Issue Brief:

How Oregon Defines Instructional Time for K-12 Students

LPRO

DATE: May 5, 2026

In education policy, “instructional time” generally refers to the amount of time students spend in school. Each state defines for its schools which types of time—such as lunch, recess, and time spent passing between classes—count as instructional time.

Research shows that instructional time has modest effects on student outcomes, but context matters. A 2024 review of studies found that effects vary depending on the quality of instructional time, increased instructional time as part of a package of interventions, whether time is added to the school year or the school day, and how time is structured into academic calendars, number of days in a week, start times, and class schedules.[1]

How much instructional time is required in Oregon?

Oregon’s Legislative Assembly has never legislated instructional time into state law. It has delegated the responsibility for setting instructional time requirements to the State Board of Education, which enacts requirements for school districts through administrative rules. School districts must currently provide the following minimum amounts of instructional time to at least 92 percent of their students:

- 966 hours for grade 12
- 990 hours for grades 9–11
- 900 hours for kindergarten through grade 8

Administrative rules allow districts to include up to 60 hours of recess for grades K–3, up to 30 hours for staff professional development, and up to 30 hours for parent-teacher conferences in their calculations to reach these minimums. Lunch and passing periods are not included. Districts must have a calendar that spans 265 consecutive days, and no school day may exceed 8.5 hours (8 hours for grades K–8).

[1] Matthew A. Kraft and Sarah Novicoff, “Time in School: A Conceptual Framework, Synthesis of the Causal Research, and Empirical Exploration,” *EdWorkingPapers* 22-653 (February 2024): https://doi.org/10.26300/1xxp-9c79.

Students who have fulfilled state graduation requirements, high school seniors who are on track to graduate, and students who are enrolled in accelerated learning or work-based programs are exempt from the minimum requirements. The calculations differ for online schools and do not apply to homeschool families.

The full text of the current administrative rules is included in Appendix A.

How have instructional time requirements changed?

The Oregon education system's view of its responsibility to students has changed over the past 30 years. The state's first administrative rules on instructional time, enacted in 1996, had the following requirements:

- 990 hours for grades 9–12
- 900 hours for grades 4–8
- 810 hours for grades 1–3
- 405 hours for kindergarten
- At least 265 days between the first day and the last day
- Maximum school day of 7 hours for grades 9–12, 6.5 hours for grades 4–8, and 6 hours for grades K–3
- Up to 30-hour reductions allowed for staff development, 14-hour reductions for emergency closures, and 30-hour reductions for high school seniors
- Passing periods and lunch not included in instructional time calculations

These rules remained unchanged until 2015, when the State Board of Education rewrote the administrative rule in response to complaints that while schools were offering the minimum required hours, they were not scheduling students' enrollment accordingly.[2] The new rules reduced the time required in grade 12, required enrollment for minimum instructional hours for at least 92 percent of students in a district and at least 80 percent of students in every school, increased the allowable hours per day, and added a reduction for parent-teacher conferences.

In 2018, exemptions were added for students who had fulfilled graduation requirements; seniors on track to graduate; students in AP, IB dual credit, internship, or proficiency-based programs; and for alternative education programs, with approval from the deputy superintendent of public instruction.

[2] Lisa Zuniga, "Testimony on Senate Bill 957," Oregon Legislative Information System, April 14, 2015, https://olis.oregonlegislature.gov/liz/2015R1/Downloads/CommitteeMeetingDocument/63163; and Caroline Fenn, "Public Testimony on SB 957," Oregon Legislative Information System, April 13, 2015, https://olis.oregonlegislature.gov/liz/2015R1/Downloads/CommitteeMeetingDocument/63118.

On April 15, 2026, Governor Tina Kotek issued Executive Order 26-06 in response to reports of school districts cutting instructional days (via staff furloughs) to balance their budgets.[3] A day later, the State Board of Education enacted a temporary rule, in effect until October 16, 2026, making three immediate changes:

1. The Oregon Department of Education (ODE) was required to start collecting and publishing annual data on instructional time for school districts.
2. School districts were prohibited from reducing instructional time below 2024–2025 levels, and those that had were required to submit a plan for restoring that time before the 2027–2028 school year.
3. Waivers were prohibited except in declared emergencies.

