



COMMISSIONER'S GUIDANCE ON INSTRUCTIONAL HOURS

Rules 10 and 14

A handwritten signature in black ink, appearing to read "Matthew L. Blomstedt".

Matthew L. Blomstedt, Ph.D.
Commissioner of Education

Updated 10/15/2020

Commissioner's Guidance on Instructional Hours: Rules 10, 14

Rules 10 and 14

Topic Summary: Flexibilities for Instructional Hours

Issue Date: October 2, 2020

Expiration Date: June 30, 2021

The State Board of Education, in the [Rule 62 declaratory order](#), directed the Commissioner to promote innovation and provide reasonable flexibility and guidance on the provisions of Rule 10 and Rule 14 for the 2020-21 school year to school systems and school districts.

Therefore, the Commissioner is providing reasonable flexibility for school systems and school districts as it relates to instructional hours. School systems and school districts may utilize instructional hours for additional professional learning, teacher and/or staff work time, or time for teachers to consult with parents/caregivers. Up to 12 hours per quarter (or 24 hours per semester or 48 hours per school year) may be used for those purposes. These hours should be used throughout the 2020-2021 school year and are not intended to shorten the semester or the school year. If school systems need to adjust because of COVID-19 impacts, other accommodations can be made.

Other compelling reasons for not meeting instructional hours this year due to COVID-19:

- Significant disruptions in regular school operations
- Difficulty tracking instructional hours for remote and hybrid learning environments
- Need for parent/guardian engagement with teachers or parent-teacher conferences

Each district that does not meet instructional hour requirements or chooses to use the option detailed above will still need to complete and submit an affidavit at the end of the year detailing the specifics of their case, and outlining all efforts made to reach the instructional hour/unit requirements.

During the school year, decisions impacting scheduling and modalities for learning should be documented thoroughly to ensure ease in completing the affidavit.

Topic Summary: Flexibilities for Instructional Hours, *Special Education*

Issue Date: October 15, 2020

In regards to the aforementioned “Commissioner’s Guidance,” allowing flexibilities for instructional hours, The Office of Special Education would like to outline specific implications to Special Education. As noted in the guidance, the Commissioner is providing reasonable flexibility for school systems and school districts as it relates to instructional hours. School systems and school districts may utilize instructional hours for additional professional learning, teacher and/or staff work time, or time for teachers to consult with parents/caregivers. Up to 12 hours per quarter (or 24 hours per semester or 48 hours per school year) may be used for those purposes. These hours should be used throughout the 2020-2021 school year and are not intended to shorten the semester or the school year. If school systems need to adjust because of COVID-19 impacts, other accommodations can be made.

Should these flexibilities with instructional hours be utilized within a school district, this does not obviate any of the obligations districts have to students receiving special education services under the Individuals with Disabilities Education Act (IDEA). Students receiving special education services through an Individual Education Plan (IEP) or an Individualized Family Service Plan (IFSP) must receive the same services in accordance with that child’s individual Plan unless that Plan is amended following the same procedures as any other amendment.

Depending on each individual Plan, districts may need to initiate an IEP team meeting to consider amending the instructional minutes to reflect any modifications to the district’s previously published calendar in response to these new flexibilities. Alternatively, school districts may create new opportunities to ensure that each student receives the instructional minutes outlined in the current Plan in any manner consistent with the IDEA.

As with all guidance issued by the Nebraska Department of Education, The Office of Special Education reminds districts that no matter what primary instructional delivery approach is chosen, districts and IEP teams remain responsible for ensuring that a free appropriate public education (FAPE) is provided to all children with disabilities.