



Ohio Legislative Service Commission

Bill Analysis

Hannah K. Wann

H.B. 416

130th General Assembly
(As Introduced)

Reps. Burkley and Hill, Blessing, Brenner, Brown, Derickson, Dovilla, Hall, Hood, Landis, Kunze, Retherford, Roegner, Rosenberger, Stautberg, Thompson, Milkovich

BILL SUMMARY

- Permits the Department of Education to pay state operating funds to school districts and STEM schools that exceed, by up to four days, the number of permitted calamity days in fiscal year 2014.
- Declares an emergency.

CONTENT AND OPERATION

Additional calamity days for school districts and STEM schools

The bill permits the Department of Education to pay state operating funds to school districts and STEM schools that exceed, by up to four days, the number of permitted "calamity" days in fiscal year 2014. A calamity day is a day a school is scheduled to be open for instruction but due to a "public calamity" the school is closed. Permitted public calamities are disease epidemic, hazardous weather conditions, law enforcement emergencies, inoperability of school buses or other equipment necessary to the school's operation, damage to a school building, or other temporary circumstances due to utility failure rendering the school building unfit for school use.¹ The bill, in effect, adds four calamity days to the five already authorized for the 2013-2014 school year, so that a school district or STEM school may take a total of not more than nine excused calamity days.²

¹ The version of R.C. 3317.01(B) in effect until July 1, 2014, not in the bill.

² Section 733.10 of Am. Sub. H.B. 59 of the 130th General Assembly, amended in Sections 1 and 2 of the bill.

Generally, under law in effect until July 1, 2014, unless a school is scheduled to be open for instruction more days than the minimum number required by law, if it has used more calamity days than the five permitted, the school will have to make up those days. Under that law, a school must be open for instruction 182 days, but it may count toward meeting that requirement the excused calamity days and a prescribed number of days for teacher professional development, parent-teacher conferences, and recordkeeping. Taking into account the permitted closings, for the current school year under current law, a school must be open for instruction at least 173 days.³ (See "**Background**" below.) Under the bill, the minimum number is 169 days.

Beginning on July 1, 2014, law enacted in H.B. 59 of the 130th General Assembly changes the minimum school year from one based on days to one based on hours. Under those provisions, a school district, STEM school, or chartered nonpublic school need not make up any days the district or school is closed due to a public calamity as long as the total number of hours it is open for instruction satisfies the prescribed minimum number of hours. As a result, beginning with the 2014-2015 school year, the law eliminates excused calamity days and eliminates another provision that permits a school to count up to two hours a day if a school opens late or closes early because of hazardous weather conditions. For the current school year, however, a school district must meet the minimum number of instruction days in order to qualify for state operating funds for the next fiscal year.⁴ A STEM school also must meet the minimum number of days to qualify for state funding during the current school year.⁵ The bill outright grants four additional calamity days to aid districts and STEM schools in meeting that requirement.

Calamity day provisions for community schools maintained

The bill recognizes and maintains continuing law that requires the Department of Education to waive the number of hours or days of learning opportunities not offered to a student by a community school due to a public calamity so long as the school provides the required minimum of 920 hours of learning opportunities to students during the school year.⁶

³ The versions of R.C. 3313.48 and 3317.01(B) in effect until July 1, 2014, neither in the bill.

⁴ The version of R.C. 3317.01(B) in effect until July 1, 2014.

⁵ See generally R.C. Chapter 3326., not in the bill.

⁶ Section 3 of the bill. See R.C. 3314.08(H)(4), not in the bill.



Background

Law in effect until July 1, 2014, prescribes a minimum school year based on days for school districts, public STEM schools, and nonpublic schools. While school districts and STEM schools are, by statute, explicitly subject to the minimum school year requirement, nonpublic schools are not explicitly subject to it. Rather, the State Board has, by rule, made adherence to minimum school year and school day requirements applicable to both chartered and nonchartered nonpublic schools.⁷ The new minimum school year based on hours rather than days, in effect beginning with the 2014-2015 school year, expressly applies to chartered nonpublic schools, as well as school districts and STEM schools.⁸ For a discussion of the new minimum school year based on hours in effect on July 1, 2014 (not affected by the bill), see pp. 221-227 of the LSC Final Analysis for H.B. 59 of the 130th General Assembly.⁹

Until July 1, 2014, unless a public or nonpublic school obtains approval to operate on an alternative schedule, as discussed below, a school must be open for instruction with students in attendance at least 182 school days in a school year. In complying with the 182-day requirement, a school also may 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. 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.¹⁰

Alternative schedules

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 more than the four half-days otherwise permitted, (2) operate on a calendar of quarters, trimesters, or pentamesters, or (3) establish a staggered attendance schedule

⁷ See R.C. 3314.03(A)(11)(a), 3313.48, 3313.62, and 3326.11, none in the bill; Ohio Administrative Code (O.A.C.) 3301-35-08 and 3301-35-12.

⁸ The version of R.C. 3313.48 in effect on July 1, 2014.

⁹ At the Generally Assembly's website (<http://www.legislature.state.oh.us/>), under "Current Legislation," search H.B. 59, click on "Bill Analyses" and then on "Final Analysis."

¹⁰ The versions of R.C. 3313.48 and 3317.01(B) in effect until July 1, 2014.



("split sessions"). The approval of the Department is required to implement any of these alternative schedules.¹¹

If a school district obtains approval to operate an alternative schedule, the school must be open for instruction for 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.

Community schools

Community schools are not subject to the same requirements as school districts and nonpublic schools, as discussed above. Instead, under continuing law, community schools must provide learning opportunities for a minimum of 920 hours per year.¹²

HISTORY

ACTION	DATE
Introduced	01-28-14

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¹¹ The version of R.C. 3313.481 in effect until July 1, 2014.

¹² R.C. 3314.03(A)(11)(a) and 3314.08(H)(3), neither in the bill.

