

ORC Ann. 3313.48

Current with Legislation passed by the 132nd General Assembly and filed with the Secretary of State through file 105 (SB 81), except for file 96 (HB 87).

Page's Ohio Revised Code Annotated > Title 33: Education — Libraries (Chs. 3301 — 3385) > Chapter 3313: Boards of Education (§§ 3313.01 — 3313.99) > Control of Schools; Special Schools (§§ 3313.47 — 3313.56)

§ 3313.48 Free education to be provided; minimum school year.

(A)The board of education of each city, exempted village, local, and joint vocational school district shall provide for the free education of the youth of school age within the district under its jurisdiction, at such places as will be most convenient for the attendance of the largest number thereof. Each school so provided and each chartered nonpublic school shall be open for instruction with pupils in attendance, including scheduled classes, supervised activities, and approved education options but excluding lunch and breakfast periods and extracurricular activities, for not less than four hundred fifty-five hours in the case of pupils in kindergarten unless such pupils are provided all-day kindergarten, as defined in [section 3321.05 of the Revised Code](#), in which case the pupils shall be in attendance for nine hundred ten hours; nine hundred ten hours in the case of pupils in grades one through six; and one thousand one hours in the case of pupils in grades seven through twelve in each school year, which may include all of the following:

- (1)Up to the equivalent of two school days per year during which pupils would otherwise be in attendance but are not required to attend for the purpose of individualized parent-teacher conferences and reporting periods;
- (2)Up to the equivalent of two school days per year during which pupils would otherwise be in attendance but are not required to attend for professional meetings of teachers;
- (3)Morning and afternoon recess periods of not more than fifteen minutes duration per period for pupils in grades kindergarten through six.

(B)Not later than thirty days prior to adopting a school calendar, the board of education of each city, exempted village, and local school district shall hold a public hearing on the school calendar, addressing topics that include, but are not limited to, the total number of hours in a school year, length of school day, and beginning and end dates of instruction.

(C)No school operated by a city, exempted village, local, or joint vocational school district shall reduce the number of hours in each school year that the school is scheduled to be open for instruction from the number of hours per year the school was open for instruction during the previous school year unless the reduction is approved by a resolution adopted by the district board of education. Any reduction so approved shall not result in fewer hours of instruction per school year than the applicable number of hours required under division (A) of this section.

(D)Prior to making any change in the hours or days in which a high school under its jurisdiction is open for instruction, the board of education of each city, exempted village, and local school district shall consider the compatibility of the proposed change with the scheduling needs of any joint vocational school district in which any of the high school's students are also enrolled. The board shall consider the impact of the proposed change on student access to the instructional programs offered by the joint vocational school district, incentives for students to participate in career-technical education, transportation, and the timing of graduation. The board shall provide the joint vocational school district board with advance notice of the proposed change and the two

boards shall enter into a written agreement prescribing reasonable accommodations to meet the scheduling needs of the joint vocational school district prior to implementation of the change.

(E) Prior to making any change in the hours or days in which a school under its jurisdiction is open for instruction, the board of education of each city, exempted village, and local school district shall consider the compatibility of the proposed change with the scheduling needs of any community school established under Chapter 3314. of the Revised Code to which the district is required to transport students under [sections 3314.09](#) and [3327.01 of the Revised Code](#). The board shall consider the impact of the proposed change on student access to the instructional programs offered by the community school, transportation, and the timing of graduation. The board shall provide the sponsor, governing authority, and operator of the community school with advance notice of the proposed change, and the board and the governing authority, or operator if such authority is delegated to the operator, shall enter into a written agreement prescribing reasonable accommodations to meet the scheduling needs of the community school prior to implementation of the change.

(F) Prior to making any change in the hours or days in which the schools under its jurisdiction are open for instruction, the board of education of each city, exempted village, and local school district shall consult with the chartered nonpublic schools to which the district is required to transport students under [section 3327.01 of the Revised Code](#) and shall consider the effect of the proposed change on the schedule for transportation of those students to their nonpublic schools. The governing authority of a chartered nonpublic school shall consult with each school district board of education that transports students to the chartered nonpublic school under [section 3327.01 of the Revised Code](#) prior to making any change in the hours or days in which the nonpublic school is open for instruction.

