



John Rau

*Final Analysis*  
*Legislative Service Commission*

**Am. S.B. 12**  
125th General Assembly  
(As Passed by the General Assembly)

**Sens. Randy Gardner, Robert Gardner, Harris, Mumper, Prentiss, Amstutz, Schuring, Stivers**

**Reps. Hoops, Kearns, Taylor, Hartnett, Book, Niehaus, T. Patton, Setzer, J. Stewart**

**Effective Date: Emergency, March 31, 2003; certain provisions effective April 8, 2003**

---

**ACT SUMMARY**

- Removes the prohibition on establishing a conversion community school as an Internet- or computer-based community school.
- Permits school districts and nonpublic schools to count any hours or partial hours beginning March 1, 2003, that schools are in session beyond the number of hours required by minimum standards, in order to make up "calamity days" missed in the 2002-2003 school year due to hazardous weather conditions in excess of the sum of the number of days otherwise permitted by law and the number of days specified in their contingency plans.

---

**CONTENT AND OPERATION**

**Internet- or computer-based conversion community schools**

(R.C. 3314.02(B))

Under continuing law, a school district may sponsor a community school (commonly referred to as a charter school) created by converting "all or a portion of a public school" within the district to a community school. "Conversion" community schools operate in the same manner as new "start-up" community schools, except that alternative arrangements for students and faculty formerly

assigned to the schools must be made for those who do not want to take part in the schools following their conversion to community schools.<sup>1</sup>

Sub. H.B. 364 of the 124th General Assembly, effective April 8, 2003, enacted language prohibiting a conversion community school from being established as an Internet- or computer-based community school (sometimes referred to as an electronic school or an e-school).<sup>2</sup> The act eliminates this prohibition entirely. This change reinstates the law in effect prior to enactment of Sub. H.B. 364 regarding conversion community schools. Thus, under the act, a school district could consent to the conversion of one, or part of one, of its existing schools to an Internet- or computer-based community school. As noted above, however, students attending the district school before its conversion must be given the opportunity to attend school elsewhere in the district if they choose not to enroll in the Internet- or computer-based community school. Faculty members must also be offered reassignments if they do not wish to teach at the community school, although an existing collective bargaining agreement might limit the options available for transfers.

### **Effective date**

(Sections 4 and 5 of the act)

The act specifies that R.C. section 3314.02 as amended by the act takes effect on the later of the effective date of the act (which is immediate) or April 8, 2003 (which is the effective date of Sub. H.B. 364 of the 124th General Assembly).

### **Make up of excess calamity days**

(Section 3 of the act)

### **Background**

Continuing permanent law requires a minimum school year of 182 days, including a total of four days for teacher preparation and reporting and parent conferences. In addition, a school may be closed without penalty for up to five days for various specified public calamities, which include: (1) disease epidemic,

---

<sup>1</sup> See R.C. 3314.03(B)(3), not in the act.

<sup>2</sup> An "Internet- or computer-based community school" is a community school "in which the enrolled students work primarily from their residences on assignments provided via an Internet- or other computer-based instructional method that does not rely on regular classroom instruction" (R.C. 3314.02(A)(7)).

(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.<sup>3</sup> 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.<sup>4</sup> Both school districts and chartered nonpublic schools are subject to these requirements.<sup>5</sup> Each school district board of education also is required to adopt an annual contingency plan that specifies at least five additional days in its schedule to make up days a school is closed due to public calamities beyond the statutory maximum of five days allowed for school closure. It is not clear whether nonpublic schools must adopt such contingency plans.<sup>6</sup> School funding law prohibits a school district (and presumably a nonpublic school) from receiving state funds in any fiscal year if it did not meet the minimum school year requirements for the preceding school year.<sup>7</sup>

### **The act**

The act provides a *temporary* method for school districts and nonpublic schools to make up without any funding penalty excess days that schools were

---

<sup>3</sup> R.C. 3313.48 and 3317.01 (neither section in the act). In all, at least 173 days must be spent in classroom instruction.

<sup>4</sup> R.C. 3313.481, not in the act.

<sup>5</sup> School districts are explicitly required to comply with these provisions by statute, but nonpublic schools are required to do so by rule of the State Board of Education. Section 3301-35-12 of the Administrative Code provides that chartered nonpublic schools must either meet certain minimum education standards established by the State Board (including the minimum school year provision) or be accredited by an association the standards of which have been approved by the State Board. Community "charter" schools are not subject to the 182-day requirement, but must offer learning opportunities to each enrolled student for at least 920 hours per year (see R.C. 3314.03(A)(11)(a), not in the act).

<sup>6</sup> R.C. 3313.482(A), not in the act.

<sup>7</sup> R.C. 3317.01, not in the act. The Department of Education could revoke the charter of a nonpublic school that does not comply with the minimum school year provisions. In addition, chartered nonpublic schools receive state auxiliary services moneys transferred from school districts to provide specified instructional services to students enrolled in their schools, and receive state moneys to pay the cost of certain administrative duties relating to student record keeping. Presumably, a nonpublic school's noncompliance with any chartering provision would make it ineligible to receive either of these subsidies.

closed due to hazardous weather conditions during the 2002-2003 school year. To make up days missed beyond the five allotted calamity days plus the number of days specified in a school's contingency plan, the act permits school districts and nonpublic schools to count time schools are open for instruction beginning March 1, 2003, beyond the statutory minimum number of hours required for a school day.<sup>8</sup> Under the act, a public school is considered to have "made up" a day for each additional five hours its students in grades 1 through 6 are in attendance on and after March 1, 2003, and for each additional five and one-half hours its students in grades 7 through 12 are in attendance on and after March 1, 2003. A nonpublic school is considered to have "made up" a day for each additional five hours its students in grades 1 through 12 are in attendance on and after March 1, 2003.

In other words, in the case of a school district, five calamity days are excused by law, at least another five days would have to be made up according to the district contingency plan, and only those calamity days beyond that may be made up by adding time to the school day. If a district has ten or fewer calamity days, the act's provisions would have no effect. Likewise, nonpublic schools have to use whatever number of days are designated in their contingency plans before making up days by adding time to school days.

---

## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-23-03	p. 66
Reported, S. Education	02-19-03	pp. 117-118
Passed Senate (32-1)	02-19-03	pp. 134-135
Reported, H. Education	03-19-03	pp. 263-264
Passed House (94-2)	03-26-03	pp. 294-295
Senate concurred in House amendments (32-0)	03-26-03	pp. 225-227

03-sb12-125.doc/ejs

---

<sup>8</sup> *By rule of the State Board of Education, each school district school must be open for instruction five hours per day for grades 1 through 6 and five and one-half hours for grades 7 through 12. Nonpublic schools, also by rule of the State Board, must be open for instruction five hours per day for grades 1 through 12. (O.A.C. 3301-35-06, 3301-35-08, and 3301-35-12.)*