

AN ACT

To amend Section 733.10 of Am. Sub. H.B. 59 of the 130th General Assembly to provide additional calamity day relief for schools and to declare an emergency.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That Section 733.10 of Am. Sub. H.B. 59 of the 130th General Assembly be amended to read as follows:

Sec. 733.10. ~~Notwithstanding~~ (A) Except as provided in division (B) of this section, notwithstanding section 3317.01 of the Revised Code, as amended by this act Am. Sub. H.B. 59 of the 130th General Assembly, to determine whether a school district or STEM school established under Chapter 3326. of the Revised Code satisfied the minimum school year in the 2013-2014 school year in order to qualify for state funding under Chapter 3317. or 3326. of the Revised Code for fiscal year 2015, the Department of Education shall apply the criteria prescribed in the version of division (B) of section 3317.01 of the Revised Code in effect prior to July 1, 2014.

(B) No school district or STEM school shall be denied payments under Chapter 3317. or 3326. of the Revised Code for fiscal year 2015, nor shall a chartered nonpublic school be determined not in compliance with the state minimum school year, solely because any school operated by the district, STEM school, or chartered nonpublic school was open for instruction during the 2013-2014 school year for not more than four days fewer than the number of days required by the versions of sections 3313.48, 3313.481, and 3317.01 of the Revised Code in effect prior to July 1, 2014, as long as all of the following conditions are satisfied:

(1) The reason the school was not open for the required number of days was due to any of the reasons set forth in division (B) of that version of section 3317.01 of the Revised Code.

(2) The district, STEM school, or chartered nonpublic school has made up at least four days or has invoked plans to make up at least four days as specified in its contingency plan adopted for the 2013-2014 school year under former section 3313.482 of the Revised Code or through other adjustments to the calendar, as approved by the district board or school

governing board.

(3) The district board of education, STEM school governing body, or chartered nonpublic school governing authority has affirmed its intention to request the waiver of additional excused days, as authorized by division (B) of this section, in a resolution adopted in a regular or special meeting of the board, governing body, or governing authority.

SECTION 2. That existing Section 733.10 of Am. Sub. H.B. 59 of the 130th General Assembly is hereby repealed.

SECTION 3. Notwithstanding anything to the contrary in the contingency plan it adopted for the 2013-2014 school year under division (A) of former section 3313.482 of the Revised Code or division (B) of the version of section 3317.01 of the Revised Code in effect prior to July 1, 2014, if during the 2013-2014 school year a school district, STEM school, or chartered nonpublic school closes or evacuates any school building for any of the reasons set forth in division (B) of the version of section 3317.01 of the Revised Code in effect prior to July 1, 2014, or as a result of a bomb threat or any other report of an alleged or impending explosion, and if, as a result of the closing or evacuation, the school district, STEM school, or chartered nonpublic school is unable to meet, for the 2013-2014 school year, the requirements of the versions of sections 3313.48, 3313.481, and 3317.01 of the Revised Code in effect prior to July 1, 2014, regarding the number of days schools must be open for instruction or the requirements of the state minimum standards for the school day that are established by the Department of Education regarding the number of hours there must be in the school day, the school district, STEM school, or chartered nonpublic school may increase the length of one or more other school days during the 2013-2014 school year for the school that was closed or evacuated, in increments of one-half hour, to make up the number of hours or days that the school building in question was so closed or evacuated for the purpose of satisfying the requirements of those sections.

Any instruction time added in increments of one-half hour to school days occurring on or after January 1, 2014, by a school district, STEM school, or chartered nonpublic school may count toward compliance with division (B)(2) of Section 733.10 of Am. Sub. H.B. 59 of the 130th General Assembly, as amended by this act, and the requirements of the versions of sections 3313.48, 3313.481, and 3317.01 of the Revised Code in effect prior to July 1, 2014.

A school district, STEM school, or chartered nonpublic school that makes up, as described in this section, all of the hours or days that its school buildings were closed or evacuated for any of the reasons identified in this section shall be deemed to have complied with the requirements of the versions of sections 3313.48, 3313.481, and 3317.01 of the Revised Code in effect prior to July 1, 2014, regarding the number of days schools must be open for instruction and the requirements of the state minimum standards regarding the number of hours there must be in the school day for the 2013-2014 school year.

