

Department of Public Instruction
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Weather Related School Closing Guidance – 2010-2011

School districts face difficult decisions with every severe storm. The safety and education of our North Dakota students is a priority for everyone.

The Department of Public Instruction (DPI) School Approval and Accreditation office often receives questions from the field regarding weather related school closings. We felt it would be beneficial to share many of these common questions as well as our responses. If schools have questions unique to their situation, please feel free to contact the School Approval and Accreditation office at (701) 328-1718 or lpaluck@nd.gov.

Q. 1. To meet the intent of the law and to be in compliance with the 174 full instructional days, what options do schools have for making up days due to weather related school closings?

A. 1. Schools have quite a few options when it comes to making up days due to weather related school closings. These options include:

1. The school must examine the length of its reported instructional day. If this exceeds the required amount of time defined as a full six hour day of instruction (see question 8) by at least 30 minutes, the school is eligible for one “grace” day equal to one full day of instruction. See NDCC § 15.1-06-04(8).
2. The school must use the days specifically designated as “Weather Related Make-up Days” in the STARS Fall School Calendar.
3. Schools must use any designated school break days, vacation days, holidays not required by law, or days available before graduation as identified on the STARS Fall School Calendar. Schools must validate this information with the submission of their STARS Spring School Calendar.
4. Schools must extend the length of its normal instructional day, by at least 30 minutes.
5. School districts may begin the process of seeking a waiver (see question 12).

Q. 2. When a STARS Fall School Calendar day is identified as a “Weather Related Make-up Day” or a “Designated School Break” are schools obligated to use these days as storm days?

A. 2. Yes. All “Weather Related Make-up Days” and “Designated School Breaks” are available options for schools to make-up instructional time lost due to weather related school closings. Each of these options must be used prior to a waiver to be considered by the Governor’s Office.

- Q. 3. Are schools expected to use “Professional Development Days” as identified on the STARS Fall School Calendar as possible weather related --up days?**
- A. 3.** State law requires that two professional development days be built into the STARS Fall School Calendar. See NDCC § 15.1-06-04(2). If a school has more than two days required for professional development, these additional days are available options for schools to make-up instructional time lost due to weather related school closings.
- Q. 4. A school currently has an extra 15 minutes built into the school day and STARS Fall School Calendar. When combined over the course of the school year, this equals enough time for half of a school day. Can this time be used toward weather related school closings?**
- A. 4.** No. State law indicates the additional time must total 84 hours in order to be used towards addressing weather related school closings. See NDCC § 15.1-06-04(8).
- In the past, this practice was referred to as “banking time”. In a past Attorney General Opinion, it was determined that this practice is not allowed. See Attorney General Opinion 1997-L-100. In addition, this had historically been an issue across the state; therefore, the legislature attempted to settle this issue by putting into place our current NDCC regulations.
- Q. 5. A school currently has an extra 20 minutes built into the school day and STARS Fall School Calendar. The school would like to exercise the option of adding an additional 30 minutes of instructional time to the school day. In this scenario, would it be possible for the school to add an additional 10 minutes a day to fulfill the requirement that additional time must be added in 30 minute increments?**
- A. 5.** No. State law clearly indicates that the “normal” school day would need to be extended by 30 minutes. In the scenario outlined above, the extra 20 minutes is considered part of the “normal” school day as submitted on the STARS Fall School Calendar. See NDCC § 15.1-06-04(8).
- Q. 6. Can a school “bank time” for weather related school closings?**
- A. 6.** No. In a past Attorney General’s Opinion, it was determined that the practice of “banking time” was not allowed. See Attorney General Opinion 1997-L-100. In addition, this practice had historically been an issue across the state; therefore, the legislature attempted to settle this issue by putting into place our current NDCC regulations.
- Q. 7. When a school is making up additional time due to weather related school closings, does it matter whether the additional time is added to the beginning or end of the school day?**
- A. 7.** No. The law is silent on the manner in which the make-up time is incorporated into the school day; however, the time must be instructional and must be provided at a minimum of 30 minutes. See NDCC § 15.1-06-04(8).

Q. 8. How is a full-day of instruction defined in statute?

A. 8. For elementary settings, a full day of instruction is defined as at least 5.5 hours of time dedicated for curricular instruction. This excludes non-instructional time such as recess, lunch, etc.

For secondary settings, a full day of instruction is defined as at least 6.0 hours of time dedicated for curricular instruction. This excludes non-instructional time such as recess, lunch, etc. See NDCC § 15.1-06-04(5) and Attorney General Opinion 1997-L-100.

Q. 9. Can a school add additional time to the school day in anticipation or preparation for upcoming weather related school closings?

A. 9. No. Statute does not allow for a school to increase the length of the school day by a fraction of a school day in anticipation that there may be a future reason to dismiss school. See Attorney General Opinion 1997-L-100.

Q. 10. Are schools responsible for making up time for starting the school day late or dismissing early due to weather related issues?

A. 10. Yes. All instructional hours missed during the school day must be made up.

Q. 11. What process must schools follow to seek the storm forgiveness waiver through DPI and the Governor's Office?

A. 11. Before the *Request for Emergency Declaration State Aid Eligibility* (SFN 51826) (a.k.a. storm forgiveness waiver) can be submitted and is eligible for review by the Governor's Office, the school district must:

1. Account for, and utilize, two or more weather related closure days as indicated in their STARS Fall School Calendar.
2. Provide a *School Calendar Amendment Request* in the form of a memo or letter to the Department of Public Instruction demonstrating that the district has made every attempt to ensure 174 full instructional days are provided to their students. The *School Calendar Amendment Request* must show the district's plan for exhausting all eligible and potential instructional days remaining in the school calendar. These dates may include non-mandated holidays (please reference NDCC § 15.1-06-02 – School Holidays), preplanned breaks, or days between last day of school and scheduled high school graduation.
3. Exercise all options outlined in the district's *School Calendar Amendment Request*. A district's undue hardship rationale and *Request for Emergency Declaration State Aid Eligibility* (SFN 51826) (<http://www.dpi.state.nd.us/forms/sfn51826.pdf>) will only be considered after the school district has exercised all options outlined in their *School Calendar Amendment Request*.

Q. 12. If a school district receives the Governor's forgiveness of a school day due to weather related school closure, is the district's state aid payment reduced accordingly?

A. 12. No. If the Governor determines that a day will be forgiven, state aid continues to be calculated as if school were in session. However, if the Governor denies forgiveness and the school is unable to make up the lost day, state aid will be reduced accordingly.

Q. 13. If a school district makes the decision to extend the school year beyond the date set for graduation due to weather related closings, will state aid payments be impacted?

A. 13. No. Extending the school calendar beyond graduation to account for the required 174 instructional days has no impact on state aid payments. These additional days would qualify for state aid payment, just the same as any other of the 174 instructional days.

NOTE: Beginning with the 2011-2012 school year all school districts will be required to hold a minimum of 175 full instructional days and 182 contracted days.
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