



Ohio Legislative Service Commission

Final Analysis

Hannah K. Wann

Sub. H.B. 36

129th General Assembly
(As Passed by the General Assembly)

Reps. Kozlowski and Carey, Boose, Burke, Dovilla, Grossman, Hayes, Johnson, McKenney, Roegner, Rosenberger, Ruhl, Slaby, Stautberg, Stebelton, Thompson, Young, Combs, Balderson, Gonzales, Martin, Baker, Hottinger, Derickson, Anielski, Ashford, Barnes, Beck, Blessing, Bubb, Buchy, Coley, Duffey, Fedor, C. Hagan, Landis, Milkovich, Newbold, O'Brien, Schuring, Uecker, Yuko

Sens. Hite, Obhof, Bacon, Beagle, Brown, Cafaro, Cates, Daniels, Faber, Grendell, Hughes, Jones, LaRose, Lehner, Manning, Patton, Sawyer, Schaffer, Schiavoni, Smith, Stewart, Turner, Wagoner, Widener, Wilson, Gillmor

Effective date: Emergency, April 13, 2011

ACT SUMMARY

- Restores the two excused calamity days that were cut from the 2010-2011 school year, raising the total number of excused days for that year from three to five.
- Eliminates the requirement that school districts, STEM schools, and chartered nonpublic schools make up the first five excess (that is, unexcused) calamity days as whole school days, thereby allowing them the option to make up all unexcused calamity days by adding time to other school days.
- Requires the Department of Education to waive the number of hours a community ("charter") school is closed for a public calamity as long as the school provides the required minimum number of hours of learning opportunities to students in the school year (920 hours).

CONTENT AND OPERATION

Calamity days for school districts, STEM schools, and nonpublic schools

The act restores the two excused calamity days that were cut from the 2010-2011 school year, thereby reinstating the total to five excused calamity days for that year. Prior law excused only three days for 2010-2011, but five days for years preceding and

following 2010-2011. (The act continues to excuse five calamity days for each subsequent school year.) This one-time reduction for 2010-2011 was enacted in the budget act for the 2009-2011 fiscal biennium, H.B. 1 of the 128th General Assembly. That act also directed the Superintendent of Public Instruction to submit to the General Assembly recommendations for extending the school year permanently.¹ (The report was released in January 2011.)

The act also broadens the authority of school districts, public STEM schools, and chartered nonpublic schools to make up unexcused calamity days by lengthening remaining days in the school year by half-hour increments. It does so by eliminating the stipulation of law that they must make up the first five unexcused calamity days as whole school days. As a result, they may use the option of lengthening remaining days to make up all unexcused calamity days, not just those in excess of the first five unexcused days.²

The following table summarizes prior law and the act's changes.

Making Up Missed School Days

	Prior law for 2010-2011 school year	Prior law for school years preceding and following 2010-2011	Changes by the act affecting both 2010-2011 and subsequent school years
1st through 5th calamity days	Only 1st through 3rd days excused.	Excused.	Excused.
6th through 10th calamity days	4th through 8th calamity days must be made up as whole days.	Must be made up as whole days. School districts, STEM schools, and probably chartered nonpublic schools must adopt contingency plans for making up at least these days.	Must be made up, and school districts, STEM schools, and probably chartered nonpublic schools must continue to address these five days in their contingency plans. But they may make up these days by lengthening remaining days in the school year by half-hour increments.

¹ R.C. 3317.01; Section 265.70.23 of Am. Sub. H.B. 1 of the 128th General Assembly (not in the act).

² R.C. 3313.482. The option is available to STEM schools pursuant to R.C. 3326.11 (not in the act) and to chartered nonpublic schools pursuant to Ohio Administrative Code (O.A.C.) 3301-35-06 and 3301-35-12.

	Prior law for 2010-2011 school year	Prior law for school years preceding and following 2010-2011	Changes by the act affecting both 2010-2011 and subsequent school years
11th and any subsequent calamity days	9th and subsequent calamity days must be made up, and school districts, STEM schools, and chartered nonpublic schools may do so by lengthening regularly scheduled school days by half-hour increments.	Must be made up, and school districts, STEM schools, and chartered nonpublic schools may do so by lengthening regularly scheduled school days by half-hour increments.	Same as prior law for school years preceding and following 2010-2011.

Under continuing law and the act, districts and schools whose school day already exceeds the state minimum number of hours probably must further lengthen the school day in half-hour increments to use the optional method of making up time. For school districts, 10 half-hour increments (5 hours) make up one day for grades 1 to 6, and 11 increments (5½ hours) make up one day for grades 7 to 12.

Calamity days for community schools

The act establishes a policy for excusing calamity days incurred by community ("charter") schools. Under the act, the Department of Education must waive the number of hours or days of learning opportunities not offered by a community school because it was closed during the school year due to a public calamity, so long as the school was actually open for instruction with students in attendance during that school year for at least the minimum number of hours required by law (that is, 920 hours). The Department is required to treat those waived hours as if the school were open for instruction with students in attendance during that time. The public calamities recognized by the provision are the same ones recognized for excused calamity days for school districts, STEM schools, and chartered nonpublic schools.³

Background

Prior to this act, the Department of Education had determined that community schools were not allowed any excused calamity days. It based this policy on the statutory method for calculating per-pupil payments to community schools.⁴ Because payments to community schools are based on the number of hours the school reports as

³ R.C. 3314.08(L)(4).

⁴ R.C. 3314.08(L)(3).

learning opportunities that will be offered to students, the Department advised that a community school must be open for all of the days or hours that the school reports it will be open. If a community school closed for a time due to a calamity, it had to make up any days or hours that the school was closed. Otherwise, the school did not receive payment for those days or hours.

HISTORY

ACTION	DATE
Introduced	01-19-11
Reported, H. Education	03-01-11
Passed House (92-5)	03-09-11
Reported, S. Education	03-22-11
Passed Senate (32-1)	03-22-11
House refused to concur in Senate amendments (0-97)	04-05-11
Senate receded from its amendments (31-1)	04-06-11

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