

HOUSE BILL No. 1123

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-10.1-2-1; IC 20-10.1-2-1.5.

Synopsis: Canceled school day waiver. Requires the department of education to grant a waiver for a number of school days canceled by a school superintendent for inclement weather or extraordinary circumstances. Provides a formula to determine the number of days eligible for mandatory waiver that is based on the number of actual instructional minutes provided to students and maintains the equivalent in hours of the 180 student instructional days required by law. (This mandatory waiver is in addition to a waiver that the department of education currently has the option to grant.)

Effective: Upon passage.

Denbo

January 6, 1998, read first time and referred to Committee on Education.



Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

HOUSE BILL No. 1123

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-10.1-2-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A school year
3 is the period of time beginning after June 30 of each year and ending
4 before July 1 of the following year, except when a different period is
5 specified for a particular purpose.
6 (b) A student instructional day in grades 1 through 6 consists of a
7 minimum of five (5) hours of instructional time. A student instructional
8 day in grades 7 through 12 consists of a minimum of six (6) hours of
9 instructional time. For purposes of this section, instructional time is
10 time in which students are participating in an approved course,
11 curriculum, or educationally related activity under the direction of a
12 teacher, including a reasonable amount of passing time between
13 classes. However, instructional time does not include lunch or recess.
14 (c) ~~For the 1987-88 school year, each school corporation shall~~
15 ~~conduct at least one hundred seventy-five (175) student instructional~~
16 ~~days. For the 1988-89 school year and~~ Each school year, after that, each
17 school corporation shall **do the following:**

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1 (1) conduct at least one hundred eighty (180) student
2 instructional days; or

3 (2) for a school corporation that is eligible for a waiver under
4 section 1.5 of this chapter, conduct the equivalent in hours of
5 one hundred eighty (180) student instructional days as
6 determined under section 1.5 of this chapter.

7 No later than June 15 of each school year, the superintendent of each
8 school corporation shall certify to the department the number of student
9 instructional days conducted during that school year.

10 (d) If a school corporation fails to conduct the minimum number
11 of student instructional days during a school year as required under
12 subsection (c), the department shall reduce the August tuition support
13 distribution to that school corporation by an amount determined as
14 follows:

15 (1) For the 1987-88 school year, the amount determined under
16 STEP THREE of the following formula:

17 STEP ONE: Divide the amount of the total tuition support
18 allocated to the school corporation for the 1987-88 school
19 year by one hundred seventy-five (175).

20 STEP TWO: Subtract the number of student instructional
21 days that the school corporation conducted from one
22 hundred seventy-five (175).

23 STEP THREE: Multiply the amount determined under
24 STEP ONE by the amount determined under STEP TWO.

25 (2) For the 1988-89 school year and each school year after that;
26 the amount determined under STEP NINE of the following
27 formula:

28 STEP ONE: Determine the remainder of:

29 (A) the amount of the total tuition support allocated to
30 the school corporation for the particular school year;
31 minus

32 (B) that part of the total tuition support allocated to the
33 school corporation for that school year with respect to
34 student instructional days one hundred seventy-six
35 (176) through one hundred eighty (180).

36 STEP TWO: Subtract the number of student instructional
37 days that the school corporation conducted from one
38 hundred eighty (180).

39 STEP THREE: Determine the lesser of five (5) or the
40 remainder determined under STEP TWO.

41 STEP FOUR: Divide the amount subtracted under STEP
42 ONE(B) by five (5).



1 STEP FIVE: Multiply the quotient determined under STEP
 2 FOUR by the number determined under STEP THREE.
 3 STEP SIX: Subtract the number determined under STEP
 4 THREE from the remainder determined under STEP TWO.
 5 STEP SEVEN: Divide the remainder determined under
 6 STEP ONE by one hundred seventy-five (175).
 7 STEP EIGHT: Multiply the quotient determined under
 8 STEP SEVEN by the remainder determined under STEP
 9 SIX.
 10 STEP NINE: Add the product determined under STEP
 11 FIVE to the product determined under STEP EIGHT.

12 (e) The department may grant a waiver of the penalty imposed
 13 under subsection (d) for a particular number of cancelled student
 14 instructional days if:

- 15 (1) the school corporation applies to the department for a waiver
 16 of the penalty imposed under subsection (d) for a specific
 17 number of cancelled student instructional days; and
 18 (2) each of the particular number of student instructional days
 19 requested to be waived under this subsection was cancelled due
 20 to extraordinary circumstances.

21 (f) The department shall develop guidelines for school
 22 corporations to apply for a waiver under subsection (e).

