

KEA FACT SHEET: SCHOOL CALENDAR AND WEATHER RELATED CLOSURES



Every year KEA receives many questions about whether school districts must make up missed instructional days due to weather and if so, how those made up days must be scheduled. Unfortunately, the answer is different for every district and is entirely dependent on the number of instructional days included in the original school calendar, the number of makeup days included in the original school calendar, whether the students are already “banking” instructional time, etc. The manner in which days are made up – or not – will affect certified personnel

differently from education support personnel. There are a number of factors that must be considered in order to answer the question for each district.

Student time: *By law, students must attend school a specific number of hours and a specific number of days each year. As a base line requirement, KRS 158.070 establishes student attendance for at least one hundred seventy-five (175) six (6) hour instructional days each year or the equivalent thereof. So the minimum number of instructional hours each year is one thousand fifty (175 x 6). However, the legislature may amend that requirement and routinely does so in the biennial budget bill. So, during the 2013-14 school year, districts must provide not less than 1062 hours of instruction, twelve (12) hours more than is required by the statute. HB 265 (2012). If each scheduled student attendance day provides only six (6) hours of instruction, students must attend one hundred seventy-seven (177) days during 2013-14. But remember, students may attend the equivalent of the required number of days as long as the required number of instructional hours is met. So students may attend fewer than 177 days if they are offered 1062 hours of instruction.*

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Certified employee time: *Although student time is measured by hours, teachers and other certified employees work on a per day basis, meaning that your employment contracts are defined by the number of days you must work each year. Generally, teachers must be minimally employed on a 185 day contract. KRS 157.350(1). Those contract days will include all the instructional days scheduled to meet the legal requirements for students, which must be at least six (6) hours each. But there is no “equivalent” language for teacher contractual days. So students may actually attend many fewer days than certified school employees are contractually obligated to attend.*

Education support professional time: *Most, but not all, education support professionals are employed on an hourly basis. Normally, when school is closed due to weather, ESPs simply aren’t paid for that day. Ideally, they will “make up” the lost time when the students “make up” the lost instructional time. The real problem arises when student instructional days are “waived,” which means that ESP employment hours are also “waived.” That not only causes problems with income, it may also cause problems with the Kentucky Retirement System if too many days are waived.*

So, what is the answer? It depends. The Kentucky Department of Education is in the best position to analyze individual school calendars and determine what steps should be taken. The legislature may also weigh in if the burden is too substantial. For now, members should rely on the following information published by KDE:

KDE has the responsibility to ensure that districts comply with the calendar requirements as set forth in statute, regulation, and current budget bill language. The guidelines are posted on the KDE website at <http://education.ky.gov/districts/enrol/Pages/School-Calendar.aspx>

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Under HB 265 (2012), districts are required to provide no less than 1,062 hours of instruction during the 2013-14 school year. In addition to the minimum 1,062-hour instructional term, the school calendar is required to include make-up days equal to the greatest number of days missed system wide in the local school district over the preceding five school years. As a general rule, KDE encourages districts to provide the maximum instructional days and hours for the benefit of students.

Only under extreme conditions will a district be excused from the 1,062-hour instructional term. ***Once a school district has missed more than 20 regular instructional days system wide and has scheduled to make up at least the first 20 instructional days missed, the district may appeal to the commissioner of education to use districtwide disaster days.*** KDE will do all that it can to assist districts in meeting the calendar requirements. We encourage every district to work within the current guidelines to comply with the calendar requirements.

During past legislative sessions, the General Assembly has made provision for the commissioner of education to approve a calendar waiver due to unanticipated hardships. ***Currently, the commissioner of education does not have waiver authority for the 2013-14 school year.*** KDE will continue to track and monitor all legislation during the current General Assembly session that pertains to education, including any dealing with the making up of missed school days.

Should you have any questions about calendars, please contact Cheri Meadows, cheri.meadows@education.ky.gov or Kay Kennedy, kay.kennedy@education.ky.gov.