(G) The state board of education shall not adopt or enforce any rule or standard that imposes on chartered nonpublic schools the procedural requirements imposed on school districts by divisions (B), (C), (D), and (E) of this section.

History

GC § 4836-1; 120 v 475 (525); 122 v 534; Bureau of Code Revision, 10-1-53; 127 v 77 (Eff 1-1-59); 130 v 750 (Eff 10-14-63); 130 v PtII, 168 (Eff 12-16-64); 132 v S 356 (Eff 5-31-68); 134 v H 475 (Eff 12-20-71); 135 v S 148 (Eff 6-22-73); 141 v H 489 (Eff 5-21-86); 142 v H 18. Eff 6-10-87; *2013 HB 59*, § 101.01, eff. July 1, 2014.

Annotations

Notes

Publisher's Note:

The amendment of RC § [3313.48](#) by [151 v S 311](#) was disapproved by the Governor.

Editor's Notes

The provisions of § 4 of [151 v H 276](#) (effective 3-30-07) read as follows:

SECTION 4. Not later than thirty days after the effective date of this section, the Superintendent of Public Instruction, upon the request of the superintendent of a joint vocational school district, may grant the district a waiver from the requirements of [sections 3313.48](#) and [3313.481 of the Revised Code](#) for the 2006-2007 school year if all of the following conditions apply to the district in that school year:

(A) The school district is participating in the Vocational School Facilities Assistance Program established under *sections 3318.40 to 3318.45 of the Revised Code* and the Executive Director of the Ohio School Facilities Commission certifies to the Superintendent of Public Instruction that the district's project under that program experienced delays due to unanticipated structural conditions.

(B) The project delays will cause the district to be open for instruction with pupils in attendance for fewer days or hours than required by *sections 3313.48, 3313.481, and 3317.01 of the Revised Code*.

(C) The district requires its students to engage in activities outside of school that are relevant to the subject areas in which they are missing instruction to offset the reduction in instructional time.

Any waiver granted under this section shall allow the district to be closed for not more than eleven days in excess of the days it is permitted to be closed for a public calamity under division (B) of *section 3317.01 of the Revised Code*. No district that receives a waiver under this section shall be considered to have failed to comply with division (B) of *section 3317.01 of the Revised Code* if it otherwise meets the requirements of that division.

Amendment Notes

The 2013 amendment rewrote the section.

Notes to Decisions

Constitutionality

Generally

Free education

Minimum school year

Neighborhood school plan

Constitutionality

Revised Code § [3313.48](#), effective June 22, 1973, is constitutional: *Moss v. Columbus Board of Education, 55 Ohio Misc. 7, 9 Ohio Op. 3d 244, 379 N.E.2d 275, 1978 Ohio Misc. LEXIS 72 (Ohio C.P. 1978)*.

Generally

Absent an abuse of discretion, authority to manage a school district is vested in the board of education and the superintendent, not the students, parents or courts: *Clay v. Harrison Hills City Sch. Dist. Bd. of Educ., 102 Ohio Misc. 2d 13, 723 N.E.2d 1149, 1999 Ohio Misc. LEXIS 48 (Ohio C.P. 1999)*.

Free education

Revised Code § [3313.48](#), which states that “[t]he board of education * * * shall provide for the free education of the youth of school age within the district under its jurisdiction, at such places as will be most convenient for the attendance of the largest number thereof * * *,” does not grant the students of the school district an absolute right to

have a school located in their neighborhood and to attend that school: [*Association for Defense of Cent. High School v. Columbus Bd. of Education*, 10 Ohio App. 3d 126, 460 N.E.2d 725, 1983 Ohio App. LEXIS 11116 \(Ohio Ct. App., Franklin County 1983\)](#).

