



PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 581

OREGON DEPARTMENT OF EDUCATION

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FILING CAPTION: Executive Order 26-06: Preserving Instructional Time and SB 1596 (2026) Implementation: Play-Based Learning

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RULES:

581-002-0035, 581-022-0102, 581-022-2320, 581-022-2323

AMEND: 581-002-0035

REPEAL: Temporary 581-002-0035 from ODE 13-2026

RULE TITLE: Waivers

NOTICE FILED DATE: 08/25/2026

RULE SUMMARY: This rule has been amended. This update prohibits the State Board of Education from waiving requirements related to instructional time except when there is a national or state declared emergency.

RULE TEXT:

The Director of the Department of Education may grant waivers as follows:

(1)(a) Waiver of a specific standard: To address an immediate concern or need, a school district may petition the Director for a waiver of a specific standard. A petition shall specify the reason(s) the district is seeking the waiver and other relevant information. If it is determined that the request conforms with the intent of the standards, the Director shall recommend the waiver to the State Board. Waivers under this provision may be granted for up to one year.

(b) Waiver of Required Instructional Time: Notwithstanding section (1)(a) of this rule, the State Board of Education may not grant waivers for the instructional time requirement set forth in OAR 581-022-2320, except in the case of a declared national or state disaster or a public health emergency.

(2) Educational Flexibility Partnership Demonstration Act (Ed-Flex) Waiver:

(a) This federal Act allows school districts to request a waiver of statutory or regulatory requirements under the following federal programs or Acts:

(A) Elementary and Secondary Education Act (ESEA) Title I, Helping Disadvantaged Children Meet High Standards;

(B) ESEA Title II, Teacher Quality;

(C) ESEA Title IV, Safe Drug Free Schools;

(D) ESEA Title V, Innovative Education Program Strategies;

(E) ESEA Title VII, Part C – Emergency Immigrant Education;

(F) Carl D. Perkins Vocational and Applied Technology Education Act.

(b) The application must demonstrate that the school district, if the waiver is granted, will still meet the underlying purposes of the federal statutory requirements. The request of an Ed-Flex Waiver must be made on the appropriate application form available from the Department of Education. Waivers under this provision may be granted for periods not to exceed five years.

(3) ADM Report Waivers:

(a) “ADM” means average daily membership as defined in ORS 327.006(3).

(b) If a state of emergency is declared pursuant to ORS 401.165 et. seq., and all public schools are closed by order of the Governor, the Director may waive a report of ADM that is otherwise required under ORS 327.133.

STATUTORY/OTHER AUTHORITY: ORS 326.051, ORS 327.133

STATUTES/OTHER IMPLEMENTED: ORS 326.051, ORS 329.077, ORS 329.555, ORS 327.133, Executive Order 26-06

AMEND: 581-022-0102

RULE TITLE: Definitions

NOTICE FILED DATE: 08/25/2026

RULE SUMMARY: This rule has been amended by the State Board of Education. The rule update creates definitions for "Extraordinary circumstances," "Calendar variance," "Free play," "Guided play," and "Play Based Learning"

RULE TEXT:

The following definitions apply to Oregon Administrative Rules Chapter 581, Division 022, unless otherwise indicated by context:

(1) "Assessment": Systematic gathering of data with the purpose of appraising and evaluating children's social, physical, emotional, and intellectual development. Activities may include testing to obtain and organize information on student performance in specific subject areas.

(2) "Calendar variance": means a variance of no more than a calendar day from the immediately preceding school year because of a leap year, holiday, orientation event held before the beginning of the school year, or similar reason.

(3) "Career and Technical Education": A sequence of organized educational activities that:

(a) Provides individuals with coherent and rigorous content aligned with challenging academic standards and relevant technical knowledge and skills needed to prepare for further education and careers;

(b) Provides technical skill proficiency and may provide an industry-recognized credential, a certificate or an advanced degree; and

(c) Includes applied learning that contributes to an individual's academic and technical knowledge, higher-order reasoning and problem-solving skills, work attitudes and general employability skills.

(4) "Career Development": The exploration of personal interests and abilities with regard to career selection, and the development of tentative career goals.

(5) "Career Education": A process for improving educational programs to enhance student understanding of and preparation for work and continuing career development.

