

# Instructional Time Policy 101

Instructional time policy is critical to education service delivery as it sets minimum, and sometimes maximum, requirements for learning time. However, instructional time policies and waivers differ greatly depending on the state. This Policy Outline is a quick guide for understanding instructional time policies, including trends, considerations for state leaders, and legislative examples.

## WHAT IS INSTRUCTIONAL TIME?

Each state defines instructional time differently, but it most often refers to the time students spend in traditional schools. For example, in **Alabama**, [instructional time](#) excludes recess and lunch time; while **Oregon's** [instructional time](#) for kindergarteners through grade three can include some hours of recess. Instructional time requirements are specified in days per year, hours or minutes per year, and/or hours or minutes per day.

## WHY IS INSTRUCTIONAL TIME IMPORTANT?

Instructional time policy sets baseline requirements for school district education services. Instructional time requirements can be an important tool for policymakers, especially as they manage education service delivery during times of crisis. Policymakers may adjust instructional time requirements to help schools respond to crises or rebuild in their aftermath.

## WHERE IS INSTRUCTIONAL TIME POLICY SET?

Instructional time requirements are specified in statute and regulation. State policy may also allow for temporary adjustments to instructional time requirements and definitions. See statute and regulation citations in Education Commission of the States' [50-State Comparison: Instructional Time Policies](#). For recent legislation that impacts instructional time, see this [policy tracking tool](#) and select the "School Calendar" issue.

## HOW DOES INSTRUCTIONAL TIME AFFECT STUDENTS?

Instructional time requirements affect all schools and students. The intention of instructional time is to ensure that all students receive a minimum amount of instructional time, as set by the state. Instructional time can help address issues of equity, as increases to instructional time requirements may provide additional learning opportunities for all students, as opposed to extracurricular learning opportunities, which may not be accessible to all students.



## Fast Facts

31 states, plus D.C., **require** at least 180 days of instruction. 35 states differentiate instructional time requirements by grade level.

The median required instructional hours per year for 9th graders has **increased** from 1016 in 2008 to 1056 in 2020.

Fewer states are specifying minimum instructional time per day requirements (down to 31 from 35 in **2007**).

# Policy Considerations and State Examples

## INSTRUCTIONAL TIME WAIVERS

Instructional time requirements can be waived to accommodate alternative education service models. For example, [competency-based education](#) models measure learning through student mastery of topics, rather than instructional time, and require instructional time flexibilities. In 2020 and 2021, many states used instructional time waivers as a response to the COVID-19 pandemic's impact on in-person learning. While some states waived instructional time requirements to permit distance learning, other states clarified how schools could meet instructional time requirements while providing education through distance learning models.



### **California** [S.B. 98 \(2020\)](#)

waives instructional time requirements for the 2020-21 school year to accommodate distance learning and hybrid models.



### **Iowa** [S.F. 2310 \(2020\)](#)

requires schools to provide remote learning in the event of a closure in the 2020-21 school year in order to have the instructional time requirement waived.



### **District of Columbia** [B23-1027 \(2021\)](#)

waives the 120 hours of classroom instruction required for students in grades nine through 12.

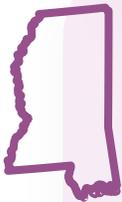


### **Kentucky** [S.B. 177 \(2020\)](#)

specifies that schools with a nontraditional instruction plan may request approval for additional nontraditional instruction days. Additionally, a school district that does not have a nontraditional instruction plan may submit a plan for approval by the commissioner of education to provide nontraditional instruction in the event of school closures caused by the COVID-19 pandemic.

## ADDITIONAL INSTRUCTIONAL TIME PROGRAMS

Additional instructional time is associated with higher learning outcomes. [Summer school](#), [tutoring options](#) and [extended school day programs](#) can all help students make academic strides. However, extracurricular activities and extended school days may not be accessible to all students. For example, programs may only be available at some schools or may require travel or payment from students. Increases to instructional time requirements at the state level can be used as a policy tool to help all students achieve greater education outcomes.



### **Mississippi** [Executive Order No. 1476 \(2020\)](#)

Executive Order No. 1476 (2020) requires local districts to submit a plan for summer learning and enrichment on or before June 1 to mitigate disruption caused by the COVID-19 closures and to enhance learning in preparation for the 2020-21 school year.



### **North Carolina** [S.B. 704 \(2020\)](#)

allows high school students in 2021 and 2022 to defer graduation for a year to address learning loss and missed opportunities in extracurricular activities because of the COVID-19 pandemic.



### **New Jersey** [S. 2383 \(2020\)](#)

allows high school students in 2021 and 2022 to defer graduation for a year to address learning loss and missed opportunities in extracurricular activities because of the COVID-19 pandemic.

## EQUITY IMPLICATIONS

The COVID-19 pandemic and the switch to distance learning [disproportionately](#) affected students of color and students from lower-income households. In-person instructional time may be a key [policy tool](#) to help address [learning loss](#) for these students.