

**As Passed by the Senate**

**126th General Assembly  
Regular Session  
2005-2006**

**S. B. No. 71**

**Senators Wilson, Brady, Schuring, Clancy, Fingerhut, Zurz, Roberts, Carey,  
Fedor, Padgett, Miller, Niehaus**

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**A B I L L**

To permit certain school districts and nonpublic  
schools located in areas flooded during the  
2004-2005 school year to count time that schools  
are in session beyond the required minimum number  
of hours in order to make up "calamity days"  
missed in excess of the number of days permitted  
by law and the number of days specified in their  
contingency plans, and to declare an emergency.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** (A) This section applies only to a city, exempted  
village, local, or joint vocational school district or nonpublic  
school that was closed due to flooding at any time during the  
2004-2005 school year, for which flooding the Governor declared an  
emergency in the county in which the district or nonpublic school  
is located or the Governor or President of the United States  
declared that county a disaster area.

(B) A school district or nonpublic school to which this  
section applies shall not be considered to have failed to comply  
with division (B) of section 3317.01 of the Revised Code or the  
state minimum standards during the 2004-2005 school year because a  
school was closed due to any public calamity, as provided in

section 3317.01 of the Revised Code, for a number of days  
exceeding the number permitted under sections 3313.48, 3313.481,  
and 3317.01 of the Revised Code, if both of the following apply:

(1) In the case of a school district, the district makes up  
the number of days specified in its contingency plan adopted under  
division (A) of section 3313.482 of the Revised Code in accordance  
with that plan or, in the case of a nonpublic school, the school  
makes up the number of days specified in any contingency plan  
adopted by the school's governing authority in accordance with  
that plan;

(2) During the period beginning on February 1, 2005, the  
school was open for instruction for more hours than the required  
number of hours on a sufficient number of days to make up all  
remaining days a school was closed in excess of the number  
permitted by sections 3313.48, 3313.481, and 3317.01 of the  
Revised Code due to any public calamity.

As used in this section, the "required number of hours" for  
any school district is five hours per day in the case of students  
in grades one through six and five and one-half hours per day in  
the case of students in grades seven through twelve, and for any  
nonpublic school is five hours per day for students in grades one  
through twelve. A public school or school district shall be deemed  
to have "made up" a day under division (B)(2) of this section for  
each additional five hours its students in grades one through six  
are in attendance on and after February 1, 2005, and for each  
additional five and one-half hours its students in grades seven  
through twelve are in attendance on and after February 1, 2005. A  
nonpublic school shall be deemed to have "made up" a day under  
division (B) of this section for each additional five hours its  
students in grades one through twelve are in attendance on and  
after February 1, 2005.

<b>Section 2.</b> This act is hereby declared to be an emergency	52
measure necessary for the immediate preservation of the public	53
peace, health, and safety. The reason for such necessity lies in	54
the fact that immediate action is needed to provide school	55
districts and nonpublic schools an alternative way to make up days	56
missed in the current school year due to a public calamity in	57
excess of the number permitted by law in order to account for an	58
unusually high number of days missed in the school year due to	59
flooding. Therefore, this act shall go into immediate effect.	60