

Appendix B

Instructional Days/Length of Day

An Instructional Day 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 together. Partial student days are considered Instructional Days but the school must compute the average length of day. Refer to the section titled “Length of 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. Days on which seniors are not scheduled for classes but other grades must attend, may not be counted as instructional days for seniors.

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.

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 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 or membership days. In instances when school is canceled after buses have been sent out and after the scheduled start time, 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 voluntary prekindergarten, school readiness plus or kindergarten class is canceled due to a late start or early dismissal, that day is not counted as an instructional day in the Minnesota Automated Reporting Student System (MARSS) A school file or as membership for the students. Specifically, when the morning voluntary prekindergarten, school readiness plus or kindergarten students do not have classes due to an emergency late start but the afternoon voluntary prekindergarten, school readiness plus or kindergarten

students do have classes, the morning students will have one fewer instructional and membership day. Conversely, when the afternoon voluntary prekindergarten, school readiness plus or kindergarten students do not have classes due to an emergency early dismissal but the morning voluntary prekindergarten, school readiness plus or 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, voluntary prekindergarten and kindergarten students with disabilities.

Labor Day 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 School Finance so that the MARSS edit program can be updated. Refer to Minnesota Statutes 2009, section 120A.40, subdivision 1(b).
- Districts cooperating with districts in another state can start prior to Labor Day by sending a written notification to School 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 learning year program under Minnesota Statutes 2015, sections 124D.12 through 124D.127 can start prior to Labor Day but no earlier than July 1.
- **Change** Early childhood special education (EC) 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

Minnesota Statutes 2017, section 120A.41 requires the school board's annual calendar to include at least 165 days of instruction for a student in grades 1 through 11 unless a four-day week schedule has been approved by the commissioner under Minnesota Statutes 2015, sections 124D.12 through 124D.127. This language applies to all types of school districts except charter schools. This includes independent school districts and education

districts, i.e. cooperatives, and intermediates districts. Education districts are formed by school districts, so programs they operate on behalf of member districts need to meet the same requirements. Refer to Minnesota Statutes 2003, section 123A.17, subdivision 4. Charter schools, independent districts and all other districts types must provide a minimum number of annual instructional hours:

- 350 for voluntary prekindergarten, school readiness plus
- 425 for half day kindergarten.
- 850 for full-day, daily kindergarten.
- 935 for grades 1 through 6.
- 1,020 for grades 7 through 12.

need to doublecheck seniors for 1,020 hours

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 School Finance and its authorizer.

Options for making up lost time include:

- Extend the school year calendar
- Convert non-school days to school days
- Lengthen the school day
- Add partial days

Financial considerations when a school day is cancelled include:

1. The Average Daily Membership (ADM) for students whose membership is calculated in terms of hours is impacted. For example, early childhood special education, voluntary prekindergarten, school readiness plus 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.
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. The traditional school's ADM is not affected in this case.

E-Learning Days

Effective Fiscal Year (FY) 2018 school boards and charter schools may adopt e-learning plans that provide up to five digital or e-learning days due to inclement weather. E-Learning days are defined as instructional days where a school offers full access to online instruction provided by students' individual teachers due to inclement weather. E-Learning day plans are specific to those school sites and/or grade levels that are able to deliver online instruction to all students. Requirements of the plan include consultation with the teachers, accommodations for students who lack access to internet at home or digital devices, and accessible options for students with disabilities.

Since e-learning days are clearly defined as “school offers full access to online instruction” a plan must account for both teachers providing online instruction and students accessing that instruction, which requires them to have a device and Internet. The provision of availability by telephone is a means to provide instruction to students who have insufficient access, but not intended as a primary means of instruction.

The district must notify parents and students of the potential for e-learning days at the beginning of the school year and at least a two-hour notice before the school start time that students will follow the e-learning day plan on a scheduled instructional day. It requires teachers to be accessible online and by phone during normal school hours on an e-learning day.

E-learning days are reported as regular instructional days on the MARSS A School File. Students enrolled on an e-learning day would generate one day of membership. The length of the school day is reported as the same length that was originally scheduled had the students attended at the school site.

Minnesota Department of Education (MDE) encourages districts not to use the term “E-Learning” unless they’re specifically referring to an E-Learning Day Plan as referenced and defined in Minnesota Statutes 2023, section 120A.414. The use of certain terms can lead to confusion. Districts should use the terms digital learning days, flex days, and other terms to refer to other scheduled alternative instructional days or optional instructional days that are not counted as days of instruction in MARSS. It’s important for the district to clarify exactly what is meant.

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” for all but Columbus Day under Minnesota Statutes 2023, section 120A.42.

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

Classes may not be scheduled at independent school districts on the days listed below under Minnesota Statutes 2023, section 645.44, subdivision 5. 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

Change Kindergarten Students with Disabilities

There are no Minnesota Rules or Statutes that set a minimum length of day for kindergarten students with disabilities. However, Minnesota Statutes 2023, section 126C.05, subdivision 1(c), 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' total ADM and pupil units to no more than 1.0. The ADM will be prorated for students with more than one enrollment record.

Early Childhood Special Education (EC)

There are no Minnesota Rules or Statutes that set a minimum length of day for prekindergarten students with disabilities. However, Minnesota Statutes 2023, section 126C.05, subdivision 1(a) 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. The ADM will be prorated for students with more than one enrollment record.

Length of Day

Report the Length of School Day in Minutes, *subtract meal time* excluding meal times. At the secondary level, a reasonable passing time may be included. At the elementary level, a supervised recess during the day may be included in the length of day. If length of day is altered during the year, use the Flexible Scheduling worksheet described below, to compute the average length of day to report.

This report is posted to the [department's website](http://education.mn.gov) (<http://education.mn.gov>): Districts, Schools and Educators>Business and Finance> School Finance > MARSS-Student Accounting > MARSS Reporting Instructions.

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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.

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.

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

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. Minnesota Statutes 2023, section 120A.41 requires school districts to provide instruction for a minimum number of hours and days in the school year. There is a criminal penalty under Minnesota Statutes 2014, section 120A.32 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. There is no specific provision in law for state aids to be reduced if a district does not provide instruction for a certain number of days. However, ADM could be negatively impacted in some cases. Refer to the section called "Canceled School Day" for more information.

If you have further questions, contact [MARSS](mailto:marss@state.mn.us) (marss@state.mn.us).