

# Legislative Analysis



## EXCEPTIONS TO MINIMUM DAYS OF INSTRUCTION FOR 2012-13 SCHOOL YEAR

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House Bill 4471 as enrolled  
Public Act 29 of 2013  
Sponsor: Rep. Phil Potvin  
House Committee: Education  
Senate Committee: Education

### Second Analysis (1-21-15)

**BRIEF SUMMARY:** The bill provided exceptions, for the 2012-2013 school year only, to the requirement that a school district offer at least 170 days of instruction, if, in those cases, the district met the minimum hours requirement.

**FISCAL IMPACT:** The bill would have no fiscal impact on the state and would likely have minimal impact for certain school districts. It could create some savings for districts by waiving the additional days of instruction that would have to be added on to the end of the school year, thus eliminating the additional utility, food service and transportation costs. Districts also have expressed concern about meeting the minimum attendance requirements (75% of enrollment) necessary to avoid having their state aid reduced for days scheduled after the original school calendar was set to end.

### THE APPARENT PROBLEM:

Michigan school districts are eligible for state school aid payments if they offer at least 170 days of instruction that ensure at least 1,098 hours of instruction.

However, as few as 164 days of instruction are possible, especially in school districts throughout Northern Michigan. That is because the State School Aid Act [at MCL 388.1701(4)] allows a public school to cancel classes for up to six days each year, without reducing the school district's state school aid payment, if there are conditions beyond the control of school officials, such as heavy snowfall. Other conditions include severe storms, fires, epidemics, utility power unavailability, water or sewer failure, or health conditions as defined by the city, county, or state health authorities.

If a school must cancel classes for any of these reasons, then the first six days the school is closed are counted as days of instruction, despite the fact the school is not in session, and students are not in attendance. This provision of the Michigan School Aid Act is triggered each year in many northern school districts in which there is heavy snowfall, making roads impassable and bus transportation unsafe. During the 2012-2013 school year, many school districts have cancelled classes for six days or more. See *Arguments For*.

In some states such as Ohio, some school districts do not cancel classes due to severe weather conditions. Instead, school officials replace snow-days with "e-days," requiring students to complete their assignments electronically and email them to their instructors. Teachers prepare these lessons in advance, designing projects that target particular skills used in class.

In contrast, in Michigan if the number of closed school days exceeds six, the school calendar is extended beyond the customary last instructional day in early June, in order to make-up the "lost" days of instruction (beyond the first six). In these instances, the start of school vacation is delayed by several days or a week.

Legislation was introduced to waive the minimum 170-day instruction requirement (164-day, in practice), if the school district met the 1,098 hours of instruction requirement, and meets certain other reporting requirements.

### ***THE CONTENT OF THE BILL:***

Currently to be eligible to receive state school aid, a school district must offer at least 170 days and 1,098 hours of student instruction.

House Bill 4471 amended the State School Aid Act (MCL 388.1701) to provide exceptions, for the 2012-2013 school year only, to the requirement that a school district offer at least 170 days of instruction; but in such cases, the hours requirement (1098 hours) must still be met.

Specifically, the bill specified that, for the 2012-2013 school year only, if a district is unable to provide the required minimum number of **days** of student instruction because of school closures occurring before April 20, 2013, due to conditions beyond the control of school authorities, but the district does provide at least the required minimum number of **hours** of student instruction, then the district is not subject to the minimum number of days of student instruction.

The bill cites the following as examples of conditions beyond the control of school authorities: severe storms; fires; epidemics, utility power unavailability; water or sewer failure; or health conditions, as defined by the city, county, or state health authorities.

House Bill 4471 required that a district that uses this 2012-2013 exemption submit to the Michigan Department of Education, by July 1, 2013, a report describing the amount of instructional time lost due to school closing, and the amount added to compensate for that lost time. The report has to describe when the additional instructional time was provided; the activities that were carried out and subject areas addressed; as well as other information specified by the department, so the department could assess whether appropriate instruction had taken place. Under the bill, the department is then required to aggregate the reports, and provide them to the Senate and House standing committees on education.

The bill also eliminated an outdated provision of the act that required at least 165 days of instruction during the 2010-2011 and 2011-2012 school years.

### **ARGUMENTS:**

#### ***For:***

This legislation was needed so that summer vacations do not have to be delayed for the students and adults who work in many northern Michigan school districts. According to committee testimony, a delay in summer vacation will adversely affect family travel plans, summer job schedules, and summer camp experiences.

During the 2012-2013 school year, there were very heavy snowfall and hazardous icy conditions throughout most of northern Michigan causing school districts to cancel classes more than the six days now allowed under the State School Aid Act.

For example, according to news reports, Benzie County Public Schools had at least nine snow days, and the Traverse City and Cadillac area schools also exceeded the six-day limit. Further, the ISD superintendent of the Wexford-Missaukee Intermediate School District (which serves school districts in Cadillac, Lake City, Manton, Marion, McBain, Mesick, and Pine River) reported that particularly harsh winter conditions required many schools in his region to close more than six days. Likewise, the Mecosta-Osceola Intermediate School District superintendent and six constituent area superintendents have reported extensive school closings at Crossroads Charter Academy, Evart Public Schools, Reed City Area Public Schools, Big Rapids Public Schools, Chippewa Hills School District, and Morley Stanwood Community Schools. School districts in Michigan's Upper Peninsula also exceeded the six-day limit.

This bill ensured that these school districts and others would not suffer reduced state school aid payments, assuming they offer 1,098 hours of instruction, despite failing to meet the 170-day minimum number of instructional days.

#### ***Response:***

The bill only applies to the then-current school year, which only has a few months remaining, but perhaps in the future other alternatives can be sought. Some observers note that Michigan students continue to fall behind their peers from other states and nations, as measured by standardized tests for academic achievement. A recent analysis of the results from the National Assessment of Educational Progress (NAEP) exam by the Education Trust-Midwest shows that Michigan's rate of improvement in reading and math has fallen over the last eight years, so that Michigan ranks near the bottom nationally. For example, Michigan ranks 39th out of 50 states in overall improvement in 4th grade reading, and 41st out of 50 states in overall improvement in 8th grade math. (*Detroit Free Press*, 4-18-13)

Michigan's sluggish rate of improvement could possibly be due in part to the fact that many Michigan students are in school fewer than 170 days a year while their counterparts in other states and nations have opportunities for 10, 20, 30, or even 40 additional days of instructional time. Perhaps instead of waiving days of instruction, in the future Michigan

should consider replacing "snow days" with "e-days" as has been done elsewhere. For example, in northwestern Ohio, the Mississinawa Valley school district experienced nine "snow days" in its 2009-2010 academic year, and also faced the loss of state aid. In a pilot program, the administrator there replaced "snow days" with "e-days"—making-up the day electronically. Teachers prepared lessons in advance, ensuring they targeted necessary skills; after those lessons were completed by students on home computers, they were transmitted electronically to teachers for evaluation.

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■ 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.