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SCHOOL YEAR/LABOR DAY

House Bill 4099 (Substitute H-4)
Sponsor: Rep. Scott Shackleton

Senate Bill 53 (Substitute H-2)
Sponsor: Sen. Walter H. North

First Analysis (5-5-99)

**House Committee: Great Lakes and
Tourism**

Senate Committee: Education

THE APPARENT PROBLEM:

The school code specifies that the board of a school district or of a public school academy must determine the length of a school term and ensure that there are a minimum number of pupil instruction days in a school year; otherwise, state school aid payments may be withheld. The establishment of a school calendar, including the starting date of a school year, is not addressed in the code, but is left to local school districts. Reportedly, a majority of school districts in the state convene their school years in late August, prior to the Labor Day holiday, which traditionally marks the end of the summer season. However, many of those involved in the state's travel industry have long contended that starting school before Labor Day limits travel opportunities for families, and that the summer vacation period should be extended to include that weekend. Legislation was introduced, but not enacted, during the 1997-98 legislative session to prohibit school districts from starting school before Labor Day (see HLAS analysis of House Bill 5080 dated 10-9-97). As a compromise, it is now proposed that public schools be prohibited from holding classes on the Friday before Labor Day for three school years. During those three years, a task force would study the economic and educational impact of changing the school starting date to accommodate the Labor Day holiday.

THE CONTENT OF THE BILLS:

House Bill 4099 would add a new section to the Revised School Code (MCL 380.1284b) to prohibit public schools from holding classes on the Friday before Labor Day during the 2000-01, 2001-02, and 2002-03 school years. The board of a school district, local act school district, public school academy, or

intermediate school district (ISD) would have to ensure that the district's or public school academy's schools were not in session on the Friday before Labor Day, meaning the first Monday in September. Senate Bill 53 would add a section to the code (MCL 380.1284c) to create, effective January 1, 2000, a temporary school calendar task force, appointed by the governor, to study issues concerning the public school calendar, and would require the task force to report its findings to the legislature and the governor by December 31, 2001. The bills are tie-barred to each other.

Exception. The provisions of House Bill 4099 would not apply in a district where a collective bargaining agreement providing a complete school calendar was in effect as of May 1, 1999 if that school calendar did not comply with the provisions of House Bill 4099. However, the prohibition against having school on the Friday before Labor Day would apply in that district after the terms of the collective bargaining agreement expired.

School Calendar Task Force. The seven-member task force would study and report its findings on the economic and educational impact of the bill's requirement that the public schools not be in session on the Friday before Labor Day, and of a requirement that all public schools begin the school year after Labor Day. It would be appointed no later than January 15, 2000, and would have to report its findings by December 31, 2001. The task force would be created as a temporary commission described in Article V, Section 4 of the 1963 Michigan Constitution. (Article V of the Michigan Constitution sets out the powers of the executive branch of

government. Section 4 of Article V says: Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.)

The task force would have one member representing each of the following groups: school boards, appointed from nominations submitted by the Michigan Association of School Boards; public school administrators, appointed from nominations submitted by the Michigan Association of School Administrators; the Travel Michigan Unit of the Michigan Strategic Fund, appointed from nominations submitted by the president of the fund; the Michigan Travel Commission, appointed from nominations submitted by the commission; the Michigan Chamber of Commerce; a member of the general public who has a child enrolled in a public school; and a K-12 teacher, appointed from nominations jointly submitted by the Michigan Education Association and the Michigan Federation of Teachers. Members would have to serve until the task force findings were reported.

If a vacancy occurred on the task force, the governor would have to appoint a replacement in the same manner as the original appointment. Members would serve without compensation, but they could be reimbursed in accordance with Department of Management and Budget travel reimbursement guidelines for mileage expenses incurred in the performance of their official duties as members of the task force.

The governor would have to call the first meeting of the task force, at which the task force would have to elect from among its members a chairperson and other officers as it considered necessary or appropriate. After the first meeting, the task force would have to meet at least six times a year, or more frequently at the call of the chairperson or if requested by three or more members. A majority of the task force members would constitute a quorum for transacting business at a task force meeting, and a majority of the members present and serving would be required for official action. The task force would be subject to the Open Meetings Act and the Freedom of Information Act. The Department of Education and the Michigan Strategic Fund would have to provide staffing and other resources for the task force as reasonably requested by it.

FISCAL IMPLICATIONS:

According to the House Fiscal Agency (HFA), the closing of schools on the Friday before Labor Day would have no fiscal impact on schools, since they would hold session on an alternate day to compensate for the day off. However, the state would incur an indeterminate small cost for the use of the Michigan Strategic Fund and Department of Education personnel to staff the task force, task force members' mileage, and other resources to support a School Calendar Task Force. (4-29-99)

The Senate Fiscal Agency (SFA) estimates that the additional cost to the department could range from \$40,000 to \$100,000 depending on the number and type of staff required. (4-19-99)

ARGUMENTS:

For:

The bills represent a reasonable approach to addressing the issue of a pre- or post-Labor Day school starting date. Under the bills, public schools and academies could not be in session on the Friday before Labor Day for three school years, which would create a four-day weekend if a school had already started. In the meantime, a school calendar task force would have to be appointed to study the economic and educational impact of changing the date that schools across the state convene the school year in the fall. Because tourism is the second largest industry in the state, the economic ramifications of a school starting date should be examined. Reportedly, tourism brings in approximately \$8 billion in revenues; therefore, if school districts were required to start school after Labor Day, approximately \$50 million in additional tourism revenues could be generated, according to state tourism officials -- more than \$7 million per day. Starting school in August shortens an already limited summer tourist season, which some people in the state's tourism industry say does not get under way until late June or early July. Furthermore, a shortened tourist season hurts students who are employed in the tourism industry during the summer and are working to earn money for school.

