



John Rau

Bill Analysis

Legislative Service Commission

H.B. 353

126th General Assembly
(As Introduced)

Rep. Redfern

BILL SUMMARY

- Prohibits public schools from opening for instruction prior to Labor Day, except for the operation of year-round schools and for early openings necessary to accommodate the scheduling of certain school renovation or construction projects.

CONTENT AND OPERATION

Opening day for instruction at public schools

(R.C. 3313.621 and 3314.03(A)(11)(d))

Beginning with the 2006-2007 school year, the bill prohibits schools operated by school districts and community (charter) schools from opening for instruction earlier than Labor Day. Under current law, not changed by the bill, "Labor Day" is the first Monday in September and is a state holiday.¹

The bill specifically permits workshops, orientation, or other activities in preparation for the opening of school for teachers or administrators to be held prior to Labor Day. In addition, with the approval of the Department of Education, a school may open for instruction prior to Labor Day if the scheduling needs of the school will be affected by a construction or renovation project of at least \$500,000 in value that will be underway at the school or at another facility operated by the district or community school. Moreover, the bill specifically does not affect a district's or community school's authority to operate summer school programs, which presumably are in supplement to the instructional programs offered during the regular school year. Finally, the bill's prohibition specifically does not apply to schools that operate on a year-round basis.

¹ R.C. 1.14 and 5.21, neither section in the bill.

Exception for schools where existing collective bargaining agreements specify an earlier date

(Section 3)

The bill also addresses collectively bargained opening dates for schools earlier than Labor Day. It specifies that, if a collective bargaining agreement entered into by a district board or a community school governing authority prior to the bill's effective date establishes a date earlier than Labor Day for opening school, the board or authority is not required to comply with the bill's prohibition against opening before Labor Day until the agreement expires. However, any renewal of the agreement after the bill's effective date must comply with the bill's provisions.

Background

While current law, not changed by the bill, defines the school year as beginning on July 1 and ending on June 30 of the succeeding calendar year, it does not specify when schools are to open for instruction.² That decision currently is left to the board of education of each school district or the governing authority of each community school. In the case of a nonpublic school, it is left to the governing body overseeing the school. Generally, schools begin regular instruction in August or September and end sometime between late May and mid-June. Some schools operate on a year-round basis, likely beginning their instruction year sometime in July and ending it in the following May or June, with scheduled breaks between sessions throughout the year.

Within its regular instructional year, a school operated by a school district or a nonpublic school must be open for 182 days minus (1) up to four days when classes are dismissed a half-day early for individual parent-teacher conferences or reporting periods, (2) two days for teacher professional meetings, and (3) up to five days for a public calamity, such as inclement weather.³ 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. With the approval of the Department of Education, a school

² R.C. 3313.62, not in the bill.

³ R.C. 3313.48 and 3317.01(B), neither section in the bill. By rule of the State Board of Education, a "school day" for public school students in grades 1 through 6 and nonpublic school students in grades 1 through 12 must be at least five hours, excluding a lunch period, and for public school students in grades 7 to 12 must be five and one-half hours, excluding a lunch period (Ohio Administrative Code 3301-35-06, 3301-35-08, and 3301-35-12).

district may operate some or all of its schools on an alternative minimum 910-hour school year (instead of the 182-day minimum year) in order to (1) provide a flexible school day for parent-teacher conferences and reporting days, (2) operate on a calendar of quarters, trimesters, or pentamesters, or (3) establish a staggered attendance schedule.⁴ Community schools, on the other hand, are required to provide at least 920 hours of learning opportunities to each student in a school year.⁵

In addition to its regular instructional year, a school might offer summer programs in order to provide advanced academic, extracurricular, or academic intervention services.⁶ Moreover, certain students who have not attained proficient scores on the required state achievement tests must be offered summer intervention services.⁷ These summer services specifically are not restricted under the bill.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	09-27-05	p. 1646

h0353-i-126.doc/kl

⁴ R.C. 3313.481, not in the bill.

⁵ R.C. 3314.03(A)(11)(a) and 3314.08(L)(3), latter section not in the bill.

⁶ R.C. 3313.641(A), not in the bill.

⁷ R.C. 3301.0711(D) and 3313.608, neither section in the bill.