



Ohio Legislative Service Commission

Bill Analysis

Hannah K. Wann

Sub. H.B. 36

129th General Assembly
(As Reported by H. Education)

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

BILL 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).
 - Declares an emergency.
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CONTENT AND OPERATION

The bill

The bill 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. Current law excuses only three days for 2010-2011, but five days for years preceding and following 2010-2011. This one-time reduction was enacted in the budget act for the current 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 bill 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 current 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 current law and the bill's changes.

Making Up Missed School Days

	Current law for 2010-2011 school year	Current law for school years preceding and following 2010-2011	Proposed changes by the bill 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 bill).

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



	Current law for 2010-2011 school year	Current law for school years preceding and following 2010-2011	Proposed changes by the bill 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 current law for school years preceding and following 2010-2011.

Under current law and the bill, 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 bill establishes a policy for excusing calamity days incurred by community schools. Under the bill, the Department 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 under current law for excused calamity days for school districts, STEM schools, and chartered nonpublic schools.³

Background – minimum school year

Current 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 for up to three days in the 2010-2011 school year, and up to five days in subsequent school years, for various specified public calamities, which include:

³ R.C. 3314.08(L)(4).

(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 missed day.⁴ In all, at least 173 days must be spent in classroom instruction. (A school might also, with the approval of the Department of Education, operate on an alternative schedule with a minimum of 910 hours of classroom instruction in a school year.⁵)

School districts, STEM schools, and nonpublic schools

School districts, STEM schools, and nonpublic schools are subject to these requirements. School districts and STEM schools are explicitly required to comply by statute, and nonpublic schools are required to do so by rule of the State Board of Education.⁶

Each school district board and STEM school (and probably each chartered nonpublic school) also is required to adopt an annual contingency plan that specifies how it will make up at least five unexcused calamity days.⁷

School funding law prohibits a school district from receiving state funds in any fiscal year if it did not meet the minimum school year requirements for the preceding school year. 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 money to provide specified instructional and remedial services to students enrolled in their schools, and receive state money to pay the cost of certain state-mandated administrative duties relating to student record keeping. Presumably, a chartered nonpublic school's noncompliance with the minimum school year would make it ineligible to receive either of these subsidies.⁸

⁴ R.C. 3313.48 (not in the bill) and 3317.01.

⁵ R.C. 3313.481 (not in the bill).

⁶ R.C. 3317.01; R.C. 3313.48 and 3326.11 (not in the bill); O.A.C. 3301-35-06, 3301-35-08, and 3301-35-12.

⁷ R.C. 3313.482(A) (not in the bill).

⁸ R.C. 3317.01; R.C. 3306.01, 3317.06, and 3317.063 (not in the bill).

Community ("charter") schools

Community schools (often called "charter schools") are not subject to the 182-day minimum school year. Instead, they must offer learning opportunities to each student for at least 920 hours per year.⁹

The Department of Education has determined that community schools currently are not allowed any excused calamity days. It has based this policy on the statutory method for calculating per-pupil payments to community schools.¹⁰ Because payments to community schools are based on the number of hours the school reports as learning opportunities that will be offered to students, the Department has 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 closes for a time due to a calamity, it must make up any days or hours that the school was closed. Otherwise, the school will not receive payment for those days or hours.

HISTORY

ACTION	DATE
Introduced	01-19-11
Reported, H. Education	03-01-11

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⁹ R.C. 3314.03(A)(11)(a) (not in the bill).

¹⁰ R.C. 3314.08(L)(3).

