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## *Bill Analysis*

Legislative Service Commission

### **S.B. 130**

127th General Assembly  
(As Introduced)

**Sens. Padgett, Spada, Clancy, Schuring**

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#### **BILL SUMMARY**

- Permits school districts and nonpublic schools to count time that schools are in session beyond the required minimum number of hours on or after March 1, 2007, in order to make up "calamity days" missed during the 2006-2007 school year due to hazardous weather conditions in excess of the number of days permitted by law.
- Declares an emergency.

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#### **CONTENT AND OPERATION**

##### **Background**

Continuing 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, (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. A school day that is reduced by not more than two hours due to hazardous weather conditions does not count as a calamity day.<sup>1</sup> A school might also, with the approval of the Department of Education, be operated on an alternative schedule with a minimum

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<sup>1</sup> R.C. 3313.48 and 3317.01 (neither section in the bill). In all, at least 173 days must be spent in classroom instruction.

of 910 hours of classroom instruction in a school year.<sup>2</sup> Both school districts and chartered nonpublic schools are subject to these requirements.<sup>3</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. It is not clear whether nonpublic schools must adopt contingency plans.<sup>4</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>5</sup>

### **The bill**

(Section 1)

The bill provides a *temporary* method for school districts and nonpublic schools to make up, without any funding penalty, excess days that schools were closed due to hazardous weather conditions during the 2006-2007 school year. To make up days missed beyond the five allotted calamity days, the bill permits school districts and nonpublic schools to count time schools are open for instruction beginning March 1, 2007, beyond the statutory minimum number of

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<sup>2</sup> R.C. 3313.481, not in the bill.

<sup>3</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) or be accredited by an association approved by the State Board. Community ("charter") schools are not subject to the 182-day requirement, but instead must offer learning opportunities to each student for at least 920 hours per year (see R.C. 3314.03(A)(11)(a), not in the bill).

<sup>4</sup> R.C. 3313.482(A), not in the bill.

<sup>5</sup> R.C. 3317.01, not in the bill. The Department of Education could revoke the charter of a nonpublic school that does not comply with the minimum school year. In addition, chartered nonpublic schools receive state auxiliary services money to provide specified instructional services to their students, and receive state money to reimburse the cost of administrative duties relating to student record keeping. Presumably, a nonpublic school's noncompliance with any chartering provision would make it ineligible to receive either subsidy.

hours required for a school day.<sup>6</sup> Under the bill, 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, 2007, and for each additional five and one-half hours its students in grades 7 through 12 are in attendance on and after March 1, 2007. 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, 2007.

In other words, five calamity days are excused by law, and calamity days beyond that may be made up by adding time to the school day. As under current law, a school district also could implement its contingency plan and open for extra full days, instead of making up the excess calamity days through hourly increments. If a district or nonpublic school has five or fewer calamity days, the bill's provisions would have no effect.

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## HISTORY

ACTION	DATE
Introduced	03-27-07

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<sup>6</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.)*