(6) "Career-Related Learning Experiences": Structured student activities in the community, the workplace, or in school that connect academic content and career-related learning to real life applications. These experiences extend, reinforce and support classroom learning. They include, but are not limited to:

(a) Workplace mentoring;

(b) Workplace simulations;

(c) School-based enterprises;

(d) Structured work experiences;

(e) Cooperative work and study programs;

(f) On-the-job training;

(g) Apprenticeship programs;

(h) Service learning; and

(i) Field-based investigations.

(7) "Charter school": A public charter school as defined in ORS 338.005.

(8) "Child development specialist program": An optional elementary component of a district's comprehensive school counseling program for grades K-8 (or any configuration thereof).

(9) "Collection of Evidence": The work of a student collected and evaluated together to measure the student's ability to apply what the student knows and can do in relation to a set of standards or criteria.

(10) "Common Curriculum Goals": The knowledge and skills expected of all students as a result of their educational experience; defined by the state as:

(a) The Essential Learning Skills which means essential skills as defined by this rule; and

(b) The Content Standards as adopted by the State Board of Education.

- (11) "Content Standards": Facts, concepts, principles, rules, procedures and methods of inquiry associated with specific subject matter areas as adopted by the State Board of Education.
- (12) "Common School District": A school district other than a union high school district formed primarily to provide education in all or part of grades K through 12 to pupils residing within the district (ORS 330.005(2)(b)). See section (20) of this rule.
- (13) "Community Partnerships": Collaborations to network resources to assist students to meet state and local standards and prepare students for post high school transitions. These partnerships include parents, students, business, education, government and community-based organizations.
- (14) "Compliance Indicator": Statement of the action taken by a local district which can be accepted as evidence that the district is in compliance with the intent of a particular state standard.
- (15) "Comprehensive school counseling program": A program that is integral to a district's total PreK through 12 educational program that is planned, proactive and preventative in design to address each student's academic, career, social/emotional development and community involvement.
- (16) "Conditionally Standard School": A school that fails to meet the standards but has submitted a plan of correction, approved by the district school board, to the State Superintendent.
- (17) "Course Goals": Statements describing the knowledge and skills students are expected to acquire as a result of having completed a course, elementary unit, or grade level.
- (18) "Diploma": The document issued by school districts and charter schools in accordance with OAR 581-022-1130 or 581-022-1134.
- (19) "District": A common or union high school district (ORS 332.002(2)).
- (20) "District Goals": Statements related to State Board of Education goals (OAR 581-022-1030) which describe the local district and community's expectations for student learning.
- (21) "District School Board": The board of directors of a common school district or a union high school district (ORS 332.002(1)).
- (22) "Education Plan": A formalized plan and process in which a student identifies their academic, personal and career interests which helps the student to connect school activities with their post-high school goals.
- (23) "Education Profile": Documentation of a student's academic achievement and progress toward their graduation requirements, post-high school goals and other personal accomplishments identified in their education plan.
- (24) "Education Record": has the same meaning as in OAR 581-021-0220.
- (25) "Elementary School": Any combination of grades K through 8.
- (26) "Essential Skills": Process skills that cross academic disciplines and are embedded in the content standards. The skills are not content specific and can be applied in a variety of courses, subjects, and settings. The essential skills include: Read and comprehend a variety of text; Write clearly and accurately; Listen actively and speak clearly and coherently; Apply mathematics in a variety of settings; Think critically and analytically; Use technology to learn, live, and work; Demonstrate civic and community engagement; Demonstrate global literacy; and Demonstrate personal management and teamwork skills.
- (27) "Extended Application Standard": The application and extension of knowledge and skills in new and complex situations related to the student's personal and career interests and post-high school goals.
- (28) "Extraordinary circumstance" means an extraordinary condition or incident (such as widespread illness, power outages, water main breaks, exposure to leaking gas or harmful chemicals, or security threats) or an act of nature (such as inclement weather, flooding, or earthquakes).
- (29) "Free play": Activities that:
- (a) Are supervised by an adult;
 - (b) Are child-led based on the child's interests; and
 - (c) Are spontaneous, voluntary, unstructured, and child-directed.
- (30) "Global Studies": An area of study for learning about the people and cultures of the world through history, geography and other social science disciplines.

(31) "Guided Play": Experiences that:

(a) Are under adult guidance; and

(b) Combine the child-directed nature of free play with a focus on learning outcomes.

