



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 549 (as enacted)
Sponsor: Senator Ron Jelinek
Senate Committee: Education
House Committee: Education

PUBLIC ACT 101 of 2007

Date Completed: 10-3-07

RATIONALE

Faced with tight budgets and rising costs, Michigan public schools continue to explore potential ways to 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, it was suggested that each ISD should establish a common calendar for all of its constituent districts.

CONTENT

The bill amended 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 of a winter holiday break and spring break for at least the next five years.
- Encourage the common calendar to identify professional development days.
- 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 is not required to comply with the common school calendar until after its collective bargaining agreement expires, if that agreement was in effect on the bill's effective date and conflicts with the common calendar.
- Make exceptions for an international baccalaureate academy, a year-round school or program in operation on the bill's effective date, and a public school that operates grades 6-12 at a single site and aligns its high school curriculum with advanced placement courses as the capstone of the curriculum.
- Permit an ISD or school district that begins operating a year-round school or program after the bill's effective date, or that is operating or begins operating a school or program on a trimester schedule, to apply for a waiver from the bill's requirements, and otherwise allow the State Superintendent to grant waivers.

The bill took effect on October 1, 2007. It is described in detail below.

For the purposes of the bill, "constituent district" means a constituent district of the ISD or a public school academy (PSA) that is located within the boundaries of the ISD and that receives services from it. "School district" means a school district or a PSA.

The bill requires an ISD, in cooperation with its constituent districts, to adopt a common school calendar to apply to all of its constituent districts and to its ISD programs no later than July 1, 2008, and to post the common school calendar on its website.

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

The bill encourages the common school calendar to identify dates for professional development days.

The calendar also must comply with Sections 1284 and 1284b of the Code. (Under Section 1284, the board of a school district or 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.)

Under the bill, beginning with the 2008-2009 school year, the board of each constituent district and the ISD board must ensure that its school calendar complies with the common school calendar. If a collective bargaining agreement that provides a complete school calendar was in effect for employees of a school district or ISD on the bill's effective date, however, and if that school calendar is not in compliance with the common school calendar, then that school district or ISD is not required to comply with this requirement until after the collective bargaining agreement expires.

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

If a school district or ISD begins operating a year-round school or program after the bill's effective date, or is operating or begins operating a school or program on a trimester basis, the district may apply for a waiver from the bill's requirements for that school or program. The application must be in writing in the form and manner prescribed by the Department of Education, and must provide justification for the school or program to operate on a calendar that differs from the common calendar.

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

The Superintendent also may grant a waiver from a requirement under the bill for a school district that applies for the waiver in writing in the form and manner prescribed by the Superintendent and provides sufficient justification for the waiver, as determined by the Superintendent.

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

The bill was tie-barred to House Bills 5194 and 5198. (House Bill 5194 (Public Act 94 of 2007) amended the Income Tax Act to do the following:

- Increase the income tax rate from 3.9% to 4.35%, effective October 1, 2007.
- Reduce the rate from 4.35% by 0.1 each October 1, beginning in 2011, until the rate is 3.95%.
- Reduce the rate from 3.95% to 3.9% on October 1, 2015.

House Bill 5198 (Public Act 93 of 2007) amended the Use Tax Act to extend the 6% use tax to the use or consumption of certain services.)

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 will 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 one of the constituent districts is in session. Under the bill, constituent districts will have to adopt the same calendar, enabling them to shut down the facilities on vacation days, saving money on energy bills and payroll expenses. The coordination of transportation services also will 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 will 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 will 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, many of those conflicts may be eliminated, permitting greater use of services such as internet courses and other alternative instruction methods throughout the ISD.

In addition, the bill will provide some flexibility for school districts. Although the winter break and spring break must coincide for each constituent district and PSA, the bill does not preclude a district from setting aside additional vacation days, based on the needs of the individual district.

The bill also will reduce potential conflicts for teachers and families who have children attending school in different districts 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 will be coordinated, allowing the family to plan trips more easily.

Response: Although the bill may 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, curricula, 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 may 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 will have to accommodate all the differing demands of constituent districts. For instance, the

school year is longer in some school districts than in others. Some districts 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. As a practical matter, classes cannot be held on those days.

Other limitations, including the statutory requirement that the school year not begin before Labor Day, further restrict the ability to design an acceptable school calendar. Given those challenges, it may be very difficult for the constituent districts and PSAs within an ISD to come together and negotiate a common calendar. As a practical matter, the bill does not specify any voting procedures or other methods for resolving such disputes, if constituent districts cannot reach an agreement.

Response: Despite differences among school districts, it should be possible to coordinate the two major breaks required under the bill. Although some school districts may be in session longer than others, the constituent districts could, for example, 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 individual districts.

Legislative Analyst: Curtis Walker

FISCAL IMPACT

The bill will have no fiscal impact on State government.

The fiscal impact on school districts subject to a common calendar is indeterminate. If the common calendar allows better coordination of services among districts, there may 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.