The executive order also defined instructional time as the full bell-to-bell school day and instructional hours as time spent in planned learning activities or assessments under the supervision of a licensed or registered teacher or instructional assistant. It required ODE to request that the State Board of Education revise the definition of instructional time to exclude staff professional development time and parent-teacher conferences. The board discussed this issue at an April 16 meeting, but it deferred action until a permanent rule change is enacted within six months.

How does Oregon compare with other states?

The Education Commission of the States maintains a 50-state comparison of instructional time policies.[4] Most states require over 1,000 instructional hours per school year. States with required hours similar to Oregon's (under 1,000) include Alaska, Arizona, Florida, Idaho, Massachusetts, New Hampshire, New York, Pennsylvania, South Dakota, Utah, and Virginia. Of these states, only Idaho and South Dakota do not require schools to offer 180 days of instruction.

Fourteen states, including Oregon, do not set a required number of school days, and the minimums in six states are below 180 school days. Five of those six require over 1,000 instructional hours. There is no national standard, but most states require 1,080 hours over 180 days or some combination thereof. States' calculations vary in what is considered instructional time.

[3] Executive Order 26-06 (April 15, 2026): https://www.oregon.gov/gov/eo/eo-26-06.pdf.

[4] Education Commission of the States, "50-State Comparison: Instructional Time Policies 2023," January 2023, https://reports.ecs.org/comparisons/instructional-time-policies-2023-01.

On average, U.S. schools provide 6.9 hours per school day and 178.5 school days per year, combining for an average of 1,231 total school hours across the academic year, according to research by Matthew Kraft and Sarah Novicoff.[5] However, the researchers indicated that these national averages mask large variations. In a presentation before the House Education Committee in January 2026, Kraft noted that Oregon falls well below the national average for the number of school hours per school year, ranking 47th out of 50 states.[6]

What are some challenges to changing instructional time requirements?

School districts and unions conduct local collective bargaining processes that determine the length of the school year, the amount of classroom time, the amount of professional development time, and the time for other activities, such as parent-teacher conferences. Any change in state requirements will require districts to reopen settled contracts for renegotiation or will need to be phased in as districts negotiate their next contracts.

In addition, although the executive order did not specifically add instructional hours, the pending exclusion of professional development time and parent-teacher conferences from the definition of instructional hours will require school districts to either add those hours to their staff contracts or forgo those activities. If hours are added, district costs will rise, potentially requiring increased revenue, staff layoffs, or pay reductions.

Staff
Lisa Gezelter, Legislative Analyst

Legislative Policy and Research Office
Oregon State Capitol | (503) 986-1813 | www.oregonlegislature.gov/lpro

Please note that the Legislative Policy and Research Office (LPRO) provides centralized, nonpartisan research and issue analysis for Oregon's legislative branch. LPRO does not provide legal advice. LPRO publications contain general information that is current as of the date of publication. Subsequent action by the legislative, executive, or judicial branches may affect accuracy.

[5] Kraft and Novicoff, "Time in School."

[6] Oregon Legislative Information System, "House Interim Committee on Education 01/13/2026 8:30 AM," January 13, 2026, https://olis.oregonlegislature.gov/liz/mediaplayer/?clientID=4879615486&eventID=2026011032.

Appendix A: Oregon Administrative Rules Related to Instructional Time

OAR 581-022-0102: Definitions[7]

"(30)(a) 'Instructional time' means time during which students are engaged in regularly scheduled instruction, learning activities, or learning assessments that are designed to meet Common Curriculum Goals and academic content standards required by OAR 581-022-2030, and are working under the direction and supervision of a licensed or registered teacher, licensed CTE instructor, licensed practitioner, or Educational Assistant who is assigned instructionally related activities and is working under the supervision of a licensed or registered teacher as required by OAR 581-037-0015.

(b) Instructional time shall include:

(A) Time that a student spends traveling between the student's school and a CTE center, internship, work experience site, or post-secondary education facility;

(B) Time that a student spends in statewide performance assessments; and

(C) Up to fifteen minutes each day of the time that a student spends consuming breakfast in the classroom if instruction is being provided while the student is consuming breakfast.

