

**Minnesota** Department of  
**Education**

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**A**utomated  
**R**eporting  
**S**tudent  
**S**ystem  
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\* See  
Appendix B  
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Pages 300-306

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APPENDIX B

Days in Session/Length of Day

**DAYS IN SESSION**

Days in the school calendar are referred to as Instructional Days or Non-instructional Days.

**INSTRUCTIONAL DAY IN SESSION** is a day during which all students in a particular grade and school are required to attend and participate in school activity for the full school day. Schools and grades utilizing the Flexible Scheduling option may count partial student days as instructional days but must compute the average length of day. Refer to the section titled “Length of Day.”

In order for a day to be counted as an **INSTRUCTIONAL DAY IN SESSION**, the entire day must be utilized for school activity<sup>1</sup>. Days of early dismissal or late opening of school, except in emergency circumstances,<sup>2</sup> may not be counted as instructional session days, unless the flexible scheduling option is used. Days used for instructional purposes for one-half of the day and for parent-teacher conferences the other half may be counted as instructional days, under the Flexible Scheduling option only. In cases when the district or school is not using the Flexible Scheduling option, the day should be counted as a non-instructional day.

Count the instructional days carefully from the school calendar. Audits of several districts have revealed misreported counts of instructional days. It is impossible to accurately claim students' membership days using an erroneous count of instructional days.

It is possible for two schools in a district to have a different number of instructional days. It is also possible for different grades in a school to have a different number of instructional days, especially if the school runs kindergarten all day on alternate days or if seniors are excused from the final day(s) of the school year.

**Tournaments/Off-Site Activities.** Days on which some students are released to participate in a school activity, transportation is provided, students are supervised by school staff at the activity and instruction is provided for students who do not participate in the off-site activity can be reported as an instructional day for the school and grades affected. However, if the off-site activity is not required and school is not held for students who choose not to participate, the day cannot be reported as an instructional day.

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<sup>1</sup>Except for schools/grades utilizing the Flexible Scheduling option.

<sup>2</sup>Emergencies such as inclement weather or other unforeseen emergencies.

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**Late Start / Early Dismissal.** Days on which classes start late or dismiss early because of emergencies that are beyond the control of the school board may be counted as INSTRUCTIONAL DAYS IN SESSION for the school and grades affected. The students in these schools and grades are reported in membership. Days on which school is canceled entirely are not considered instructional, non-instructional or membership days. In instances when school is canceled after buses have been sent out, the day may still be reported as an instructional day and a day in membership if the students have been assembled at the school site. Mark all students absent unless attendance is taken. Students need not be marked absent if the day is not counted as an instructional day.

When a half-day kindergarten is canceled due to a late start or early dismissal, that day is not counted as an instructional day in the MARSS A school file or as membership hours for the students. Specifically, when the morning kindergarten students do not have classes due to an emergency late start but the afternoon kindergarten students do have classes, the morning students will have one fewer instructional and membership day. Conversely, when the afternoon kindergarten special education students do not have classes due to an emergency early dismissal but the morning kindergarten do have classes, the afternoon students will have one fewer instructional and membership day.

Refer to MARSS Procedure 6 for emergency closings and reporting for early childhood and kindergarten disabled students.

**Labor Day/September 1 Start Date.** Student instructional days cannot be scheduled until after Labor Day, with the exceptions listed below:

- Charter schools can start as early as July 1. This will be indicated on the school calendar that the school provides to the department each summer for the following school year.
- Districts with remodeling projects of \$400,000 or more can start prior to Labor Day by sending a written notification to Program Finance so that the MARSS edit program can be updated. *Refer to Minnesota Statute §120A.40, subdivision 1(b) (1Sp2005).*
- Districts cooperating with districts in another state can start prior to Labor Day by sending a written notification to Program Finance so that the MARSS edit program can be updated.
- Schools with state-approved learning year programs, e.g., area learning centers, can start the optional portion of their school year in June after the end of the just prior school year. The membership that occurs in June is considered part of the following school year.
- Schools with state-approved flexible school year can start prior to Labor Day but no earlier than July 1.