SECTION 4. (A) Any school district, STEM school established under Chapter 3326. of the Revised Code, or chartered nonpublic school may include in its contingency plan for making up days or hours a school was not open for instruction, for any of the reasons set forth in division (B) of the version of section 3317.01 of the Revised Code in effect prior to July 1, 2014, online lessons or paper lesson blizzard bags under section 3313.88 of the Revised Code.

(B) Notwithstanding anything to the contrary in section 3313.88 of the Revised Code, the Department of Education shall accept and consider applications for online lessons and paper lesson blizzard bags under that section for the 2013-2014 school year at any time after August 1, 2013.

SECTION 5. (A) Notwithstanding anything to the contrary in division (B) of the version of section 3317.01 of the Revised Code in effect until July 1, 2014, in section 3321.01 or 3321.04 of the Revised Code, or in any rule of the State Board of Education, for the 2013-2014 school year only, a school district board of education may excuse graduating twelfth-grade students from attendance in school for any days or hours the students' schools are open for instruction after the district's scheduled graduation ceremony, as a result of adding days or hours to the school calendar to make up days or hours the schools were closed that school year for any of the reasons prescribed in division (B) of the version of section 3317.01 of the Revised Code in effect until July 1, 2014, in order to meet the required number of days of instruction prescribed by the versions of sections 3313.48, 3313.481, and 3317.01 of the Revised Code in effect prior to July 1, 2014. For the purposes of this section, a scheduled graduation ceremony shall include any ceremony designated as a culminating event for twelfth-grade students by the board of education of a joint vocational school district.

A school district that excuses graduating twelfth-grade students in

accordance with this section shall not be considered to have failed to comply with the versions of sections 3313.48, 3313.481, and 3317.01 of the Revised Code in effect prior to July 1, 2014.

(B) For the 2013-2014 school year, a school district may excuse students in the twelfth grade from attendance in school for any school day prior to the district's scheduled graduation ceremony, only in accordance with division (B) of the version of section 3317.01 of the Revised Code in effect prior to July 1, 2014, or the rules on excuses from school attendance adopted by the State Board of Education, or if the students' schools are closed to all students for days or during hours they are scheduled to be open for instruction.

SECTION 6. Since the Superintendent of Public Instruction has extended the period for administering state achievement assessments for grades three through eight for the 2013-2014 school year, notwithstanding anything to the contrary in division (G)(2) of section 3301.0711 of the Revised Code, for the 2013-2014 school year only, the Superintendent of Public Instruction shall take steps to ensure that the scores for the state assessments prescribed in division (A)(1) of section 3301.0710 of the Revised Code are returned to each school district or school as follows:

(A) For the assessments administered to students in the third grade, not later than June 16, 2014;

(B) For the assessments administered to students in the fourth, fifth, sixth, seventh, or eighth grade, not later than June 30, 2014.

SECTION 7. A school district, STEM school, or chartered nonpublic school that filed a contingency plan on or prior to September 1, 2013, in accordance with division (A) of former section 3313.482 of the Revised Code, may update that contingency plan at any time during the 2013-2014 school year.

SECTION 8. For a school operated by a county board of developmental disabilities, for the 2013-2014 school year, the Superintendent of Public Instruction may waive compliance with the requirements of the version of section 3313.48 of the Revised Code in effect prior to July 1, 2014, regarding the number of days schools must be open for instruction.

SECTION 9. This act is hereby declared to be an emergency measure

necessary for the immediate preservation of the public peace, health, and safety. The reason for the necessity is that immediate action is necessary to address in a timely manner issues related to the waiver and make up of excess calamity days in the 2013-2014 school year. Therefore, this act shall go into immediate effect.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

Am. Sub. H. B. No. 416

130th G.A.

This act is not of a general and permanent nature and does not require a code section number.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
___ day of _____, A. D. 20___.

Secretary of State.

File No. _____ Effective Date _____