



Ohio Legislative Service Commission

Bill Analysis

Hannah K. Wann

Am. H.B. 416

130th General Assembly
(As Passed by the House)

Reps. Burkley and Hill, Blessing, Brenner, Brown, Derickson, Dovilla, Hall, Hood, Landis, Kunze, Retherford, Roegner, Rosenberger, Stautberg, Thompson, Milkovich, Smith, Bishoff, Boyd, Patmon, Scherer, Sheehy, Stebelton, Batchelder

BILL SUMMARY

- Permits the Department of Education to pay state operating funds to school districts and STEM schools that exceed, by up to two days, the number of permitted calamity days during the 2013-2014 school year.
 - Requires the Department to consider a chartered nonpublic school in compliance with the minimum school year requirements, if the school is closed during the 2013-2014 school year for up to two additional calamity days.
 - Permits school districts, STEM schools, and chartered nonpublic schools to make up two unexcused calamity days for the 2013-2014 school year by holding additional in-service training programs for teachers and nonteaching employees.
 - For the 2013-2014 school year, authorizes schools to make up unexcused calamity days by lengthening one or more other school days in half-hour increments.
 - Extends the deadlines for return of the elementary achievement assessment scores for the 2013-2014 school year to June 16 for third-grade assessments and June 27 for all other assessments.
 - Declares an emergency.
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CONTENT AND OPERATION

Additional calamity days for school districts and STEM schools

The bill permits the Department of Education to pay state operating funds to school districts and STEM schools that exceed, by up to two days, the number of

permitted "calamity" days in fiscal year 2014. A calamity day is a day a school is scheduled to be open for instruction but due to a "public calamity" the school is closed. Permitted public calamities are disease epidemic, hazardous weather conditions, law enforcement emergencies, 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.¹ The bill, in effect, adds two excused calamity days to the five already authorized for the 2013-2014 school year, so that a school district or STEM school may take a total of not more than seven excused calamity days.²

Generally, under law in effect until July 1, 2014, unless a school is scheduled to be open for instruction more days than the minimum number required by law, if it has used more calamity days than the five permitted, the school will have to make up those days. Under that law, a school must be open for instruction 182 days, but it may count toward meeting that requirement the excused calamity days and a prescribed number of days for teacher professional development, parent-teacher conferences, and recordkeeping. Taking into account the permitted closings, for the current school year under current law, a school must be open for instruction at least 173 days.³ (See "**Background**" below.) Under the bill, the minimum number is 171 days.

Beginning on July 1, 2014, law enacted in H.B. 59 of the 130th General Assembly changes the minimum school year from one based on days to one based on hours. Under those provisions, a school district, STEM school, or chartered nonpublic school need not make up any days the district or school is closed due to a public calamity as long as the total number of hours it is open for instruction satisfies the prescribed minimum number of hours. As a result, beginning with the 2014-2015 school year, the law eliminates excused calamity days and eliminates another provision that permits a school to count up to two hours a day if a school opens late or closes early because of hazardous weather conditions. For the current school year, however, a school district must meet the minimum number of instruction days in order to qualify for state operating funds for the next fiscal year.⁴ A STEM school also must meet the minimum number of days to qualify for state funding during the current school year.⁵ The bill

¹ The version of R.C. 3317.01(B) in effect until July 1, 2014, not in the bill.

² Section 733.10 of Am. Sub. H.B. 59 of the 130th General Assembly, amended in Sections 1 and 2 of the bill.

³ The versions of R.C. 3313.48 and 3317.01(B) in effect until July 1, 2014, neither in the bill.

⁴ The version of R.C. 3317.01(B) in effect until July 1, 2014.

⁵ See generally R.C. Chapter 3326., not in the bill.



outright grants two additional calamity days to aid districts and STEM schools in meeting that requirement.