(32) "High School": Any combination of grades 10 through 12 in districts providing a junior high school containing grade 9; any combination of grades 9 through 12 organized as a separate unit; grades 9 through 12 housed with grades K through 12; grades 7 or 8 through 12, if approved by the Oregon Department of Education.

(33) "Identification Team" referred to as the "Team": A team of at least two district staff who carry out district identification procedures and determine the identification of students under OAR 581-022-1310.

(34)(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.

(35) "Junior High School": A secondary school composed of one or more of grades 7, 8, and 9 organized separately from other grades and approved by the Oregon Department of Education.

(36) "Kindergarten": A planned program that provides activities designed to foster the physical, social, emotional, and cognitive development of young children (ORS 336.092 and 336.095).

(37) "Language Arts": Reading, writing and other communications in any language, including English, as defined in ORS 329.007.

(38) "Middle School": An organizational unit composed of any combination of grades 5, 6, 7, and 8 organized separately from other elementary grades and identified as a middle school with the Oregon Department of Education.

(39) "Next steps": The education and/or career choices students make after leaving high school, which may include the workforce, community colleges, four-year colleges and universities, private career schools, apprenticeships, and the military.

(40) "Nonstandard School": A school which fails to meet the standards, and which within ninety days of the State Superintendent's notification of deficiencies, fails to submit a plan of correction or adhere to a plan of correction approved by the State Superintendent (ORS 327.158).

(41) "Parent": Has the same definition as in Oregon Revised Statute 343.035.

(42) "Planned Course Statement": Course title, course overview, course goals (including essential learning skills, career-related goals and common curriculum goals as set forth in OARs 581-022-2030) and, where appropriate, graduation competence assigned to the course for verification.

(43)(a) "Play-Based Learning": Learning pursuant to instruction that:

(A) Is intentionally aligned to state standards;

(B) Uses guided play or free play strategies; and

(C) Is provided by a licensed educator or a person working under the direction of a licensed educator.

(b) "Play-Based Learning" shall not include recess or participation in physical education that complies with the requirements of OAR 581-022-2263.

- (44) "Potential": As used in OAR 581-022-1310, the demonstrated capacity to perform at or above the 97th percentile as determined by the team.
- (45) "Program": A planned series of interrelated activities or services contributing to the attainment of a goal or set of goals.
- (46) "Program Evaluation": A process for making judgments about the philosophy, goals, methods, materials and outcomes of a program to guide program improvement.
- (47) "Program Goals" (instructional): Statements describing what students are expected to learn in each district instructional program in any combination of grades K through 12.
- (48) "Program Goals" (support): Statements describing program outcomes which support the entire learning system, or one or more of its components, usually stated in terms of services to be performed.
- (49) "Program Needs Identification": Procedures, which specify and rank the differences between actual and desired outcomes leading to the consideration of program revision.
- (50) "Recess": A regular time in the school day for physical activity and play.
- (51) "School District": A common or union high school district (ORS 332.002). For the purposes of OARs 581-022-0403, 581-022-1310, 581-022-1320 and 581-022-1330, school district has the same meaning as in Oregon Revised Statute 343.395.
- (52) "Standard School": A school, which is in compliance with all of the standards.
- (53) "State Standards": State Board division 22 Administrative Rules for public elementary and secondary schools.
- (54) "Student Activity Funds": All money raised or collected by and/or for school-approved student groups, excluding money budgeted in the general fund.
- (55) "Talented and Gifted Students": Those children defined in Oregon Revised Statute 343.395.
- (56) "Union High School District": A school district, other than a common school district, formed in accordance with ORS 335.210 to 335.485 (330.005).
- (57) "World Language": Sign language, heritage language and languages other than a student's primary language, as defined in ORS 329.007.

[Publications: Publications referenced are available from the agency.]

STATUTORY/OTHER AUTHORITY: ORS 326.051

STATUTES/OTHER IMPLEMENTED: ORS 326.011

AMEND: 581-022-2320

REPEAL: Temporary 581-022-2320 from ODE 13-2026

RULE TITLE: Required Instructional Time

NOTICE FILED DATE: 08/25/2026

RULE SUMMARY: This rule has been updated to specify that districts must maintain the level of instructional time that they offered during 2024-25 or 2025-26 level, whichever is higher, in future years or: (a) publicly justify the decision not to, or (b) submit a plan to ODE under which they will restore that time.

