

**As Reported by the Senate Education Committee**

**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 1  
schools located in areas flooded during the 2  
2004-2005 school year to count time that schools 3  
are in session beyond the required minimum number 4  
of hours in order to make up "calamity days" 5  
missed in excess of the number of days permitted 6  
by law and the number of days specified in their 7  
contingency plans, and to declare an emergency. 8

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

**Section 1.** (A) This section applies only to a city, exempted 9  
village, local, or joint vocational school district or nonpublic 10  
school that was closed due to flooding at any time during the 11  
2004-2005 school year, for which flooding the Governor declared an 12  
emergency in the county in which the district or nonpublic school 13  
is located or the Governor or President of the United States 14  
declared that county a disaster area. 15

(B) A school district or nonpublic school to which this 16  
section applies shall not be considered to have failed to comply 17  
with division (B) of section 3317.01 of the Revised Code or the 18  
state minimum standards during the 2004-2005 school year because a 19  
school was closed due to any public calamity, as provided in 20

section 3317.01 of the Revised Code, for a number of days 21  
exceeding the number permitted under sections 3313.48, 3313.481, 22  
and 3317.01 of the Revised Code, if both of the following apply: 23

(1) In the case of a school district, the district makes up 24  
the number of days specified in its contingency plan adopted under 25  
division (A) of section 3313.482 of the Revised Code in accordance 26  
with that plan or, in the case of a nonpublic school, the school 27  
makes up the number of days specified in any contingency plan 28  
adopted by the school's governing authority in accordance with 29  
that plan; 30

(2) During the period beginning on February 1, 2005, the 31  
school was open for instruction for more hours than the required 32  
number of hours on a sufficient number of days to make up all 33  
remaining days a school was closed in excess of the number 34  
permitted by sections 3313.48, 3313.481, and 3317.01 of the 35  
Revised Code due to any public calamity. 36

As used in this section, the "required number of hours" for 37  
any school district is five hours per day in the case of students 38  
in grades one through six and five and one-half hours per day in 39  
the case of students in grades seven through twelve, and for any 40  
nonpublic school is five hours per day for students in grades one 41  
through twelve. A public school or school district shall be deemed 42  
to have "made up" a day under division (B)(2) of this section for 43  
each additional five hours its students in grades one through six 44  
are in attendance on and after February 1, 2005, and for each 45  
additional five and one-half hours its students in grades seven 46  
through twelve are in attendance on and after February 1, 2005. A 47  
nonpublic school shall be deemed to have "made up" a day under 48  
division (B) of this section for each additional five hours its 49  
students in grades one through twelve are in attendance on and 50  
after February 1, 2005. 51

**Section 2.** 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