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- Early childhood special education (EC) and kindergarten-disabled (HK) students can begin the school year as early as July 1.
- Non-instructional days, such as teacher in-service workshops and/or parent-teacher conferences can be held prior to Labor Day. They may also be held after the school year has ended for students. These days do not count as instructional or membership days.
- Districts with special legislation can start as early as provided by the legislation, but no earlier than July 1.
- Early childhood screening can occur anytime between July 1 and June 30.

**End of School Year.** *All* schools must end the school year by June 30, including learning year programs.

**Minimum Number of Instructional Days.** With the exception of learning year programs, there is no uniform, statewide minimum number of instructional days. However, statute requires districts to schedule at least the same number of instructional days that were originally scheduled for the 1996-97 school year (Minnesota Statute §120A.41 (1Sp2003)). The local school board retains the authority to modify the school calendar after the school year has started.

**Canceled School Day.** When a school day is canceled for any reason (e.g., inclement weather, health/safety issues with a building), the local school board must decide whether to make up that day later in the school year and to formally amend the school calendar.

When a Charter School changes its calendar, a copy of the new board-adopted calendar should be forwarded to Program Finance and their authorizer.

Financial considerations when a school day is cancelled include:

1. The ADM for students whose membership is calculated in terms of hours is impacted. For example, early childhood special education and kindergarten disabled students' ADM is based on the actual number of scheduled instructional service to a statute minimum number of hours. The scheduled hours of service are fewer when a school day is canceled and the student's ADM may be less than had school been in session.
2. The ADM for learning year students, including State-Approved Alternative Programs (SAAP), is based on the greater of the actual instructional hours in the programs' core school year or the statute minimum number of instructional hours. When the core year instructional hours fall below the statute minimums, students are unable to generate 1.0 ADM during the core year in a seat-based setting.

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3. The ADM for concurrently enrolled and dual enrolled alternative program students is reduced when the annual instructional hours at the traditional school falls below the minimum instructional hours for learning year programs. The traditional school's ADM is not affected in this case.

**Certain Holidays.** Districts may contract with teachers to hold school on any of the holidays listed below. However, at least one hour of the day “must be devoted to a patriotic observance of the day” (Minnesota Statute §120A.42 (1998)).

- Martin Luther King’s Birthday
- Lincoln’s birthday
- Columbus Day
- Washington’s Birthday
- Veteran’s Day

Classes may not be scheduled at independent school districts on the days listed below (Minnesota Statute § 645.44, Subd. 5 (2006)). When the holiday falls on a Saturday, the prior Friday is considered the holiday. When the holiday falls on a Sunday, the following Monday is considered the holiday. Charter schools are exempt from this statute although transportation might be an issue if the charter school relies on the local school district for transportation services.

- New Year’s Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Christmas Day

**Kindergarten Disabled.** There are no Minnesota Rules or Statutes that set a minimum length of day for kindergarten disabled students. However, Minnesota Statute §126C.05, Subd. 1(c) (2009), states that membership and attendance for these students are to be reported in terms of a ratio of hours of instruction provided to 875 hours. This ratio may not exceed 1.0 (1.00 ADM). A district may claim as many membership hours as both recommended in each of these students' Individual Education Plan (IEP) and scheduled MARSS programming will hold the students' ADM and pupil units to no more than 1.0.

**Early Childhood Special Education.** There are no Minnesota Rules or Statutes that set a minimum length of day for pre-kindergarten disabled students. However, Minnesota Statute §126C.05, Subd. 1(a) (2009) states that membership and attendance for these students are to be reported in terms of a ratio of hours of instruction provided to 825 hours. This ratio may not exceed 1.00 (1.00 ADM). A district may claim as many membership hours as both recommended in each of these students' Individual Education Plan (IEP) and scheduled MARSS programming will hold the students' ADM to no more than 1.0.

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**NON-INSTRUCTIONAL DAY IN SESSION** is any day used in whole or in part for parent-teacher conferences, teacher in-service workshops or any other staff development opportunities. A workshop day must be used for the improvement or preparation of instructional activities. If any part of a day is used for these purposes and students are not in attendance for the full school day, the whole day must be counted as a non-instructional day. However, if students attend part of the day and the district or school is using the Flexible Scheduling option and is calculating the average length of day to report on the MARSS A school file, then the day can be reported as an INSTRUCTIONAL DAY. Days used for grading or getting classrooms ready for students to attend, the closing of classrooms at the end of the year, and days devoted to teacher institutes (such as Education Minnesota) or other meetings called by the Commissioner are not workshop days.

