

# Instructional Time and Act 80 Exceptions

## 24 P.S. §15-1504

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### PURPOSE

This BEC outlines requirements for instructional time and the process for requesting Act 80 exceptions.

### BASIC REQUIREMENTS

All public schools are to be open each school year for at least one hundred eighty (180) days of instruction for pupils. The number of instructional hours in a school year is to be at least 450 for half-time pre-K and kindergarten, 900 for full-time pre-K and kindergarten and elementary, and 990 for secondary. Exceptions to the requirement for 180 days of instruction or to the daily school hours may be made based upon Section 1504, as amended by Act 80 of 1969.

No school shall be kept open on any Saturday for the purpose of ordinary instruction, except when Monday is fixed by the board of school directors as the weekly holiday (which would require that school be scheduled Tuesday through Saturday for the entire school term).

22 Pa. Code §11.27 provides pupils in graduating classes up to three days for graduation preparation under the supervision of certificated school employees. The Secretary of Education has determined that graduation practice days must be scheduled within 60 calendar days of the commencement ceremony and that graduation practice can be scheduled on a regular instruction day or on a Saturday. Since no other instructional activities can be conducted on Saturday, only the hours for the graduation practice can be counted as pupil instructional time.

State Board of Education Regulations, Chapter 11, Section 11.2 School day, defines instruction time for pupils as time in the school day devoted to instruction and instructional activities provided as an integral part of the school program under the direction of certified school employees. For the purposes of determining if an activity, other than instruction of curriculum, conducted during school hours can be counted as instructional hours in lieu of ordinary instruction, the Department has defined the following:

#### **Activities which may be counted as pupil instruction time**

1. Pupil personnel services, such as guidance and counseling services, psychological services, speech pathology and audiology services, and pupil health services conducted during school hours,
2. Opening exercises, including circle time in pre-K and kindergarten, homeroom periods, supervised study halls and time when students are eating breakfast during the regularly scheduled homeroom periods or during classroom instruction,

3. Assemblies, clubs, student councils, and similar activities conducted during school hours,
4. School, group or class educational trips, to which admission is not charged to students or parents, if accompanied by a certificated school employee,
5. Civil defense, fire and other similar drills,
6. Pre-K and kindergarten orientation activities, snack-time and play-time if they are an integral part of the pre-K and kindergarten curriculum as long as they take place under the direction of a certified teacher and are used for students learning experiences. (Note: "Recess" time conducted with the same parameters as primary grade recess is not counted as instructional time),
7. For pupils in graduating classes, up to three days for graduation preparation within 60 days of the commencement ceremony under the supervision of certified school employees. Graduation preparation may be held on Saturdays, and
8. Early dismissal and delayed opening due to inclement weather.

### **Activities which may not be counted as pupil instruction time**

1. Lunch period. However, an exception is made for:
  - a) special education students identified as moderately to severely handicapped if their Individualized Education Program (IEP) includes teaching social and motor skills related to meal-time activities such as the use of eating utensils; and,
  - b) pre-K students if lunch is an integral part of the pre-K curriculum, takes place under the direction of a certified teacher and is used for student learning experiences,
2. Recess and time for passing from class to class,
3. Early dismissal or delayed opening for reasons other than inclement weather,
4. Teacher meetings dealing with routine matters, such as record keeping responsibilities, and other similar activities,
5. Transportation of pupils; for example, time spent transporting students to an area vocational-technical school,
6. Celebrating, picnicking, hunting, fishing, or harvesting crops,
7. Any activity for which admission is charged to students or parents, and
8. Viewing or reviewing material that has as its purpose the marketing of commercial products.

Section 1504, as amended by Act 80 of 1969, authorizes the Secretary of Education to grant an exception to the 180-day requirement or to the daily schedule "when in his opinion a meritorious educational program warrants." The requirement for minimum instructional hours for the school year must still be met. For purposes of granting approvals for Act 80 exceptions for a shortened school year or a shortened school day, the Department of Education has defined the following:

### **Activities which may be approved for an Act 80 exception**

1. Parent-teacher meetings,
2. Curriculum planning and development,
3. Strategic planning,
4. In-service programs dealing with new subjects or activities having an impact on the educational program,
5. Dismissal at the start of the school year of a partial group of kindergarten students while an orientation program is being conducted for another part of the group of current year kindergarten students,
6. Administration of the Professional Development Assistance Program assessment, and

## 7. Evaluation of graduation projects.

Requests for approval of an Act 80 exception should be made by completing the [PDE-4085](#) "Request for Section 1504 (Act 80) Exception" form. Area vocational-technical schools should complete the PDE-4085A "Request for Section 1504 (Act 80) Exception-AVTS" form. Intermediate units should complete the PDE-4085I "Request for Section 1504 (Act 80) Exception-IU" form. Procedures for requesting approval are as follows:

1. The proposed request must be approved by the local school board. The form must be completed and submitted electronically in the Child Accounting Data Base System (CAD).
2. The request shall include the date of each requested exception.
3. The request shall include the reason for each requested exception.

There is no limit on the number of Act 80 exceptions that may be requested as long as the required minimum instructional hours for the school year are met. Requests for Act 80 approvals should be submitted prior to the date of the Act 80 activity; however, Act 80 approvals will be considered for approval if submitted before July 31 following the end of the school year.

The approval cannot be used for time lost due to inclement weather, mechanical or power failures, or other causes not provided for in the school laws. In the event that unforeseen circumstances warrant a rescheduling of the school year and a school district, area vocational- technical school or intermediate unit elects not to exercise its Act 80 approval, the number of instructional days required reverts to 180 days or 180 days minus the number of full-day Act 80 approvals used.

Approval will not be granted for Act 80 days where there has been a work stoppage by teachers. In addition, any Act 80 days approved by the department (except those approved as early dismissals), including those that have already occurred, will be rescinded upon initiation of a work stoppage.

### **REFERENCES:**

#### **Purdon's Statutes**

- 24 P.S. §5-503
- 24 P.S. §15-1501
- 24 P.S. §15-1502
- 24 P.S. §15-1503
- 24 P.S. §15-1504

#### **State Board of Education Regulations**

[22 Pa. Code § 11.1](#)

[22 Pa. Code § 11.2](#)

[22 Pa. Code § 11.3](#)

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