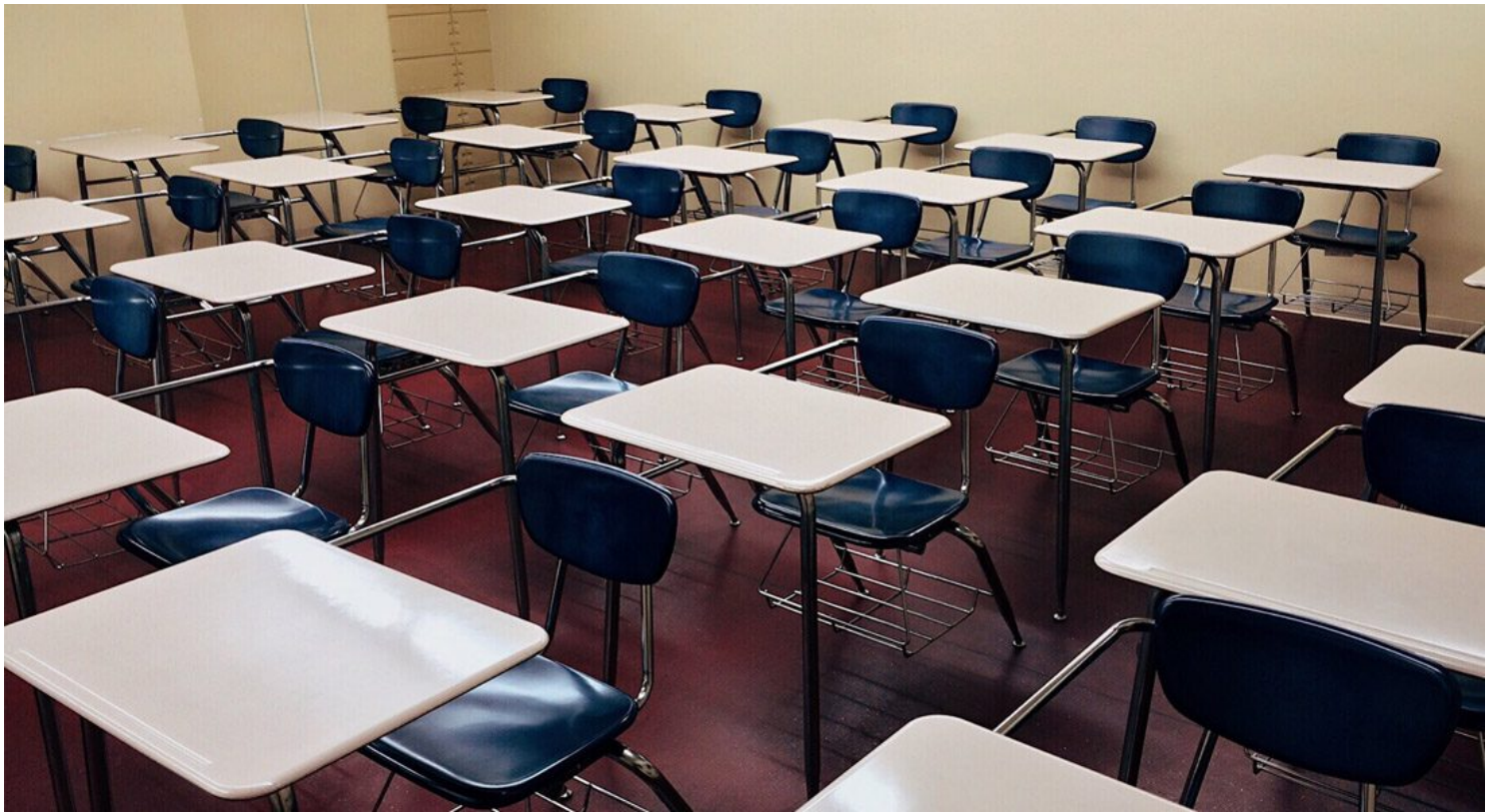


NEWS & INSIGHTS

New instructional requirements for Pa. school districts

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Pennsylvania school districts have a lot to consider after a recent state law change that will make instructional time more flexible, but will in turn create a number of issues each district will have to mull.

[Act 56](#) changes the required number of instructional days and hours of instruction to be provided by a school entity. [Previous law](#) required school entities to provide 180 instructional days **and** 900 instructional hours for elementary students and 990 instructional hours for secondary students in each school year.

Act 56 changes the requirement of the school entity to provide both the number of instructional days and the

number of instructional hours (the law takes effect immediately). The Act states that school entities are now allowed to provide within the school year a minimum of 180 days of instruction **or** 900 hundred hours of instruction at the elementary level or 990 hours of instruction at the secondary level. This change of going from **and** to **or** allows school entities to look at options for school years as it relates to length of school days, virtual learning and offering different programs for students.

An initial concern related to this new law is there is no guidance to school entities as to how they move to the new law. There will need to be board action to change the school calendar and district policy on the school year will need to be changed. However, there is no indication that the school entity needs to notify or get approval of these changes.

There are still some steps a school entity will need to take prior to venturing into these changes prior to making changes to their school calendar for 2023-24 and beyond.

What to Consider

Most schools have professional employee contracts that identify or guarantee 180 student instructional days and support contracts that more than likely outline the work year for classroom aides and cafeteria workers to work 180 or more days a year based on the instructional year. Any change to the instructional year to an hourly calculation as allowed under the new law could violate these terms and put the district in a position where they will be paying the same for employees instead of less.

Other agreements that will need to be examined are the contracted services provided to school districts through the intermediate units, contracted services for education and transportation or food services. Changes will need to be made to these agreements to reflect the new school year as agreed to by the board as these agreements reflect a guaranteed or expected number of days of service. If the school entity changes the instructional days unilaterally and reduces the number of days these contractors are able to provide services, then the unilateral action could be considered a breach of those agreements.

Another issue the school entity will need to consider are agreements where they provide career and technical education, vocational and dual enrollment instruction. Those schools or the offerings that are provided also require a certain number of instructional days. These agreements will need to be considered as they relate to transportation, access to computers and internet. Access to school buildings as required for the student to take those classes also must be considered. If the school entity is not open due to a change in the instructional year, how do students handle such access if the buildings are closed?

School entities also will need to consider special education offerings and IEPs. Depending on how IEPs are drafted, there are times the guaranteed number of instructional days and services being provided are outlined in those documents. These may need to be adjusted or an entity may need to provide the education and have teachers and support staff attend school during those days to provide the services while the school is closed.

Flexibility is great, but ...

Even though the new law may allow for some flexibility in how school entities offer education over a school year, there are a number of issues that will need to be evaluated and addressed or modified prior to the change in a school calendar.

If your district or school entity is considering making the switch on how it offers instructional time over a school year, please [contact Ben Pratt](#) or any of the attorneys in the [Saxton & Stump Education Group](#).

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