RULE TEXT:

(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 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) For kindergarten programs and grades 1-5, a district may include in its calculation of instructional time required by

subsection (1) of this rule hours spent engaged in play-based learning.

(7) 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;
- (e) Up to 30 hours for parent teacher conferences; and
- (f) Up to 16 hours for extraordinary circumstances and calendar variances.

(8) 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.

(9) 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.

(10) 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.

(11)(a) If a district reduces instructional time from the amount of instructional time that the district scheduled students to receive below what was offered in the 2024-2025 or 2025-2026 school year, whichever is higher, the district must:

(A) In a time and manner prescribed by the department, provide public notice and written justification for the reduction as approved by the local school board or governing body; or

(B) Restore the instructional time to the level of instructional time scheduled for the 2024-2025 or 2025-2026 school year, whichever is higher.

(b) A district that restores instructional time as described in paragraph (a)(B) of this subsection must submit, in a time and manner required by the department, a restoration plan to the department under which the district will restore the instructional time no later than the beginning of the second school year following the school year in which the reduction took place. The department may require a district to amend and resubmit a plan described in this paragraph.

(c) A district must maintain the amount of instructional time that the district scheduled students to receive in the 2024-2025 or 2025-2026 school year, whichever is higher, each year after the 2026-2027 school year or the district must either publicly justify the decision as described in paragraph (a)(A) of this subsection or restore the instructional time as described in paragraph (a)(B) of this subsection.

(12) The department shall track and publish annually the instructional time provided by each district during the previous school year.

STATUTORY/OTHER AUTHORITY: ORS 326.011, ORS 326.051, Chapter 27, Oregon Laws 2026

STATUTES/OTHER IMPLEMENTED: ORS 326.051, Chapter 27, Oregon Laws 2026

ADOPT: 581-022-2323

REPEAL: Temporary 581-022-2323 from ODE 13-2026

RULE TITLE: Preserving Student Instructional Time

NOTICE FILED DATE: 08/25/2026

RULE SUMMARY: This rule has been updated to sunset student instructional time standards on June 30, 2028. This rule was temporarily adopted in April 2026 pursuant to Executive Order 26-06. The State Board of Education has now voted to make this rule permanent.

RULE TEXT:

(1) As used in this rule:

(a) "District" means a common or union high school district organized under ORS Chapter 332, a public charter school as defined in ORS 338.005, or any other education entity to which OAR 581-022-2320 applies.

(b) "Student instructional time" means the total hours students are in school, bell-to-bell, including recess, lunch, passing time, and instructional time.

(2) As of April 16, 2026, a district may not further reduce scheduled student instructional time during the 2026-2027 school year.

(3)(a) If a district reduced scheduled student instructional time during the 2025-2026 school year, or if a district reduced planned scheduled student instructional time for the 2026-2027 school year prior to April 16, 2026, the district must restore student instructional time to no less than the planned 2024-2025 school year levels no later than the beginning of the 2027-2028 school year.

(b) A district described in paragraph (a) of this subsection must provide student instructional time at or above the planned 2024-2025 school year levels or 2025-2026 school year levels, whichever is higher, during the 2027-2028 school year.

(4)(a) Each district described in subsection (3)(a) of this rule shall submit to the Oregon Department of Education, in a manner required by the department, a plan under which the district will restore the student instructional time.

(b) The plan described in paragraph (a) of this subsection must be submitted for approval to the department.

(c) The plan described in paragraph (a) of this subsection shall include clear timelines, specific actions, and measures that ensure the full restoration of student instructional time.

(d) The department may require a district to amend and resubmit a plan described in paragraph (a) of this subsection if the plan does not meet the requirements of paragraph (c) of this subsection.

(5) If a district, at the direction of [their] its school board or governing body, does not restore or provide student instructional time as required by subsection (3) of this rule, the district shall publicize the justification for the decision in a time and manner required by the Oregon Department of Education.

(6) Notwithstanding subsections (2) and (3) of this rule, upon approval by the local school board or governing body, a district may include up to 16 hours for extraordinary circumstances and calendar variances when calculating student instructional time.

(7) A district's obligation to restore and provide student instructional time under this rule sunsets on June 30, 2028.

STATUTORY/OTHER AUTHORITY: ORS 326.011, ORS 326.051, Executive Order 26-06

STATUTES/OTHER IMPLEMENTED: ORS 326.051, Executive Order 26-06