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BILL ANALYSIS

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Senate Bill 549 (Substitute S-3 as passed by the Senate)
Sponsor: Senator Ron Jelinek
Committee: Education

Date Completed: 6-29-07

RATIONALE

Faced with tight budgets and rising costs, Michigan public schools continue to explore potential ways reduce expenses and operate more efficiently. Many intermediate school districts (ISDs) have begun providing services or operating programs, such as career and technical education, jointly with constituent districts, allowing them to spread the cost of those programs among the districts. Other services such as transportation, food service, and building maintenance may lend themselves to sharing arrangements across an ISD. In practice, however, ISDs apparently have had difficulty taking full advantage of such opportunities, and their potential cost savings, because of differing calendars among their constituent districts. Some services, such as food preparation or shared teaching facilities, are needed only when school is in session, while others, such as professional development sessions for teachers, or building maintenance, need to be scheduled when school is closed. To allow for greater coordination of services and more efficient operations, some have suggested that each ISD should establish a common calendar for all of its constituent districts.

CONTENT

The bill would amend the Revised School Code to do the following:

- Require an intermediate school district, in cooperation with its constituent districts, to adopt a common calendar for all of its constituent districts and ISD programs by July 1, 2008.**

- Require the calendar to identify the dates at least of a winter holiday break, spring break, and professional development days for at least the next five years.**
- Require an ISD board and each constituent district to comply with the calendar, beginning with the 2008-2009 school year.**
- Provide that a school district or ISD would not have to comply with the common school calendar until after its collective bargaining agreement expired, if that agreement were in effect on the bill's effective date and conflicted with the common calendar.**
- Make exceptions for a year-round school or program in operation on the bill's effective date; an international baccalaureate academy; and a public school that operated grades 6-12 at a single site, and aligned its high school curriculum with advanced placement courses as the capstone of the curriculum.**
- Permit an ISD or school district that began operating a year-round school or program after the bill's effective date, or that was operating or began operating a school or program on a trimester schedule, to apply for a waiver from the bill's requirements.**

Specifically, by July 1, 2008, an ISD, in cooperation with its constituent districts, would have to adopt a common school calendar to apply to all of its constituent districts and to its ISD programs. The ISD would have to post the common school calendar on its website.

The common school calendar would have to identify the dates for each school year when school would not be in session for at least a winter holiday break, a spring break, and professional development days. The calendar would have to identify these dates specifically for at least the next five school years, but could describe them more generally for subsequent school years as long as the dates could be determined readily.

In addition, the calendar would have to comply with Sections 1284 and 1284b of the Code. (Under Section 1284, the board of a school district or public school academy (PSA) must ensure that the school district or PSA provides at least the minimum amount of pupil instruction during each school year required under the State School Aid Act, currently 1,098 hours, in order to qualify for school aid payments. Section 1284b requires the board of a school district, ISD, or PSA to ensure that the school year does not begin before Labor Day.)

Beginning with the 2008-2009 school year, the board of each constituent district and the ISD board would have to ensure that its school calendar complied with the common school calendar. If a collective bargaining agreement that provided a complete school calendar were in effect for employees of a school district or ISD on the bill's effective date, however, and if that school calendar were not in compliance with the common school calendar, then that school district or ISD would not have to comply with this requirement until after the collective bargaining agreement expired.

If, on the bill's effective date, an ISD or a school district were operating a year-round school or program or were operating an international baccalaureate academy that provided 1,160 hours of pupil instruction per school year, then that school or program would not have to comply with the common school calendar.

If a school district or ISD began operating a year-round school or program after the bill's effective date, or were operating or began operating a school or program on a trimester basis, the district could apply for a waiver from the bill's requirements for that school or program. The application would have to be in writing in the form and manner prescribed by the Department of

Education, and would have to provide justification for the school or program to operate on a calendar that differed from the common calendar.

If the Superintendent of Public Instruction determined that the school or program was a bona fide year-round school or program, or was operating on a bona fide trimester schedule, established for educational reasons, and that there was sufficient justification for the school or program to operate on a calendar that differed from the common calendar, then he or she would have to grant the waiver. The Superintendent would have to establish standards for determining a bona fide year-round school or program and a bona fide trimester schedule.

The bill would not apply to a public school that operated all of grades 6-12 at a single site, that aligned its high school curriculum with advanced placement courses as the capstone of the curriculum, and that ended its second academic semester concurrently with the end of the advanced placement exam period.

Proposed MCL 380.1284a

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bill would benefit schools, school employees, and students, by providing consistency, predictability, and cost savings. Some ISDs and school districts currently share transportation services, have common career and technical education facilities, and have common administrative facilities. Because they serve the entire ISD, those facilities or services must be operating if even only one of the constituent districts is in session. If all constituent districts adopted the same calendar, those facilities could be shut down on vacation days, saving money on energy bills and payroll expenses. The coordination of transportation services also would offer potential savings. Sometimes, school buses must drive through districts where children are off for the day in order to pick up students from a different district. A common calendar would allow the buses to be parked on days off

rather than operating at partial capacity, saving on fuel and maintenance.

