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Bill Analysis
Legislative Service Commission

S.B. 322
127th General Assembly
(As Introduced)

Sen. Wilson

BILL SUMMARY

- Waives the requirement for a school district to make up days or hours its schools were closed due to flooding during the 2007-2008 school year if the district (1) was unable to make up the days as anticipated in its contingency plan because of continued flooding and (2) increased the length of remaining school days to make up days or hours schools were closed for reasons other than flooding in excess of the five "calamity days" permitted by law.
- Declares an emergency.

CONTENT AND OPERATION

The bill waives the requirement for certain school districts to make up days or hours its schools were closed due to flooding during the 2007-2008 school year. This waiver applies only to a district that (1) was unable to make up the days specified in its contingency plan for schools closed due to flooding because of continued flooding and (2) increased the length of other school days in half-hour increments to make up any days or hours schools were closed for public calamities other than flooding in excess of the five days allowed by law (see below). In other words, the district does not need to make up the days or hours schools were closed because of flooding, but if schools were closed for more than five days for other public calamities, such as snow or a health epidemic, the district must make up those excess days by adding time to remaining days in the school calendar. Each district that qualifies for the waiver is considered to have complied with the minimum school year requirements for the 2007-2008 school year and is eligible for state funding in fiscal year 2009. (Section 1.)

Background on minimum school year

Continuing law requires a minimum school year of 182 days for school districts. Toward this minimum, a school may count up to four days when classes are dismissed a half-day early for individual parent-teacher conferences or reporting periods, up to two days for teacher professional meetings, and up to five days for a public calamity, which includes: (1) disease epidemic, (2) hazardous weather conditions, (3) inoperability of school buses or other necessary equipment, (4) damage to a school building, or (5) other temporary circumstances because of a utility failure that renders a building unfit for use. (R.C. 3313.48 and 3317.01(B) (neither section in the bill).) A school might also, with the approval of the Department of Education, be operated on an alternative schedule with a minimum of 910 hours of classroom instruction in a school year (R.C. 3313.481, not in the bill). Taking into account these permitted closings, a school must be open for instruction at least 173 days each year.¹

Each school district must adopt a contingency plan for making up at least five full days in case it is necessary to close schools for more than the five excused calamity days (R.C. 3313.482(A), not in the bill).² In addition, continuing law provides a procedure to make up days missed in excess of the total of the five excused calamity days and the days set aside in a district's contingency plan. Under that provision, if a school is closed for more days than the five excused days plus those make-up days prescribed in the contingency plan, the district may add half-hour increments to the remaining days in the school year to make up those excess days (R.C. 3313.482(C), not in the bill).³ For example, if a district's contingency plan provides for making up 5 days and the district closes for 12 days because of snow, the district could make up 2 of those days by adding time to other school days ($12 - (\text{the 5 excused calamity days} + \text{the 5 days in the contingency plan}) = 2$). A district may start increasing the length of school days prior to actually making up any of the days covered by its contingency plan. Nevertheless, it still must fully implement the contingency plan.

¹ Nonpublic schools, both chartered and nonchartered, are required to comply with these provisions by rules of the State Board of Education. See rules 3301-35-08 and 3301-35-12 of the Administrative Code. Community ("charter") schools are not subject to the 182-day requirement, but instead must offer learning opportunities to each student for at least 920 hours per year (see R.C. 3314.03(A)(11)(a), not in the bill).

² A school day that is reduced by two hours or less due to hazardous weather does not count as a missed calamity day (R.C. 3317.01(B), not in the bill).

³ This provision became effective March 24, 2008.

The minimum school day for school districts is five hours, excluding a lunch period, in grades 1 to 6 (including two 15-minute recesses) and five and one-half hours, excluding a lunch period, in grades 7 to 12 (R.C. 3313.48, not in the bill).⁴ Presumably, then, every five hours a school district aggregates by adding time to other school days makes up one day for grades 1 to 6, and every five and one-half hours it aggregates makes up one day for grades 7 to 12.

HISTORY

ACTION	DATE
Introduced	04-22-08

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⁴ Also see O.A.C. 3301-35-06.