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## **MEMORANDUM**

**TO:** School District Superintendents

**FROM:** Pam Stewart

**DATE:** September 19, 2017

**SUBJECT:** **Instructional Hours**

It has been incredible to see communities coming together all across the state to ensure the safety of our most vulnerable citizens through shelters. Our school facilities and employees played a critical role in the state's response to Hurricane Irma.

The Florida Department of Education (FDOE) has received many questions about instructional hours in the wake of Hurricane Irma. As authorized in section 1011.60(2), Florida Statutes, schools must operate for 180 actual teaching days or the equivalent on an hourly basis to participate in the Florida Education Finance Program. Rule 6A-1.045111, Florida Administrative Code, specifies the hourly equivalent as not less than 720 net instructional hours for kindergarten through grade 3 and not less than 900 hours for grades 4 through 12. Provided that this statutory requirement is met, school boards have the authority to adopt an alternative calendar without authorization or approval by FDOE. This will not affect the district's funding through the Florida Education Finance Program, nor will it affect the survey count of full-time equivalent students.

Florida law gives the Commissioner of Education and the State Board of Education the authority to alter the instructional hours requirement when the loss of instructional hours is caused by a bona fide emergency and when it is not feasible to make up the lost days or hours. As the commissioner, I am authorizing the waiver of up to two days of instructional time as a result of required school closures due to Hurricane Irma.

In the event that a district seeks to waive any additional time, a request must be submitted to FDOE using the attached form. Please see the most relevant portion of Section 1011.60(2), F.S.:

The State Board of Education may prescribe procedures for altering, and, upon written application, may alter, this requirement during a national, state, or local emergency as it may apply to an individual school or schools in any district or districts if, in the opinion of the board, it is not feasible to make up lost days or hours, and the apportionment may, at the discretion of the Commissioner of Education and if the board determines that the reduction of school days or hours is caused by the existence of a bona fide emergency, be reduced for such district or districts in proportion to the decrease in the length of term in any such school or schools.

Rule 6A-1.09533, Florida Administrative Code, provides that the Commissioner will consider requests from district school boards to reduce the length of the school term only if:

no teacher planning days, excluding a maximum of three (3) planning days at the end of the school year, remain in the official school year calendar as approved by the district school board, and no school holidays, other than authorized national or state holidays, remain in the official school year calendar as approved by the district school board.

For all schools that are able to make up the lost instructional time caused by Hurricane Irma, up to and including the two days authorized by this letter, no authorization or approval from FDOE is needed.

For the communities that were hit hardest by Hurricane Irma, it may not be feasible to make up all the hours of lost instruction. Given how critical instructional hours are to the success of each student, districts must make up as many of the lost instructional hours as possible. However, if the school board concludes that it is not feasible, please complete the attached "Application for a Reduction in the Required Instructional Hours." The department will deem a completed application to be a request for the consideration of the Commissioner and the State Board of Education to reduce the required instructional hours, as well as a request for a waiver of Rule 6A-1.09533, Florida Administrative Code, under section 120.542, F.S., to the extent that such a waiver is needed. The deadline for the submission of applications is Monday, October 16, 2017.

PS/mm

Attachment