Additional calamity days for chartered nonpublic schools

The bill also grants additional calamity days to chartered nonpublic schools. Under the bill, the Department of Education must consider a chartered nonpublic school to be in compliance with the minimum school year requirements even if the school is closed for up to two additional calamity days. Under a rule of the State Board of Education, chartered nonpublic schools are subject to the same minimum school year requirement and are required to be open for instruction for the same number of days as a school operated by a school district or STEM school.⁶ (See "**Background**" below.) Under the bill, as in the case of a school district or STEM school, the minimum number of days for a chartered nonpublic school is 171 days.

Make up of calamity days through additional in-service training days

For the 2013-2014 school year only, the bill allows a school district, STEM school, or chartered nonpublic school to make up not more than two days a school was closed due to a public calamity by holding additional in-service training programs for teachers and nonteaching employees during days the school is otherwise not scheduled to be open. These extra in-service days will be considered make-up days and count toward compliance with the minimum school year requirement. Under current law, districts and schools already may count two days for teacher professional meetings toward meeting that requirement.⁷

Make up of calamity days in half-hour increments

In addition to requiring the waiver of extra calamity days, the bill temporarily allows a school district, STEM school, or chartered nonpublic school to increase the length of one or more other school days in increments of one-half hour to make up the number of hours or days that the school was closed due to a calamity.⁸ Law in existence prior to September 29, 2013, permanently allowed schools to make up time in this manner.⁹ The bill restores that option for the remainder of the 2013-2014 school year. Otherwise, if a school district or school must make up days in order to comply with the

⁶ Ohio Administrative Code (O.A.C.) 3301-35-12.

⁷ Section 6.

⁸ Section 4.

⁹ R.C. 3313.482 as it existed prior to September 29, 2013, not in the bill. That section was repealed effective on that date by Am. Sub. H.B. 59 of the 130th General Assembly.



minimum school year, after applying the waived days, generally it would have to do so by adding whole days to its schedule. (Continuing law also allows a district or school to make up no more than three whole days through the use of online lessons or paper "blizzard bag" lessons (see "**Background**" below).)

Calamity day provisions for community schools maintained

The bill recognizes and maintains continuing law that requires the Department of Education to waive the number of hours or days of learning opportunities not offered to a student by a community school due to a public calamity so long as the school provides the required minimum of 920 hours of learning opportunities to students during the school year.¹⁰

Extension for return of achievement assessment scores

For the 2013-2014 school year only, the bill extends the deadline by which the Department of Education, or a contractor of the Department, must return the student scores for the state elementary achievement assessments to school districts and schools, as follows:

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

(2) For assessments administered to students in the fourth, fifth, sixth, seventh, or eighth grades, not later than June 27, 2014.

Under current law, the Department or its contractor must report student assessment scores to districts and schools not later than June 15 of each school year.¹¹ Also under current law, the Superintendent of Public Instruction must designate the dates and times for administration of the achievement assessments.¹² Because of the numerous additional days schools have been closed due to hazardous weather conditions during the current school year, the state Superintendent recently expanded the "testing window" for the spring elementary achievement assessments by one week, setting the administration dates for April 21 through May 16, 2014.¹³

¹⁰ Section 3 of the bill. See R.C. 3314.08(H)(4), not in the bill.

¹¹ R.C. 3301.0711(G)(2), not in the bill.

¹² R.C. 3301.0710(C), not in the bill.

¹³ <http://education.ohio.gov/Media/Media-Releases/Superintendent-Ross-Expands-Ohio-Achievement-Asses#.UwZFfIVpm70>, last visited 02/20/14.

The state achievement assessments must be administered annually to students enrolled in public schools and to students in nonpublic schools enrolled with a state scholarship in grades three through eight in English language arts and math. Students in grades five and eight must take an assessment in science, and students in grades four and six must take an assessment in social studies.

Neither the bill nor the state Superintendent's directive applies to the administration of the Ohio Graduation Tests (OGT) for high school students, which will be administered in March 2014.

