

Emergency School Closings

24 P.S. Section 25-2523

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PURPOSE

This BEC provides guidance and direction to public schools regarding notification to PDE of public school emergency closings and procedures for requesting a waiver under Section 2523 of the Pennsylvania Public School Code and the policy of the Department of Education regarding such waivers.

BACKGROUND

School attendance is a critical factor influencing student achievement. Severe weather and emergencies that necessitate the closing of schools take away important instructional time. Every effort must be made for students to make up the time lost due to emergency closings and severe weather so that students receive no less than the minimum 180 days of instruction as required by the Pennsylvania Public School Code.

Section 15-1501 of the Public School Code of 1949 requires all public kindergartens, elementary and secondary schools to be kept open for a minimum of one hundred eighty (180) days of instruction for pupils. The law provides school districts until June 30 of each school year to provide the 180 days of instruction and also makes special provisions for graduating seniors.

Section 2523 of the Public School Code of 1949 grants the Secretary of Education discretionary power with regard to payment of subsidy during emergency school closings. When a school district or intermediate unit or Career and Technology Center (hereinafter referred to collectively as "school entity") is compelled to close any school(s) because of contagious disease, natural disaster or other emergency, the school entity may ask the Department to exercise its discretion and grant a waiver under Section 2523 to allow the school entity to receive full subsidy reimbursement for providing less than a minimum term of 180 days because of the emergency closing. The procedures for requesting such a waiver are outlined in this BEC.

POLICY

Although the Secretary of Education has the discretionary power under Section 2523, to grant waivers to the 180 day requirement due to emergency closings, waivers will only be granted as a measure of last resort. Public school entities must give consideration and first priority to making up the days missed for any reason.

The Department will utilize a two part test for granting a waiver. First, did the emergency result in the closing of all buildings within the school entity? Second, will the school entity be able to make up the day(s) by June 30? All requests for waivers will be reviewed individually and a decision will be based on the merits of the situation and the school laws of

Pennsylvania. It should be noted that severe weather is not considered an emergency for granting a waiver to the 180 day requirement.

When all schools within the school entity are closed or the majority of schools within the school entity are closed due to an emergency, the expectation is that the district, IU or CTC must make up the day(s) missed unless it is impossible to do so by June 30. When a request for a waiver due to an emergency closing affects one school or a small number of schools within the public school entity, the Department will consider granting a waiver because of the complications that occur, such as transportation, child care, and employment contract issues, when only one school within a school entity is required to be open and the other schools are closed.

PLANNING

It is the responsibility of all school administrators to build into their school calendar a sufficient number of "make up" days to avoid the necessity of extending the school year to make up the days missed due to an emergency closing or severe weather. It is recommended that public schools determine the average number of days schools were closed, due to severe weather or emergencies, over the past three years to determine the number of make up days to build into the school calendar. Generally, it is recommended that at least five (5) make up days, not designated for any other purpose, be built into the school's calendar.

When a school entity uses a scheduled student vacation day as a make up day, consideration should be given to the individual situation and the safety of students. For example, some public schools that serve as polling places on Election Day are scheduled to be closed on that day; if the school entity plans to utilize Election Day as a make up day, it is recommended that precautions, such as additional security personnel and crossing guards be provided in the event that classes are held that day.

PROCEDURES

Representatives of a school entity affected by a Section 2523 emergency closing shall immediately contact the Department of Education's School Services Office (717-787-4860) or RA-PDE-SchoolService@pa.gov to discuss the emergency and any proposed solutions.

If the school entity seeks to request a Section 2523 waiver, that request shall:

- 1) be made in writing to the School Services Office,
- 2) detail and substantiate the reasons and specific emergency which compelled the closing,
- 3) include an up-to-date summary of PDE-approved emergency closings per building for the current school year; and
- 4) include a copy of the current school calendar approved by the Board. Severe weather is not considered an emergency for granting a waiver to the 180 day requirement under Section 2523.

If one or a small number of schools are closed for three (3) or more days and a Section 2523 waiver is granted, the school entity may be required to amend the school calendar for those schools. Such an amendment may include adding hours to the school day so that a minimum of 450 hours of instruction will be offered to half time pre-K and kindergarten students, 900 hours of instruction will be offered to elementary students, and 990 hours of

instruction will be offered to secondary students. Minimum hours of instruction shall not include hours for Act 80 exceptions.

For the rare occasions when a Section 2523 waiver would be granted when all schools within the school entity are closed and the days cannot be made up by June 30, the school entity may be required to amend its calendar to add hours to the school day so that the minimum hours of instruction, as stated above, will be met.

In all instances where a school entity is compelled to close any school(s) *during the course of the school day*, under an emergency as provided for in Section 2523, it is not necessary to request a waiver and that day shall be credited as a full day of membership and count as a full day of instructional hours. There will be no loss of subsidy when an emergency closing causes schools to be closed after the beginning of the school day. If the emergency school closing occurs during the course of the school day and prior to the PM kindergarten session, it is necessary to make up the session or request a waiver for the PM kindergarten group.

In all instances where a school entity is compelled to close any school(s), the Section 2523 request shall indicate if any students are receiving an extended school year of special education and how the closing will affect the delivery of that program.

Section 15-1501 of the PA Public School Code and the BEC on Graduating Seniors contain provisions that apply to school closures and issues related to graduating seniors. Please review this BEC for the provisions that apply to graduating seniors and direct any questions to the School Services Office.

REFERENCES:

Purdon's Statutes

24 P.S. Section 15-1501
24 P.S. Section 25-2523

Related Basic Education Circulars

24 P.S. Section 15-1501 Graduating Seniors
24 P.S. Section 15-1502 Days Schools Not to be Kept Open
24 P.S. Section 15-1503 Additional Holidays
24 P.S. Section 15-1504 Instructional Time and Act 80 Exceptions

CONTACT BUREAU/OFFICE:

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