

**House Bill 4452 as passed by the House
Second Analysis (9-30-03)**

**Sponsor: Rep. Jacob Hoogendyk
Committee: Education**

THE APPARENT PROBLEM:

Under the State School Aid Act, in order to avoid forfeiting a portion of its school aid allotment, a school district must provide a minimum number of days and hours of instruction. However, the act allows the state superintendent of public instruction to grant a waiver of the 180-day requirement for a district that adopts an experimental school year schedule in one or more buildings in the district, provided that the experimental schedule provides the minimum number of hours of instruction and is consistent with all state board policies on school improvement and restructuring.

In 2001, the Republic-Michigamme School District sought and received a waiver under this provision in order to implement a four-day school week for the 2002-2003 school-year. This alternative scheduling program was anticipated to produce a savings of 20 percent of the district's operating costs in the areas of transportation, food service, and utilities. One other district, Hastings Area Schools, has recently submitted a waiver to reduce its 2003-2004 school year by 12 days—to 168 days of student instruction, and 170 teacher report days—by adding 30 minutes to each day that classes are scheduled. The shortened year will save the district an estimated \$192,000.

Although a waiver of the traditional five-day school week has customarily been granted whenever local school officials offer a written justification to the state superintendent, any waiver that has been granted has not ensured that members of the school retirement system who teach in the schools with alternative schedules would accrue full annual service credit. In order to ensure service credit, changes to the Public School Employees Retirement Act would be necessary and have been proposed. (See *BACKGROUND INFORMATION* below.)

In addition, legislation has been proposed to give local school officials greater flexibility in setting the school schedule, by reducing the requirement that instruction occur at least 180 days each year, and instead requiring at least 164 days of instruction,

while retaining the minimum number of hours—1,098.

THE CONTENT OF THE BILL:

House Bill 4452 would amend the State School Aid Act to reduce the minimum number of school days during a school year from 180 days to 164 days, in order to allow for the implementation of a four-day school week. In addition to requiring a minimum of 164 days of instruction, the bill also would specify at least 1,098 hours of student instruction. Under the bill, a district that failed to hold 164 days of instruction would forfeit each day from its total state aid allocation, 1/164 of its total state aid. Currently under the law, in order to receive state aid, a school district must offer a minimum of 180 days of instruction, unless a waiver is provided by the state superintendent that enables a school district to adopt an "experimental school year schedule." If the district fails to hold 180 days of instruction, it forfeits each day 1/180 of its total state aid.

In addition, the bill would permit the first 30 instructional hours lost due to circumstances out of control of a district, such as severe storms, fires, epidemic, or health conditions, to be counted toward the 1,098-hour requirement. This would replace the two free "snow days" currently provided under the act, and increase the number of allowable "snow days" from two days to about four days, depending upon the number of instructional hours in the school day.

Under the bill, if a district intended to change its traditional schedule and adopt less than 180 days of student instruction, the governing board would be required to hold at least two public hearings about the revised school week. In addition, the governing board would be required to obtain a performance audit of district operations by an independent certified public accountant, certified in performance auditing, that detailed all areas in which the district could make budget cuts without adversely affecting

student performance. If the governing board decided to make the change, the governing board would be required to adopt a resolution that included all of the following: a) a statement in writing pledging that the cost savings from the change would be allocated to classroom instruction and would not be used for pay increases; and b) a statement in writing indicating that the change was being made because the governing board had determined that it would result in budget savings and stabilize or enhance student performance in the district.

House Bill 4452 is tie-barred to House Bill 4453 which eliminates the number of days required for a year of retirement credit for teachers, in order to replace the days with hours. Because the bill is tie-barred, it could not become law unless House Bill 4453 also were enacted.

MCL 388.1701

BACKGROUND INFORMATION:

Public School Employees Retirement System. House Bill 4453 would eliminate the number of days required for a year of retirement credit for teachers, in order to replace the days with hours. House Bill 4452 is tie-barred to that bill which was signed by Governor Granholm on August 22 and became Public Act 175 of 2003, passed the Senate unanimously on August 13, 2003.

Under Public Act 175, service credit would accrue in the same manner and in the same amount whether an employee worked for a district using an alternative schedule or a traditional five-days-a-week, six-hours-a-day program. The service credit would accrue equally for teaching and administrative staff as well as support staff such as kitchen workers or maintenance personnel. The changes to the method used for granting service credit would neither advantage nor disadvantage one employee over another, and costs to the state for the retirement system would not be affected.

