



# Ohio Legislative Service Commission

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## Bill Analysis

John Rau

### **H.B. 407**

128th General Assembly  
(As Introduced)

**Reps.** Zehringer and Okey, Hite, Dyer, Grossman, Hall, Blair, Huffman, Combs, Morgan, Derickson, Yuko

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## **BILL SUMMARY**

- Permits school districts and STEM schools to make up five excess calamity days by requiring their students to complete lessons posted online, instead of adding days or hours to the school calendar.
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## **CONTENT AND OPERATION**

### **Make up of excess calamity days through online lessons**

(R.C. 3313.88 and 3326.11)

The bill permits school districts and STEM schools<sup>1</sup> to use online lessons to make up some calamity days their schools are closed. To make up days in this fashion, a district board or STEM school governing body must submit a plan to the Department of Education by August 1 each year. The plan may specify up to five days that may be made up using lessons posted to the district's or STEM school's web portal or web site. The plan must include the written consent of the union that represents the district's or STEM school's teachers.

A plan must require that each classroom teacher, by September 1, will develop a sufficient number of lessons for each course taught by the teacher that school year to cover the number of make-up days specified in the plan. The teacher must designate the order in which the lessons are to be posted in the event of a school closure. As soon as practicable after a school closure, the designated lessons for each course that was

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<sup>1</sup> A STEM school is a public science, technology, engineering, and math school established through a public-private collaborative that includes at least one school district.

scheduled to meet on the day of the closure must be available to students on the district's web portal or web site. If a student does not have access to a computer at the student's residence, the student must be permitted to work on the posted lessons at school after school reopens.

Each student must have two weeks to complete a lesson. The two-week period generally runs from the time the particular lesson is posted. But, in the case of a student who does not have computer access at home and who, therefore, is using the school's computers after the school reopens, the two-week period runs from the time the school reopens, if the lessons were actually posted prior to the school's reopening. Lessons must be graded in the same manner as other lessons. The bill specifies that a student "may" receive an incomplete or failing grade if the lesson is not completed on time.

### **Department permission**

The bill states that the Department must permit a district or STEM school to implement its plan for the applicable school year, as long as the plan meets the bill's specifications described above. That is, the bill does not appear to grant the Department much discretion in deciding whether to permit make up of calamity days using online lessons.

### **Background on school year and making up calamity days**

Each district-operated school, each STEM school, and each nonpublic school must be open for instruction at least 182 days each school year, unless it obtains approval from the Department of Education to operate on an alternative schedule. A district or school may count toward those 182 days up to four days when classes are dismissed a half-day early for individual parent-teacher conferences or reporting periods and two days for teacher professional meetings.<sup>2</sup> In addition, a school may be closed for up to five "calamity" days in most years, but only three calamity days in the 2010-2011 school year. A calamity day is a day school is closed because of "disease epidemic, hazardous weather conditions, inoperability of school buses or other equipment necessary to the school's operation, damage to a school building, or other temporary circumstances due to utility failure rendering the school building unfit for school use." Calamity days missed in excess of those excused days have to be made up. However, a school day that is shortened by up to two hours because of hazardous

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<sup>2</sup> R.C. 3313.48, not in the bill. As an alternative to operating on a traditional 182-day calendar, a school may operate on a different schedule in order to (1) provide a flexible school day for parent-teacher conferences and reporting days that require more than the four half-days otherwise permitted, (2) operate on a calendar of quarters, trimesters, or pentamesters, or (3) establish a staggered attendance schedule (i.e., "split sessions"). This alternative schedule must require at least 910 hours of instruction in a full school year. (R.C. 3313.481, not in the bill.)

weather conditions (either a delayed start or an early dismissal) still counts as a full school day in satisfying the minimum requirement and does not have to be made up. A school district is not eligible for state operating funding if it failed to comply with the minimum school year during the previous fiscal year.<sup>3</sup>

School districts (and probably most chartered nonpublic schools) must adopt contingency plans for making up excess calamity days. The contingency plan must provide for making up at least five full school days.<sup>4</sup> A district or school must implement its contingency plan in making up days once it has exceeded the excused number of days. But if a school is closed for more days than the sum of the number of excused days plus those make-up days prescribed in the contingency plan, the district or school may add half-hour increments to the remaining days in the school year to make up those excess days.<sup>5</sup>

The bill provides still another mechanism for districts and STEM schools to make up excess calamity days, through online lessons, without implementing their contingency plans or without adding days or hours to their calendars.

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## COMMENT

The bill's provisions for make up of calamity days through online lessons do not apply to community schools.<sup>6</sup> Those schools are not subject to the same minimum school year as other public schools. Nor does it appear that current law provides community schools with any excused calamity days. Current law instead requires that each community school must provide each student enrolled for a full school year at least 920 hours of learning opportunities. But each community school student's full-time equivalency, for purposes of calculating per pupil state funding for the school, is based on the number of hours actually offered by that school to a student who attends for the school's entire school year.<sup>7</sup> In other words, for a school to be paid the full per

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<sup>3</sup> R.C. 3306.01(A)(2) and 3317.01(B), neither section in the bill.

<sup>4</sup> R.C. 3313.482(A), not in the bill. The requirement for a contingency plan appears to be applied to chartered nonpublic schools, but not nonchartered nonpublic schools, by rule of the State Board of Education (Ohio Administrative Code (O.A.C.) 3301-35-06(B), applied by reference to chartered nonpublic schools in O.A.C. 3301-35-12(A) and (B)).

<sup>5</sup> R.C. 3313.482(C). However, if a school is closed or evacuated due to a bomb threat, it may go right to making up days or hours missed by increasing the length of other school days in one-half hour increments, rather than by first implementing the contingency plan (R.C. 3313.482(B)).

<sup>6</sup> A community school is a public charter school operated independent of a school district under a contract with a sponsoring entity.

<sup>7</sup> R.C. 3314.08(L), not in the bill.

pupil amount for each student, the student must participate in each scheduled hour of learning opportunities. This does not appear to permit a community school to be excused from making up days the school is closed due to a public calamity even though its scheduled hours of operation may exceed the statutory minimum of 920 hours.

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## **HISTORY**

ACTION	DATE
Introduced	01-12-10

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