



## **S.B. 84**

125th General Assembly  
(As Introduced)

**Sen. Austria**

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### **BILL SUMMARY**

- Changes the minimum school year for school districts and nonpublic schools from 182 days to 455 hours for kindergarten students, 910 hours for students in grades one to eight, and 1,001 hours for students in grades nine to twelve.
- Eliminates excused "calamity" days for schools.

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### **CONTENT AND OPERATION**

#### **Minimum school year requirements: current law**

Current law regulates the length of the school year and school day for both public and nonpublic schools.<sup>1</sup> Public schools are, by statute, explicitly subject to a minimum school year and school day requirement.<sup>2</sup> Nonpublic schools, however, are not explicitly subject to these requirements. Rather, the State Board of Education has, by rule, made adherence to minimum school year and school day requirements applicable to both chartered and nonchartered nonpublic schools.<sup>3</sup>

Unless a public or nonpublic school obtains approval to operate on an alternative schedule, as discussed below, a school must be open for instruction,

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<sup>1</sup> *Community schools ("charter" schools) are not subject to the 182-day requirement, discussed below. Instead, under continuing law, community schools must provide learning opportunities for a minimum of 920 hours per year (see R.C. 3314.03(A)(11)(a), not in the bill).*

<sup>2</sup> *See R.C. 3313.48 and 3313.62 and repealed R.C. 3313.481.*

<sup>3</sup> *See Ohio Administrative Code 3301-35-08 and 3301-35-12.*

with students in attendance, at least 182 school days in a school year.<sup>4</sup> By statute, a school day for students in grades 1 to 6 must include *at least* five hours, with two 15-minute recesses permitted, and a school day for students in grades 7 to 12 must be *at least* five hours, with no provisions for recesses. The State Board of Education has rule-making authority to further define what comprises a school day. Those rules provide that a school day for public and nonpublic school students in grades 1 to 6 must be at least five hours, excluding a lunch period, and five and one-half hours, excluding a lunch period, for public school students in grades 7 to 12. Private school students in grades 7 to 12 need only have a school day of five hours, excluding a lunch period, which is the minimum prescribed in the statute.<sup>5</sup>

Notwithstanding the minimum school day requirement, a school day that is shortened by up to two hours because of hazardous weather conditions still counts as a school day towards satisfying the minimum 182-school-day requirement.<sup>6</sup> In order to satisfy the 182-day requirement, a school may also 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.<sup>7</sup>

Current law also requires a public school to have a school week of five days.<sup>8</sup> This requirement does not appear to be extended to nonpublic schools by either statute or administrative rule.<sup>9</sup>

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<sup>4</sup> R.C. 3313.48. *A school year begins on July 1 and ends the following June 30 (R.C. 3313.62).*

<sup>5</sup> O.A.C. 3301-35-06, 3301-35-08, and 3301-35-12.

<sup>6</sup> R.C. 3317.01(B).

<sup>7</sup> R.C. 3313.48 and 3317.01(B).

<sup>8</sup> R.C. 3313.62.

<sup>9</sup> *Even though it does not appear that nonpublic schools are prohibited by current law from operating on a four-day schedule, a nonpublic school that adopted such a schedule would still be subject to the minimum five-hour day, 182-day school year requirement. Thus, adoption of a four-day school week calendar would result in more weeks of school.*

## Currently Mandated Minimum School Year, School Week, and School Day

	School Year	School Week	School Day	
			Grades 1-6	Grades 7-12
School Districts	182 days	5 days	5 hours	5½ hours
Chartered Nonpublic Schools	182 days	Not Specified	5 hours	5 hours
Nonchartered Nonpublic Schools	182 days	Not Specified	5 hours	5 hours

NOTES: The 182-day school year may include up to five "calamity" days, up to four days a school was closed a half-day early for parent-teacher conferences or reporting periods, and up to two days for teacher professional meetings. The five-hour school day may include two 15-minute recesses for grades 1 to 6. Community schools ("charter" schools) are subject to an alternative requirement that they provide learning opportunities for 920 hours per year.