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bill has no impact on the state. However, based upon a sampling of school districts, the elimination of the 180 days requirement could have substantial savings to local school districts that complete the school year in less than 180 days. It is estimated that the savings from moving to a four-day school week, while still

maintaining a minimum of 1,098 hours of instruction, would range from \$300 to \$500 per pupil, depending upon the size of the school district. The savings would result in lower salaries for certain support staff and the avoidance of building operation costs, such as heat, electricity, and water. (5-27-03)

ARGUMENTS:

For:

The Republic-Michigamme School District in the Upper Peninsula, a small district with declining enrollment, had considered an alternative school week schedule for the 2002-2003 school year, consisting of a four-day school week with lengthened days. Reportedly, the school board adopted a resolution in support of the pilot project in March of 2002. The state superintendent of public instruction granted a waiver of the 180-day requirement, contingent upon evidence of staff and community support and the incorporation of a process to evaluate the educational impact of the calendar change. The district did not implement the program, after learning that the service time for the district's teachers and staff could not be credited toward their retirement under the Michigan Public School Employees Retirement System.

Now, fueled by the continuing economic downturn in the state and funding cuts to local school districts, the Hastings Public School district is exploring the use of an alternative schedule in order to reduce its operating costs by \$192,000 during the 2003-2004 school year. School officials expect to go to a 168-day school year (with 170 teacher reporting days) by increasing each instructional day by 30 minutes. Generally, the cost savings that districts experience occur by reducing transportation costs, building operation and maintenance costs, and food costs.

Against:

Many educators argue that longer school days are not developmentally appropriate for students in the lower elementary school grades. The longer days of schooling will increase many youngsters' restlessness, and pose an insurmountable challenge to their already short attention spans. For many children, the opportunity to learn during a longer school day will be jeopardized, and their optimal levels of academic achievement and social development will be threatened. Further, some critics are concerned about what children will do on the extra day off, particularly where families cannot arrange day care.

Response:

A 1997 brief from the Northwest Regional Educational Laboratory entitled “Scheduling Alternatives: Options for Student Success,” reports that Oregon is the only state with schools using a four-day schedule, and there, more than a dozen small, rural school districts have utilized the four-day option. The regional Lab reports that while financially motivated, studies indicate that most schools that adopt a four-day week have discovered benefits they did not expect, although the studies cited in the research brief are generally more than a decade old. Nonetheless, studies have found a decline in student drop-out rates (Litke, 1994; Grau & Shaughnessy, 1987), a reduction in disciplinary referrals (Koki, 1992), neither positive nor negative affects on student achievement (Nelson, 1983; Daly & Richburg 1984), improved teacher and student attendance (Blankenship, 1984; Litke, 1994; Koki, 1992; Grau & Shaughnessy, 1987; Sagness & Salzman, 1993; Featherstone, 1991), fewer interruptions during class time and longer class periods (Blankenship, 1984; Kiki, 1992; Grau & Shaughnessy, 1987; Culbertson, 1982), generally more positive attitudes about school (Blankenship, 1984; Litke, 1994; Grau & Shaughnessy, 1987), and more time for quality staff development, if the day off is used for this purpose (Blankenship, 1984; Litke, 1994).

Against:

With the recent call for improved student achievement—a substantial increase in the rigor and intellectual challenge of far more serious academic content that will be encountered at every level of their schooling—this move to fewer school days, even in a few school districts, is terribly ill-conceived. For the first time in the history of American schooling, high-stakes tests are now a part of every child’s intellectual life—each and every year. If students are to make adequate yearly progress (AYP) under the federal No Child Left Behind law, then more days and hours of classroom instruction will be necessary. In 1995 when Proposal A changed the funding for schools in Michigan, and as the Revised School Code was being adopted, the 180-day minimum number of school days was expected to increase gradually over 10 years, so that eventually a 210-day school year would become the norm. That challenge was heard by school leaders, and schools increased their minimum number of days of instruction. This bill sounds a retreat from that important mission.

POSITIONS:

The Hastings Area Schools and Hastings Education Association testified in support of Senate Bill 364, a similar bill passed earlier in the session. (7-2-03)

The Michigan Education Association supported Senate Bill 364, a similar bill passed earlier in the session. (7-2-03)

The Michigan Small and Rural Schools Association was neutral on Senate Bill 364, a similar bill passed earlier in the session. (7-2-03)

The Michigan Association of School Administrators testified in opposition to Senate Bill 364, a similar bill passed earlier in the session. (7-2-03)

Analyst: J. Hunault

■ 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.