

Subject: School Year for Non-Public Schools

School Approval Standard:
Ed 401.03

I. Actual Text

Ed 401.03 Standard School Year and Modifications.

(a) The standard school year shall be 180 days.

(b) A school year other than the standard school year shall be approved by the commissioner of education for good cause. Good cause shall include, but shall not be limited to, a flexible program meeting equivalency through more hours per day to equal a standard school year. Alternative scheduling shall ensure that all enrolled students are included.

(c) The standard school year for seniors may be modified so as to reduce the standard school year by no more than 5 days to make adequate preparation for graduation exercises. In no case shall such modification exceed 5 days.

(d) The commissioner of education shall reduce the required 180 day standard school year for the nonpublic school if:

(1) The nonpublic school is able to represent in writing to the commissioner that by reason of an emergency condition or circumstance the nonpublic school is unable to meet such time requirement; and

(2) The commissioner shall decide that the representation is true.

II. Department Comment:

Schools have the option of establishing their annual calendar based on days or hours of instruction. The intent of the rule is to allow flexibility to establish calendars which best meet the educational needs of students. Staff schedules, budget implications, family vacation plans, and other matters not directly related to student learning should be secondary concerns.

The equivalent number of hours of instruction described in Ed 401.03 (b) is 945 hours of instruction for elementary schools and 990 hours of instruction for middle and high schools each year. Non-instructional time includes home room periods, passing time, and meals. Up to 30 minutes of recess and/or break time per day may be counted as instructional time for elementary schools.

Many non-public schools have calendars and daily schedules which are best described as non-traditional. Those schools should contact the Department for assistance in determining that they meet the standard.

Regardless of the option chosen, the school calendar must include 180 days of attendance for students

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unless approval for a lesser number of days has been granted by the Commissioner.

Written requests for a school year calendar with fewer than 180 days should be submitted to the Commissioner by April 1st of the previous school year.

Requests for fewer than 180 days must be re-submitted for approval every year.

The driving force behind establishment of the school calendar and the daily schedule must be what is best for the education of children. Adding five minutes to each period of a seven period day may mathematically result in 990 hours of instruction in 165 days, but in all likelihood children would be shortchanged by such an arrangement. Requests for calendars of less than 180 days must clearly demonstrate how such an arrangement is going to benefit students.

High school seniors are required to have 175 days of instruction or an equivalent number of instructional hours. The intent of this allowance is to provide time for teachers to complete final grades and to allow for senior week recreational activities which should not be scheduled during the required 175 days of instruction. Schools should not schedule graduation on the 175th day after the start of the school year and expect a waiver of the 175 day requirement if weather or other emergencies cause school to be closed for one or more days during the year.

Schools should plan additional days in their calendars to be used in the event of school closures due to inclement weather or other emergencies. Schools may request a waiver of the requirement for 180 days or an equivalent number of hours if weather or other emergencies result in an unusually high number of lost days during the year.

Schools may develop unique schedules and calendars for individual students participating in extended learning opportunities and other alternative forms of instruction. The amount of time spent participating in these activities should be equivalent to that spent in traditional classes unless the school has developed competency assessments which can be accomplished in a shorter period of time. Competency assessments must demonstrate mastery of the academic material.

III. For more information on this technical advisory, contact:

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