Response:

Instead of establishing a task force to study a post-Labor Day start for schools, there should simply be a permanent prohibition against conducting school on the Friday before Labor Day. Thus, school districts could

establish their school calendars, which could provide for a late August start date, and still provide for a four-day Labor Day weekend.

For:

Starting school on the Monday after Labor Day would benefit Michigan families, as well as the tourism industry. As noted by the Michigan Family Forum in testimony presented to the House committee, today's families find it more and more challenging -- especially when both parents work -- to spend the free time together that they once did. Therefore, the option of having one four-day weekend at the end of the summer would likely be welcomed by most families. For example, a survey conducted by EPIC/MRA in the southeast part of the state between April 21 and April 25, 1999, found that 57 percent of the population favored having schools closed the Friday before Labor Day. In fact, a slightly higher percentage of the population -- 60 percent -- favored having school start after Labor Day.

Against:

The bill represents a policy shift away from recent changes to the school code. The Revised School Code of 1995 gave the local school boards "general powers" so that local school districts, through their boards of education, could make decisions that dealt with operating their local schools. Under the code, local school boards have the flexibility to adjust school calendars to accommodate such things as local activities (some rural areas give one or more days at the start of deer season), snow days, power outages, construction schedules, and so on. The general powers provisions were designed to empower local school districts by minimizing the number of state requirements that districts must meet. The bill would run counter to this philosophy by prohibiting local school districts for three years from conducting classes on the Friday prior to the Labor Day holiday.

In the 1997-98 school year, 82 percent of the school districts in the state started before Labor Day. Local school officials should be permitted to continue setting a school calendar, including determining when school is in session, in their communities. Furthermore, there appears to be no educational reason for the bill,

which intrudes on school districts, students, and their families, merely to help a particular industry.

Response:

Some local school districts that share services with their intermediate school districts (ISDs) already have relinquished to the ISDs the decision on setting a school start date. For example, schools in Frankenmuth, along with the other school districts in the ISD, start before Labor Day. Although tourism is a significant industry in the Frankenmuth area, the local schools cannot start after Labor Day because a majority of the districts in the ISD prefer an earlier start date.

Against:

Delaying the start of the school year could have an impact on the state's public schools and academies. With new state requirements to extend the school year from 180 days to 190 days by 2006 and to lengthen the school day, a post-Labor Day opening of school could force some children to attend school until late June. It also is not clear how a mandatory post-Labor Day start would affect students who attend specially designed year-round schools or certain special education students who are required by administrative rules to have an extended school year. Furthermore, just as starting school before Labor Day might interfere with August vacations, delaying the start of school could interfere with early summer travel, as well as make it difficult for high school students to find summer jobs. With the extended school year requirement, a delay in the start of the school year also could interfere with school districts' mid-winter breaks, which could be detrimental to the snow skiing and winter sport industry in the state.

Response:

These uncertainties have been taken into account by requiring a study of the issue by the proposed School Calendar Task Force. As specified under Senate Bill 53, the task force, a majority of whose members would be tourism officials and educators, would study the economic and education impact of public schools starting the school year after Labor Day. In fact, the task force is perhaps the most important part of the legislation, since it would bring together two groups -- business and school advocates -- to study the positive and the negative results of starting school after Labor Day or of having schools close on the Friday before the holiday.

POSITIONS:

The Michigan Strategic Fund within the Department of Management and Budget (DMB) supports the bills. (5-4-99)

The Michigan Chamber of Commerce supports the bills. (5-3-99)

The Michigan Retailers Association supports the bills. (5-4-99)

The Michigan Hotel, Motel & Resort Association supports the bills. (5-3-99)

The Michigan Golf Course Owners Association supports the bills. (5-3-99)

The Michigan Restaurant Association supports the bills. (5-3-99)

The Michigan Grocers Association supports the bills. (5-3-99)

The Michigan Boating Industries Association supports the bills. (5-3-99)

The West Michigan Tourist Association supports the bills. (5-3-99)

The Michigan Convention and Tourist Bureau supports the bills. (5-3-99)

Boyne USA (a resort and convention company and owner of the Boyne Mountain and Boyne Highlands resorts and the Petoskey Bay Harbor Inn, in Michigan) supports the bills. (5-3-99)

The Grand Hotel and the City of Mackinac Island support the bills. (5-3-99)

The Association of RV Parks and Campgrounds of Michigan (ARVC) supports the bills. (5-3-99)

The Michigan Association of Recreational Vehicles and Campgrounds (MARVAC) supports the bills. (5-3-99)

The Michigan Education Association (MEA) supports the bills. (5-4-99)

Mackinac Island Carriage Tours supports the bills. (5-4-99)

The Michigan Association of School Administrators (MASA) has no position on the bills. (5-4-99)

The Michigan Association of School Boards opposes the bills. (5-3-99)

The Oakland Public School District opposes the bills. (5-3-99)

Analyst: R. Young

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.