The presumption that a board of education has faithfully adhered to the requirements of [R.C. 3313.48](#) that free education be provided at such places as will be most convenient for the attendance of the largest number of pupils, will control until rebutted: [*Craggett v. Board of Education*, 234 F. Supp. 381, 2 Ohio Misc. 7, 30 Ohio Op. 2d 276, 1964 U.S. Dist. LEXIS 7813 \(N.D. Ohio\)](#), aff'd, [338 F.2d 941, 3 Ohio Misc. 202, 31 Ohio Op. 2d 92, 1964 U.S. App. LEXIS 3862 \(6th Cir. Ohio 1964\)](#).

Minimum school year

School officials were entitled to waiver of one day of instruction where a job action by custodial employees rendered the utilities inoperative: [*State ex rel. Cleveland Bd. of Education v. State Bd. of Education*, 11 Ohio St. 3d 89, 464 N.E.2d 137, 1984 Ohio LEXIS 1111 \(Ohio 1984\)](#).

Neighborhood school plan

Insofar as the location of school buildings is concerned, what is granted by [R.C. 3313.48](#), at most, is the qualified right of students of the district, when considered as a whole, to expect that their schools will not be located in such a manner that they will be convenient only for the attendance of a minority of the district's students. This qualified right is further limited by the discretion given a board of education by [R.C. 3313.49](#) to close a particular school "because of disadvantageous location or any other cause.": [*Association for Defense of Cent. High School v. Columbus Bd. of Education*, 10 Ohio App. 3d 126, 460 N.E.2d 725, 1983 Ohio App. LEXIS 11116 \(Ohio Ct. App., Franklin County 1983\)](#).

Revised Code § [3313.48](#) provides for the neighborhood school plan for the location of public schools in Ohio: [*Moss v. Columbus Board of Education*, 55 Ohio Misc. 7, 9 Ohio Op. 3d 244, 379 N.E.2d 275, 1978 Ohio Misc. LEXIS 72 \(Ohio C.P. 1978\)](#).

The legislature had the power to enact [R.C. 3313.48](#) which authorizes the so-called neighborhood plan for the location of public schools: [*Deal v. Cincinnati Board of Education*, 369 F.2d 55, 11 Ohio Misc. 184, 38 Ohio Op. 2d 117, 1966 U.S. App. LEXIS 4123 \(6th Cir. Ohio 1966\)](#), cert. denied, [389 U.S. 847, 88 S. Ct. 39, 19 L. Ed. 2d 114, 1967 U.S. LEXIS 775 \(U.S. 1967\)](#).

Opinion Notes

ATTORNEY GENERAL OPINIONS

Revised Code § [3313.48](#), concerning the dismissal of classes for the purpose of individualized parent-teacher conferences, allows for the dismissal of school for the number of hours in which parent-teacher conferences are held outside of regular school hours, whether or not such dismissal occurs on the same day on which such conferences are held: [*1985 Ohio Op. Att'y Gen. No. 015 \(1985\)*](#).

Research References & Practice Aids

Cross-References to Related Sections

Alternative disciplinary schools, RC § [3313.533](#).

Materials for course of instruction; schedule of fees and charges for loss and damage; enforcement, RC § [3313.642](#).

Resolution specifying contingency plan for make up days, RC § [3313.482](#).

Schedule of school opening, RC § [3313.481](#).

School foundation program, RC § [3317.01](#).

Summer schools, adult classes, and postgraduate instruction, RC § [3313.641](#).

Ohio Administrative Code

Minimum standards relative to the minimum school year—

County board of MR/DD; chartering special education programs. **3 Ohio Sch. Law:** [OAC 3301-53-01](#).

Non-chartered, non-tax supported school. **3 Ohio Sch. Law:** [OAC 3301-35-08](#).

State developmental centers and hospitals. **3 Ohio Sch. Law:** [OAC 3301-55-01](#).

Page's Ohio Revised Code Annotated

Copyright © 2018 Matthew Bender & Company, Inc., a member of the LexisNexis Group. All rights reserved.