23 SECTION 2. IC 20-10.1-2-1.5 IS ADDED TO THE INDIANA
 24 CODE AS A NEW SECTION TO READ AS FOLLOWS
 25 [EFFECTIVE UPON PASSAGE]: **Sec. 1.5. (a) As used in this section,**
 26 **"canceled day" refers to a student instructional day actually**
 27 **canceled during a school year by the superintendent of a school**
 28 **corporation due to:**

- 29 (1) inclement weather; or
 30 (2) extraordinary circumstances;
 31 **affecting the operation of a school within the school corporation or**
 32 **the school corporation in general, as determined by the**
 33 **superintendent of the school corporation.**

34 (b) This section maintains the equivalent in hours of the one
 35 hundred eighty (180) student instructional days required by section
 36 1(c) of this chapter.

37 (c) For a grade 1 through grade 6 school within a school
 38 corporation, the department shall grant a waiver of the penalty
 39 imposed under section 1(d) of this chapter for the number of
 40 canceled days equivalent to the remainder determined under STEP
 41 FOUR of the following formula:

42 STEP ONE: Determine the actual number of student



- 1 instructional minutes that the school will provide in the
 2 school year.
- 3 **STEP TWO:** Determine the number of equivalent
 4 instructional hours by dividing the number of minutes
 5 determined under STEP ONE by sixty (60).
- 6 **STEP THREE:** Determine the number of equivalent five (5)
 7 hour instructional days by dividing the quotient determined
 8 under STEP TWO by five (5).
- 9 **STEP FOUR:** Determine the excess equivalent instructional
 10 days by subtracting one hundred eighty (180) from the
 11 quotient determined under STEP THREE.
- 12 (d) For a grade 7 through grade 12 school within a school
 13 corporation, the department shall grant a waiver of the penalty
 14 imposed under section 1(d) of this chapter for a number of
 15 canceled days equivalent to the remainder determined under STEP
 16 FOUR of the following formula:
- 17 **STEP ONE:** Determine the actual number of student
 18 instructional minutes that the school will provide in the
 19 school year.
- 20 **STEP TWO:** Determine the number of equivalent
 21 instructional hours by dividing the number of minutes
 22 determined under STEP ONE by sixty (60).
- 23 **STEP THREE:** Determine the number of equivalent six (6)
 24 hour instructional days by dividing the quotient determined
 25 under STEP TWO by six (6).
- 26 **STEP FOUR:** Determine the excess equivalent instructional
 27 days by subtracting one hundred eighty (180) from the
 28 quotient determined under STEP THREE.
- 29 (e) For a school corporation in general, the department shall
 30 grant a waiver of the penalty imposed under section 1(d) of this
 31 chapter for a number of canceled days equivalent to the quotient
 32 determined under STEP TEN of the following formula:
- 33 **STEP ONE:** Determine the number of student instructional
 34 minutes that the school corporation will provide in the school
 35 year for an average student in grades 1 through 6.
- 36 **STEP TWO:** Determine the number of equivalent
 37 instructional hours in grades 1 through 6 by dividing the
 38 number of minutes determined under STEP ONE by sixty
 39 (60).
- 40 **STEP THREE:** Determine the number of equivalent five (5)
 41 hour instructional days in grades 1 through 6 by dividing the
 42 quotient determined under STEP TWO by five (5).



- 1 **STEP FOUR: Determine the excess equivalent instructional**
2 **days in grades 1 through 6 by subtracting one hundred**
3 **eighty (180) from the quotient determined under STEP**
4 **THREE.**
- 5 **STEP FIVE: Determine the number of student instructional**
6 **minutes that the school corporation will provide in the school**
7 **year for an average student in grades 7 through 12.**
- 8 **STEP SIX: Determine the number of equivalent instructional**
9 **hours in grades 7 through 12 by dividing the number of**
10 **minutes determined under STEP FIVE by sixty (60).**
- 11 **STEP SEVEN: Determine the number of equivalent six (6)**
12 **hour instructional days in grades 7 through 12 by dividing**
13 **the quotient determined under STEP SIX by six (6).**
- 14 **STEP EIGHT: Determine the excess equivalent instructional**
15 **days in grades 7 through 12 by subtracting one hundred**
16 **eighty (180) from the quotient determined under STEP**
17 **SEVEN.**
- 18 **STEP NINE: Add the remainder determined under STEP**
19 **FOUR for grades 1 through 6 to the remainder determined**
20 **under STEP EIGHT for grades 7 through 12.**
- 21 **STEP TEN: Divide the sum determined under STEP NINE**
22 **by two (2).**
- 23 **(f) A waiver for canceled days that is provided under this**
24 **section is in addition to any waivers that may be granted under**
25 **section 1(e) of this chapter for canceled days.**
- 26 **SECTION 3. An emergency is declared for this act.**

