The House companion bill is HB 60. Neither HB 60 nor SB 238 has a Findings and Purpose section. HEPC is unable to determine the desired purpose or outcome. However, it would appear that the practical effect of this bill would be to either reduce focused learning time, and/or work against efforts to promote project based learning.

Without changing or clarifying the instructional time requirements in the law, an expansion of the definition of student learning may have the following implications:

1. It is the nature of collective bargaining to see the hours of instructional time as essentially a de facto 915 hour “cap” on teaching requirements, beyond which additional funding should be provided.
2. The current law more narrowly defined student learning, which means that additional projects, clubs, electives, etc. often are provided outside of this time frame. In other words they are not counted in the 915 instructional hours.
3. If a school has a vigorous set of regularly scheduled classes and content, as well as the ability and desire to offer additional learning opportunities (Robotics, music, art, electives, etc.) these additional offerings may now be competing for the limited de facto “time caps” for instructional time under §302A-251 (b).
4. Schools may be reluctant to replace regularly scheduled classes or content with the additional offerings, and thus may choose to eliminate such electives from the curriculum.
5. It is well known that the desire to improve test scores, particularly at the elementary level, has shifted time and energy towards preparation for math and language tests. Science, social studies and other subjects are sometimes reported to be low priorities.
6. Therefore, the consequences of this bill as currently drafted would likely be to reduce project-based, technology-based, and GLO focused learning so as not to compromise well established scheduling and content.

Proposed Amendments.
If the intent of the Committee is to encourage a broader definition of student learning, HEPC suggests the Committee clarify that the instruction time requirements under section (b) be *minimum* levels, rather than allow these to become de facto maximum hours.

§302A-251 School year; instructional time. (a) Notwithstanding any other law to the contrary, beginning with the 2011-2013 school years, all public schools, excluding charter schools and multi-track public schools, shall implement a school year of one hundred eighty days, excluding professional development days and other non-instructional days negotiated pursuant to chapter 89. (b) Notwithstanding any other law to the contrary: (1) For the 2011-2012 school year, fifty per cent of all public elementary schools in the State, excluding charter schools and multi-track public schools, shall implement a school year that includes no less than nine hundred fifteen student instructional hours; and (2) Beginning with the 2012-2013 school year, all public elementary schools in the State, excluding charter schools and multi-track public schools, shall implement a school year that includes no less than nine hundred fifteen student instructional hours. (c) Notwithstanding any other law to the contrary, for the 2014-2016 school years, all public secondary schools, excluding charter schools and multi-track public schools, shall implement a school year that includes nine hundred ninety student instructional hours.

To further encourage project-based learning, etc., HEPC suggests consideration of the following additional amendments (seen in bold type), which would not require that project-based methodology be included under the hourly “cap.” (f) For purposes of this section, “student instructional hours” means: (1) Student learning time in elementary schools during which students are engaged in learning activities including may include regularly scheduled instruction and project-based learning assignments, technology-assisted learning, and learning assessments within the curriculum and does not include lunch, recess, or passing time, and all other activities in which there is a related general learner outcome attached to such time; and (2) Student learning time in secondary schools during which students are engaged in learning activities, including may include regularly scheduled instruction, project-based learning assignments, technology-assisted learning, and learning assessments within the curriculum; provided that for purposes of determining the adequacy of instructional time for secondary schools, “student instructional hours” may include: (A) Presentations by persons other than teachers; (B) Directed study; (C) Time spent in homeroom; (D) Student advisory time; (E) Statewide performance assessment; and (F) All other activities in which there is a related general learner outcome attached to such time.