Background

Law in effect until July 1, 2014, prescribes a minimum school year based on days for school districts, public STEM schools, and nonpublic schools. While school districts and STEM schools are, by statute, explicitly subject to the minimum school year requirement, nonpublic schools are not explicitly subject to it. Rather, the State Board has, by rule, made adherence to minimum school year and school day requirements applicable to both chartered and nonchartered nonpublic schools.¹⁴ The new minimum school year based on hours rather than days, in effect beginning with the 2014-2015 school year, expressly applies to chartered nonpublic schools, as well as school districts and STEM schools.¹⁵ For a discussion of the new minimum school year based on hours in effect on July 1, 2014 (not affected by the bill), see pp. 221-227 of the LSC Final Analysis for H.B. 59 of the 130th General Assembly.¹⁶

Until July 1, 2014, unless a public or nonpublic school obtains approval to operate on an alternative schedule, as discussed below, a school must be open for instruction with students in attendance at least 182 school days in a school year. In complying with the 182-day requirement, a school also may count up to four days when classes are dismissed a half-day early for individual parent-teacher conferences or reporting periods, two days for teacher professional meetings, and up to five days for a public calamity, such as inclement weather. Taking into account these permitted closings for parent-teacher conferences, reporting, professional development, and calamity days, a school must be open for instruction at least 173 days each year.¹⁷

¹⁴ See R.C. 3314.03(A)(11)(a), 3313.48, 3313.62, and 3326.11, none in the bill; O.A.C. 3301-35-08 and 3301-35-12.

¹⁵ The version of R.C. 3313.48 in effect on July 1, 2014.

¹⁶ At the Generally Assembly's website (<http://www.legislature.state.oh.us/>), under "Current Legislation," search H.B. 59, click on "Bill Analyses" and then on "Final Analysis."

¹⁷ The versions of R.C. 3313.48 and 3317.01(B) in effect until July 1, 2014.



Alternative schedules

As an alternative to operating on a traditional five-hour-a-day, 182-day calendar, current law permits a school district to operate a school 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 ("split sessions"). The approval of the Department is required to implement any of these alternative schedules.¹⁸

If a school district obtains approval to operate an alternative schedule, the school must be open for instruction for at least 910 hours a year. Included within this 910-hour requirement, a school may count two 15-minute daily recess periods for students in grades 1 to 6; ten hours for individualized parent-teacher conferences and reporting periods; ten hours for teacher professional meetings; and the number of hours students are not required to attend because of public calamity days.

Community schools

Community schools are not subject to the same requirements as school districts and nonpublic schools, as discussed above. Instead, under continuing law, community schools must provide learning opportunities for a minimum of 920 hours per year.¹⁹

Online and paper make-up lessons

A school district, community school, STEM school, or chartered nonpublic school that needs to make up days or hours (in the case of a community school), in order to comply with the minimum school year, may make up no more than three days (or the equivalent in hours) through online lessons or paper-lesson "blizzard bags."²⁰

To make up days via online lessons, a district or school must submit a plan to the Department of Education by August 1 each year. The plan may specify up to three days (or in the case of a community school a number of hours up to the equivalent of three days) that may be made up using lessons posted to the district's or school's web portal or web site. In the case of a school district or STEM school, the plan must include the written consent of the union that represents the district's or STEM school's teachers. Students have two weeks to complete an online lesson. If a student does not have

¹⁸ The version of R.C. 3313.481 in effect until July 1, 2014.

¹⁹ R.C. 3314.03(A)(11)(a) and 3314.08(H)(3), neither in the bill.

²⁰ See R.C. 3313.88 effective until July 1, 2014, and new R.C. 3313.482, effective on July 1, 2014, neither in the bill.

computer access at home, and the school does not opt to use paper lessons, the student must make up the lesson using the school's computers after the school reopens.

A district or school may also opt to distribute "blizzard bags," which are paper copies of the lessons posted online. Students must turn in blizzard bag assignments within the same two-week period granted for online lessons.

HISTORY

ACTION	DATE
Introduced	01-28-14
Reported, H. Education	01-30-14
Passed House (82-16)	02-19-14

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