

**OPINION NO. 85-015****Syllabus:**

R.C. 3313.48, concerning the dismissal of classes for the purpose of individualized parent-teacher conferences, allows for the dismissal of school for the number of hours in which parent-teacher conferences are held outside of regular school hours, whether or not such dismissal occurs on the same day on which such conferences are held.

**To: Franklin B. Walter, Superintendent of Public Instruction, Department of Education, Columbus, Ohio**

**By: Anthony J. Celebrezze, Jr., Attorney General, May 14, 1985**

I have before me your opinion request concerning the minimum school day and school year requirements set forth in R.C. 3313.48. You question whether R.C. 3313.48 allows for the dismissal of school for the number of hours in which parent-teacher conferences are held outside of regular school hours where such dismissal does not occur on the same day on which such conferences are held. Your letter illustrates your concern as follows:

For example, a school district schedules parent-teacher conferences in such a manner that all pupils attend school on a Thursday morning and a Friday morning. Parent-teacher conferences are held on Thursday afternoon and Thursday evening. School is dismissed Friday afternoon in "compensation" for the "overtime" Thursday evening. Is such a practice legal under the provisions of R.C. 3313.48?

R.C. 3313.48 reads as follows:

The board of education of each city, exempted village, local, and joint vocational school district shall provide for the free education of the youth of school age within the district under its jurisdiction, at such places as will be most convenient for the attendance of the largest number thereof. Every day school so provided shall be open for instruction with pupils in attendance for not less than one hundred eighty-two days in each school year, which may include up to four school days per year in which classes are dismissed one-half day early or the equivalent amount of time during a different number of days for the purpose of individualized parent-teacher conferences and reporting periods and which may include up to two days for professional meetings of teachers when such days occur during a regular school week and schools are not in session or as provided in sections 3313.481 [3313.48.1], 3313.482 [3313.48.2], 3313.484 [3313.48.4], and 3313.485 [3313.48.5] of the Revised Code, less the number of days the school is closed as a result of public calamity, as provided in section 3317.01 of the Revised Code. The state board of education shall adopt standards for defining "school day" as used in sections 3313.48, 3313.481 [3313.48.1], 3313.482 [3313.48.2], 3313.484 [3313.48.4], and 3317.01 of the Revised Code. Except as otherwise provided in this section, each day for grades seven through twelve shall consist of not less than five clock hours with pupils in attendance, except in such emergency situations, including lack of classroom space, as are approved by the state board of education. Except as otherwise provided in this section, each day for grades one through six shall consist of not less than five clock hours with pupils in attendance which may include fifteen minute morning and afternoon recess periods, except in such emergency situations, including lack of classroom space, as are approved by the state board of education. (Emphasis added.)

R.C. 3313.48 states that the schools provided for in that section shall be open for instruction with pupils in attendance for not less than one hundred eighty-two days in each school year. Such one hundred eighty-two days may include annually up to four days in which classes are dismissed one-half day early "or the equivalent amount of time during a different number of days" for the purpose of individualized parent-teacher conferences and reporting periods. R.C. 3313.48 further provides that, except as otherwise provided in that section, each school day shall consist of not less than five clock hours with pupils in attendance. See generally 2 Ohio Admin. Code 3301-35-02(B) (setting forth the minimum number of hours in the school day for grades one through six, seven and eight, and nine through twelve).

The provision in R.C. 3313.48 concerning the dismissal of classes for the purpose of parent-teacher conferences and reporting periods allows the dismissal of classes for as much as the equivalent of two school days per year. Such dismissals may occur on four separate days for a period of one-half day each, or for the equivalent amount of time on a different number of days. The only restrictions on such dismissals appear to be that the purpose of the dismissals be for parent-teacher conferences and reporting periods, and that such dismissals may not exceed the equivalent of two school days per year. Whether R.C. 3313.48 allows for the dismissal of classes in the situation about which you ask depends upon whether the dismissal of classes on the day following evening parent-teacher conferences may be considered to be a dismissal for the purpose of parent-teacher conferences.

Admittedly, the phrase, "for the purpose of individualized parent-teacher conferences and reporting periods," is ambiguous. A narrow reading of the purpose requirement of R.C. 3313.48 would allow school to be dismissed only for those hours in which parent-teacher conferences are actually conducted during regular school hours. It does not appear, however, that such a restrictive interpretation is required.

It is well settled that in interpreting a statutory provision which is susceptible of either a broad or narrow interpretation, such provision must be construed in a manner consistent with the other provisions of the statute and in light of the objective to be achieved by the statute. See Heidtman v. City of Shaker Heights, 163 Ohio St. 109, 126 N.E.2d 138 (1955) (syllabus, paragraph one).

In 1971-1972 Ohio Laws, Part II, 1485, 1497 (Am. Sub. H.B. 475, eff. Dec. 20, 1971) the General Assembly specifically amended R.C. 3313.48 to include in the minimum school year the equivalent of up to two school days during which classes may be dismissed for parent-teacher conferences and reporting periods. The obvious intent of this amendment was to build into the minimum school year a certain amount of time for parent-teacher conferences. Whether parent-teacher conferences are conducted during or outside of regular school hours, such time is devoted to the purpose of such conferences. Indeed, a board of education may reasonably conclude that holding parent-teacher conferences during the evening or during the weekend rather than during the school day better serves the purpose of holding such conferences if, for example, the board determines that more parents are able to attend evening conferences. If a board of education subsequently wishes to dismiss school for the number of hours for which parent-teacher conferences are held outside of regular school hours in order to accommodate teachers for working during the evening or weekend, see generally R.C. 3313.20 (board of education shall make rules and regulations as are necessary for the government of its employees); R.C. 3313.47 (a board of education shall have the management and control of all the public schools within its district), such dismissal may still be considered for the purpose of facilitating parent-teacher conferences. I believe that the purpose of R.C. 3313.48—promoting parent-teacher conferences—is best served by construing such statute broadly. Thus, I conclude that R.C. 3313.48 allows for the dismissal of school for the number of hours in which parent-teacher conferences are held outside of regular school hours, whether or not such dismissal occurs on the same day on which such conferences are held, so long as classes are not dismissed for the purpose of parent-teacher conferences in excess of the equivalent of two school days per year.

Based on the foregoing, it is my opinion, and you are advised that R.C. 3313.48, concerning the dismissal of classes for the purpose of individualized parent-teacher conferences, allows for the dismissal of school for the number of hours in which parent-teacher conferences are held outside of regular school hours, whether or not such dismissal occurs on the same day on which such conferences are held.