NON-INSTRUCTIONAL DAYS should not be included in any students' count of ATTENDANCE DAYS or MEMBERSHIP DAYS. Days on which seniors are not scheduled for classes but other grades must attend, may not be counted as instructional or non-instructional days for seniors.

**Grades EC and HK.** There is no provision for non-instructional days for early childhood special education and kindergarten-disabled students as there are no minimum days in session requirement.

### LENGTH OF DAY

Report the LENGTH OF SCHOOL DAY IN MINUTES, excluding meal times. At the secondary level, passing time may be included. At the elementary level, a supervised recess after lunch may be included in the length of day. If length of day is altered during the year, report the shorter day, or use the Flexible Schedule option described below.

Districts using the Flexible Scheduling option must complete *Flexible Scheduling Report* in order to calculate the value that must be reported under LENGTH OF SCHOOL DAY IN MINUTES. This report is posted to the department's Website at: <http://education.state.mn.us> > School Support > School Finance > MARSS-Student Accounting > MARSS Reporting Instructions.

### FLEXIBLE SCHEDULING

*Flexible Scheduling Report* is a worksheet for districts/schools/grades that include one or more partial instructional days on their School File. This worksheet assists schools in calculating an *average length* of day to report as LENGTH OF DAY IN MINUTES on the MARSS A School file when the actual length of day varies. This report need not be returned to the department; however, a copy of the completed report must be kept on file at the school district for audit purposes. This report should be considered as back-up material for the district's MARSS data and must be kept on file at least three years.

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A **partial school day** is defined as one that is scheduled to be shorter than the normal school day. The day may be scheduled to be shortened for any reason. There is no need to complete the worksheet if partial days have not been included as instructional days on the MARSSA School File and not counted as MEMBERSHIP DAYS for students.

Emergency shortened days can be considered normal school days for the purposes of MARSS reporting. In these cases, the *Flexible Scheduling Report* does not need to be used. However, grades or days that are cancelled completely for any reason are not reported as instructional or membership days.

### SNOW DAYS/TEACHER STRIKES

The following is from a letter from Carol Hokenson to superintendents, dated March 24, 2005:

It is the school board's responsibility to set the school calendar and to determine whether canceled days must be made up at a later date. (Law 1993, Chapter 224, Article 12, Section 32, repealed Minnesota Statute § 120.101, Subdivision 5b, and Minnesota Statute § 124.19, subdivision 1, effective August 1, 1996). These statutes required school districts to provide instruction for a certain minimum number of days in the school year, and required that state aid be reduced if a district did not provide instruction for the required minimum number of days. With the repeal of Minnesota Statute § 124.19, subdivision 1, there is no longer any specific provision in law for state aids to be reduced if a district does not provide instruction for a certain number of days.

The 2003 First Special Session modified Minnesota Statute §120A.41 to require a school board to adopt an annual school calendar that includes "at least the number of days of student instruction the board formally adopted as its school calendar at the beginning of the 1996-97 school year." However, since the repeal of Minnesota Statute § 124.19, subdivision 1, there remains no specific provision in law for state aids to be reduced if a district fails to comply with this requirement. There is a criminal penalty under Minnesota Statute § 120A.32 (1998) for willful non-compliance with this requirement. Willful non-compliance is a misdemeanor; a school officer or superintendent found guilty under this provision is subject to a fine not to exceed \$10 or by imprisonment for not more than 10 days.

In conclusion, the legislature in past sessions has repealed all references in rule and statute to instructional time. Currently there are no rules or statutes in effect that define an instructional day. This decision is being left to the discretion of local school districts to best determine what is appropriate. Without specific statutory authority in law or rules on this issue, this becomes a local decision. It is the school board's responsibility to provide an appropriate education with the necessary time to help students succeed in meeting the state's standards and requirements to graduate.

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Finally, it is important to note that, if the number of instructional days is reduced because of a teacher strike or an emergency situation, there will be a loss of aid for kindergarten and prekindergarten students with a disability and for students enrolled in learning year programs. For these programs, student ADM and funding are tied to a minimum number of instructional hours in the school year.

I hope this information helps to clarify your questions. If you have further questions, please contact either:

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