In addition, a common calendar would make greater cooperation between constituent districts possible. Some students currently attend different schools for career and technical education classes, advanced placement classes, or other courses that for one reason or another are not offered at their own school.

Genesee County, in particular, has made extensive efforts to develop connections between area public schools. The ISD and several school districts in that county have combined resources to build GenNet, a high-speed electronic network that allows the districts to share information and offer instructional courses online, among other functions. In implementing the programs, however, the developers discovered that the participating districts have conflicting schedules on 45 days throughout the school year. That inconsistency limits the effectiveness of the technology, because courses and services offered must accommodate the calendars of all the participating districts. Under the bill, those conflicts would be eliminated, permitting greater use of services such as internet courses and other alternative instruction methods throughout the ISD.

In addition, the bill would provide some flexibility for school districts. Although the winter break, spring break, and professional development days would have to coincide, the bill would not preclude a district from setting aside additional vacation days, based on the needs of the individual district.

The bill also would reduce potential conflicts for teachers and families who have children attending school in a different district within the ISD. Currently, a teacher and his or her children may have different days off, or students in one family may attend multiple schools, complicating vacation plans. Under the bill, their major holidays would be coordinated, allowing the family to plan trips more easily.

Response: Although the bill could create some cost savings for school districts, it does not go far enough in promoting consistency among Michigan public schools. There are great disparities among local school districts across the State, not just in their calendars, but also in resources,

curriculum, and the academic achievement of students. Requiring statewide uniformity in these and other areas could help to improve the quality of education in the State, benefiting students and potentially improving Michigan's economic future.

Opposing Argument

The bill could inadvertently make it more difficult to determine school calendars. School administrators already struggle to establish a school calendar that meets various statutory requirements while serving the needs of the community and students. Under the bill, they also would have to accommodate all the differing demands of constituent districts. For instance, some school districts have longer school years than other districts have. Others may wish to begin the school year as early as possible to prepare for standardized tests. Teachers' unions often make demands on school districts regarding the calendar, as well, and local communities often have expectations that the calendar will include specific holidays. Because a school day counts as a day of instruction only if at least 75% of students are in attendance, school districts must account for days when families are likely to take off early for vacations, and as a practical matter, classes cannot be held on those days.

Other limitations, including the new requirement that the school year not begin before Labor Day, further restrict the ability to design an acceptable school calendar. Given those difficulties, it could be problematic for various constituent districts to come together and negotiate a common calendar. The bill does not specify any voting procedures or other methods for resolving such disputes, in cases where there were disagreements among constituent districts.

Also, to ease the negotiating process and give districts additional flexibility, perhaps the bill should require only half the career development days to be coordinated within an ISD, while allowing the remaining days to be determined by each constituent district.

Response: Despite differences among school districts, it should be possible to coordinate the major breaks and career development days. Although some school districts may be in session longer than others, the constituent districts could begin the school year on the same day, pushing

any differences to the end of the year. That approach would provide some degree of consistency while accommodating the differences among school districts.

Opposing Argument

Public school academies (PSAs) also could benefit from sharing the common school calendar of an ISD, although they are not included in the bill. If constituent districts would operate more efficiently on a common school calendar, it is unclear why PSAs should not be subject to the same requirement, yielding similar cost savings.

Response: Public school academies operate independently from ISDs, and do not share services in the same way that constituent districts often do. In some cases, ISDs reportedly have been unwilling to share services with PSAs located in the district. If PSAs had to comply with a common school calendar, then they also should be entitled to share services with the ISD. Those issues lie outside the scope of the present bill.

Opposing Argument

The bill originally would have required ISDs to adopt a common calendar in cooperation with applicable employee groups, in addition to constituent districts. The version that passed the Senate, however, no longer would require the involvement of employee groups. There is a concern that this would take a tool for collective bargaining off the table for these groups.

Legislative Analyst: Curtis Walker

FISCAL IMPACT

The bill would have no fiscal impact on State government.

The fiscal impact on school districts subject to a common calendar is indeterminate. If the common calendar allowed better coordination of services among districts, there could be some cost savings. For example, multiple districts potentially could coordinate teleconferenced or other forms of professional development on the same days and share in the presenter's fees. In another example, an ISD could provide one common set of instructional time to all districts because of the common calendar, rather than providing additional instructional days based on the variable calendars of pupils' resident districts.

On the other hand, demand for possibly the same services to be provided across districts over an inflexible time period could lead to higher costs. For example, if several districts use the same contractor for specific building maintenance and currently stagger the contractor's visits, a common calendar might not allow the same scheduling flexibility.

Fiscal Analyst: Kathryn Summers-Coty

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.