li>• intermissions (i.e., recess, lunch)</li> </ul>	---
Tennessee	---	---
Texas	---	<ul style="list-style-type: none"> <li>• recess</li> <li>• intermission</li> </ul>
Utah	<ul style="list-style-type: none"> <li>• lunch</li> <li>• passing periods</li> </ul> <p>(from rules/regulations UTAH ADMIN. CODE R277-419-1)</p>	<ul style="list-style-type: none"> <li>• recess</li> </ul> <p>(from rules/regulations UTAH ADMIN. CODE R277-419-1)</p>
Vermont	---	---
Virginia	<ul style="list-style-type: none"> <li>• recess</li> <li>• lunch</li> </ul> <p>(from rules/regulations 8 VA. ADMIN. CODE § 20-131-5)</p>	---
Washington	---	---

State	Explicit Exclusions	Explicit Inclusions
West Virginia	---	<ul style="list-style-type: none"> <li>cocurricular and extracurricular activities</li> </ul>
Wisconsin	<ul style="list-style-type: none"> <li>lunch</li> </ul>	<ul style="list-style-type: none"> <li>recess</li> <li>passing</li> </ul>
Wyoming	---	<ul style="list-style-type: none"> <li>cocurricular and extracurricular activities</li> </ul>

\* **Indiana.** Interesting level of detail in formula for reducing state aid if minimum requirements not met.

STEP ONE: Determine the remainder of:

(A) the amount of the total tuition support allocated to the school corporation for the particular school year; minus

(B) that part of the total tuition support allocated to the school corporation for that school year with respect to student instructional days 176 through 180.

STEP TWO: Subtract the number of student instructional days that the school corporation conducted from 180.

STEP THREE: Determine the lesser of five or the remainder determined under STEP TWO.

STEP FOUR: Divide the amount subtracted under STEP ONE(B) by five.

STEP FIVE: Multiply the quotient determined under STEP FOUR by the number determined under STEP THREE.

STEP SIX: Subtract the number determined under STEP THREE from the remainder determined under STEP TWO.

STEP SEVEN: Divide the remainder determined under STEP ONE by 175.

STEP EIGHT: Multiply the quotient determined under STEP SEVEN by the remainder determined under STEP SIX.

STEP NINE: Add the product determined under STEP FIVE to the product determined under STEP EIGHT.

**\*\* Montana**

Interesting level of detail for circumstances where minimum hours not met: The superintendent of public instruction is to reduce the direct state aid for the district for that school year by two times an hourly rate, as calculated by the office of public instruction, for the aggregate hours missed.

*This StateNote was compiled by Kathy Christie, vice president for ECS Clearinghouse; and Michael Colasanti, researcher.*

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