### Alternative schedules permitted by current law

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 time in excess of the four half-days otherwise permitted, (2) operate on a calendar of quarters, trimesters, or pentamesters, or (3) establish a staggered attendance schedule. The approval of the Department of Education is required to implement any of these alternative schedules.<sup>10</sup>

If a school district obtains approval to operate an alternative schedule, the school must be open for instruction 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. Current law does not appear to limit the number of calamity days for schools operating an alternative schedule.

<sup>10</sup> Repealed R.C. 3313.481.

**The bill changes the minimum standard from days to hours**

(R.C. 3313.48, new 3313.481, 3313.62, and 3317.01(B))

The bill changes the minimum school year for school districts and nonpublic schools from 182 days to 455 hours for students in kindergarten, 910 hours for students in grades 1 to 8 or who are enrolled in all-day kindergarten, and 1,001 hours for students in grades 9 to 12 (R.C. 3313.48). In addition, the bill eliminates the requirements in current law that a school week be comprised of five days and a school month of four weeks (R.C. 3313.62) and that a school day be at least five hours in length (R.C. 3313.48). The effect of these changes is that a school may fulfill the hourly requirements by developing an attendance schedule of its own choosing. Thus, an elementary school could operate a four-day school week comprised of days that are longer than the currently mandated five hours, or a school could choose to have students in attendance for more weeks with days that are shorter than five hours.

In order to satisfy these hourly requirements, a school may count up to ten hours per year when classes are dismissed for individualized parent-teacher conferences and reporting periods and ten hours per year for teacher professional meetings. Additionally, for students in grades K through 6, a school may count morning and afternoon recess periods of not more than 15 minutes (R.C. 3313.48). Kindergarten students may be further excused for up to 15 hours in order to acclimate to school, and seniors in high school may be excused for up to 16.5 hours (R.C. 3317.01(B)). However, unlike under current law, a school is not permitted to count any "calamity" days toward its minimum hourly requirement (see below).

**Calamity days**

(R.C. 3317.01(B))

As discussed above, a school is permitted under current law to excuse students for up to five days a year for "calamity" days, which are regularly scheduled hours a school is closed due to hazardous weather or comparable circumstances. The bill eliminates excused "calamity" days and eliminates a provision in current law that permits a school to count up to two hours a day if a school closes early or opens late because of hazardous weather conditions. Thus, if a school is required to cancel classes because of inclement weather, it is the responsibility of the school to make up those hours as it chooses.

**Other changes**

(R.C. 2151.011, 3313.533, 3317.029; and repealed R.C. 3313.481 and 3313.482)

The bill makes several other changes as a result of shifting the minimum school year requirement from days to hours that can be fulfilled within the discretion of the individual school board or governing authority, in the case of nonpublic schools. First, it eliminates the provisions of law that permit a school to operate on an alternative schedule upon the approval of the Department of Education (repealed R.C. 3313.481). Second, as calamity days are eliminated, the bill also eliminates the requirement that schools adopt contingency plans to make up calamity days beyond the five calamity days they are permitted now (repealed R.C. 3313.482). Third, school district boards of education must determine the school schedules of alternative schools (R.C. 3313.533(B)).<sup>11</sup> Fourth, the bill modifies the definition of "all-day kindergarten" for purposes of Disadvantaged Pupil Impact Aid to reflect that all-day kindergarten means a kindergarten class that is in session for the same number of hours each week as for pupils in grades 1 through 6 (R.C. 3317.029(A)(10)).<sup>12</sup> Finally, the bill modifies the definitions of a school day and school year for children in the custody of the Department of Youth Services to mirror the definitions of these terms for students in the regular public school system (R.C. 2151.011).

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**HISTORY**

ACTION	DATE	JOURNAL ENTRY
Introduced	05-06-03	p. 314

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<sup>11</sup> *Boards of education of school districts are permitted to establish alternative schools to serve students on suspension, who have truancy problems, or who have other academic or behavioral problems (R.C. 3313.533(A)(1)).*

<sup>12</sup> *Disadvantaged Pupil Impact Aid (DPIA) is state funding provided to school districts because the proportion of low-income students who receive public assistance in the district is a certain percentage of the statewide proportion. Generally, this money is used for statutory purposes such as safety and remediation as well as all-day kindergarten.*