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MEMORANDUM

DATE: May 6, 2020
TO: School District Superintendents
FROM: Richard Corcoran
SUBJECT: Instructional Hours

The Florida Department of Education (FDOE) has received many questions about instructional hours in the wake of campus closures due to COVID-19. 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 five days of instructional time as a result of the extended week of spring break for students at the beginning of campus closures due to COVID-19.

In the event that a district seeks to waive any additional time, a request must be submitted to Chancellor Jacob Oliva by May 15, 2020.

Please see the most relevant portion of Section 1011.60(2), Florida Statutes:

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.

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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 districts that are able to make up the lost instructional time caused by campus closures due to COVID-19, with the benefit of the waiver of five instructional days authorized by this memorandum, no authorization or approval from FDOE is needed. This will be the case for many districts as there was generally a smooth transition to remote learning, which remains ongoing.

Thank you for your steadfast service to Florida's students during this unprecedented time. If you need assistance, please contact Chancellor Jacob Oliva.

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