(c) Instructional time shall not include time that a student spends passing between classes, at recess, in non-academic assemblies, on non-academic field trips, participating in optional school programs, or in study periods or advisory periods where attendance is not required and no instructional assistance is provided."

OAR 581-022-2320: Required Instructional Time[8]

"(1)(a) Except as allowed under subsections (2) and (4), each school district shall ensure that at least 92% of all students in the district and at least 80% of all students at each school operated by the district are scheduled to receive annually the following minimum hours of instructional time:

(A) Grade 12 — 966 hours;
(B) Grades 9–11 — 990 hours; and
(C) Grades K–8 — 900 hours.

(b) A student who is 18 years of age or older or an emancipated minor or the person in parental relationship to a minor student may request to annually receive the minimum

[7] OAR 581-022-0102, https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=314718.

[8] OAR 581-022-2320, https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=334836.

hours of instructional time. The school district must honor the request except as specifically provided for by rule or law.

(2)(a) Notwithstanding the requirements of subsection (1), with the annual approval of the local school board after a public hearing, the following students are exempted from the instructional time requirement and are not included in the district's calculation of instructional time under subsection (1):

(A) Students who have fulfilled all state requirements for graduation under OAR 581-022-2000;

(B) Students who at the start of their senior year are on track to exceed all state requirements for graduation under OAR 581-022-2000 as determined by the number and type of credits earned by the student; and

(C) Students who are earning credits toward a diploma through accelerated learning classes, such as Advanced Placement, International Baccalaureate, or classes at a post-secondary institution, internship, work-based learning, or credits by proficiency.

(b) Each year, the school district must report to the local school board the total number of students disaggregated by relevant sociodemographic group that have been exempted from the instructional time requirements under this subsection.

(3) Nothing in this rule may be construed to affect the right of a person to be admitted to the school district in which they reside under ORS 339.115.

(4) A school district may request permission to exempt an alternative education program as defined in ORS 336.615 from the requirement in subsection (1). The request must be made in writing to the Deputy Superintendent of Public Instruction. The Deputy Superintendent is authorized to grant permission under this section without obtaining approval from the State Board of Education. Permission will be granted where:

(a) The request is made with the approval of the school district's governing school board;

(b) The school district is using an evidence-based strategy that includes flexible time options; and

(c) The school district has implemented a system to assess students prior to placement to determine whether placement in an alternative education program is appropriate.

(5) If a school district chooses to offer less than 900 hours of instructional time for kindergarten students, the kindergarten program shall be considered a half-day program for purposes of ORS 327.006(1) and the school district shall ensure that every kindergarten student is scheduled to receive a minimum of 450 hours of instructional time per year.

(6) Upon approval by the local school board, a district may include in its calculation of instructional time required by subsection (1) of this rule the following:

(a) For kindergarten programs offering 900 hours or more of instructional time, up to 60 hours of recess;

(b) For kindergarten programs offering less than 900 hours of instructional time, up to 30 hours of recess;

(c) For grades 1–3, up to 60 hours of recess;

(d) Up to 30 for staff professional development; and

(e) Up to 30 hours for parent teacher conferences.

(7) For students participating in online instruction:

(a) Instructional time includes online instruction supported by a licensed or registered teacher through electronic means.

(b) For online instruction, up to one hour per course per day may be counted as instructional time where the following criteria are met:

(A) Every student has access to a licensed or registered teacher through in-person, telephone, or electronic means for each course taken; and

(B) Every student has regular contact with school personnel for the purpose of attendance and progress monitoring as outlined in the policies maintained by the Oregon Department of Education.

(c) Instructional time may not be claimed for weekends or holidays, per ORS 336.010 and 187.010, or any other day during which a licensed or registered teacher is not available to students.

(8) There shall be no fewer than 265 consecutive calendar days between the first and last instructional day of each school year at each grade level.

(9) No student shall be required to exceed the following number of instructional hours per day:

(a) Grades 9–12 — 8.5 hours;

(b) Grades K–8 — 8 hours.

(10) The department shall track and publish once each calendar year the instructional time provided by each district during the previous school year."