Ohio Legislative Service Commission

Edward Millane

Fiscal Note & Local Impact Statement

Bill: Sub. H.B. 36 of the 129th G.A. **Date**: March 22, 2011

Status: As Reported by Senate Education **Sponsor**: Rep. Kozlowski

Local Impact Statement Procedure Required: No

Contents: Excuses up to five, instead of three, calamity days for the 2010-2011 school year, permits schools to make up days by lengthening remaining days in the year, makes other changes, and declares an emergency

State Fiscal Highlights

- The Ohio Department of Education (ODE) may incur minimal administrative costs to review school plans for making up excess calamity days online.

Local Fiscal Highlights

- School districts may experience a reduction in operating expenditures because the bill allows them to be closed due to public calamities without making up the missed time for two more days in the current school year and to make up additional missed days in half-hour increments, rather than by adding days to the school year.
- Community schools may experience a reduction in operating expenditures or an increase in state revenues because the bill allows them to be closed due to public calamities without making up the missed time or receiving a reduction in state aid as long as they meet the minimum number of hours of instruction.
- Schools choosing to make up excess calamity days online will likely experience costs and savings related to that decision, depending on factors unique to each school.
- School districts may incur increased operating costs for having to transport community school, STEM school, and nonpublic school students to their schools to make up calamity days, since they can no longer declare it "impractical" to do so.

Detailed Fiscal Analysis

School district calamity days

Current law requires a minimum school year of 182 days,[1] except that schools may be closed for a certain number of days (up to five most years and up to three in the current school year) due to public calamities such as hazardous weather, without making up any lost instructional time. Each school district must adopt an annual contingency plan that includes adding at least five whole days to the school year, if needed, to make up any days missed in excess of the excused calamity days. For additional days missed beyond those covered in the contingency plan, current law permits school districts to make up days by lengthening regularly scheduled days in half-hour increments, instead of by adding days to the school year.

The bill makes two changes to the provisions mentioned above. First, the bill permits the Superintendent of Public Instruction to excuse up to five, instead of three, calamity days for the current school year. An additional two excused calamity days in the current school year may decrease operating costs for schools that would otherwise have to make up those days. Second, the bill permits a school district to make up the five days covered by its contingency plan by lengthening the remaining days in the school year in half-hour increments, as a district is currently permitted to make up days beyond those covered in its contingency plan. Generally, making up missed days may require additional costs related to busing, food services, and some other support services, as well as additional pay for teachers and some other school employees. Many of these costs, such as busing and food services, may be lower if, instead of adding days to a school year, hours are added to the school day as permitted in the bill.

Community school calamity days

Current law requires community schools to offer learning opportunities to each student for at least 920 hours per year. The schools report to the Ohio Department of Education (ODE) the number of hours they plan to be open, which may be greater than the minimum number of hours. Generally, in order for a community school to receive a full year of funding from ODE, the school must be open for all of the hours that the school reports it will be open. If a school closes due to a public calamity, it must make up that time or the school will not receive payment from ODE for the hours that it was closed.

Under the bill, ODE is required to waive the number of hours of learning opportunities not offered by a community school because it was closed for a public calamity, as long as the school was open for instruction for at least the minimum 920 hours that school year. Schools offering hours over the minimum may experience

[1] These days include four days for teacher preparation and reporting and parent conferences.

reduced operating expenditures or increased revenues because they will no longer have to make up hours in order to receive a full year of state payments from ODE.

Online make up of calamity days

The bill permits schools to make up unexcused calamity days through online lessons. Any school choosing to require students to make up excess calamity days online must submit a plan to ODE by the first of August in each school year. As a component of the plan, by the first of September each year, each classroom teacher must submit online lessons to cover the make-up days.

Schools that choose to take advantage of the bill's option will likely experience costs and savings related to that decision. The net fiscal effect will depend on the circumstances of each district or school. Presumably, districts and schools would renegotiate their contracts with teachers to substitute the preparation of the required online lessons for the possibility of making up five days. Any potential costs or savings for teachers would depend on these contract negotiations.

Costs and savings may occur in other areas as well. Depending on their current capabilities, districts and schools taking advantage of the bill's option may need to upgrade their information technology (IT) equipment and personnel. The bill requires that students without access to computers at home be given access to computers at school before or after the regularly scheduled school day to complete the online lessons. This would require facilities to be open and personnel to be available to provide supervision. On the other hand, making up the time with traditional classroom instruction would also require facilities to be open and personnel to be present, and would likely result in higher costs for such things as transportation and food services.

The bill requires that ODE review the schools' plans for making up days through online lessons to ensure all requirements are met. However, ODE has little discretion in granting approval of the plans and, therefore, according to ODE, there will be little to no additional costs as a result of this new responsibility.

Transportation on make-up days

Under current law, school districts generally are required to provide transportation to resident students attending community schools, STEM schools, and chartered nonpublic schools as they provide transportation to students attending the district's own schools. However, a district may offer a payment in lieu of transportation to the parent of any student it is otherwise required to transport if the district determines it is impractical to provide transportation to that student. The bill prohibits a school district from declaring it impractical to transport community school, STEM school, or nonpublic school students solely on days scheduled by the students' schools to make up calamity days. This provision may increase the transportation costs of districts that otherwise would have declared this transportation impractical.