

HEARINGS FOR CALENDAR/LABOR DAY WAIVERS

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House Bill 5193 (H-1) as reported from committee

Sponsor: Rep. Daniela R. Garcia

Committee: Education

Complete to 2-26-16

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY: House Bill 5193 would amend the Revised School Code by requiring a proposed year-round school or program to hold a public hearing before applying for a waiver from the district-wide calendar or post-Labor Day start date, and describing the instances where a waiver must be granted if requested. It would take effect 90 days after enactment.

FISCAL IMPACT: This bill would have no fiscal impact on state or local entities.

THE APPARENT PROBLEM:

Under current law, public schools are prohibited from beginning classes before Labor Day, and an intermediate school district and its constituent districts must adopt a common school calendar with designated school breaks, with which all must comply. Schools can seek waivers from a common school calendar and a post-Labor Day start, and the state superintendent of public instruction is charged with developing waiver standards, but House Bill 5193 aims to codify standards for granting waivers in statute, requiring waivers in certain instances, and to require public input into local school decisions about seeking waivers. Advocates say that this add transparency and help expedite the waiver process.

THE CONTENT OF THE BILL:

House Bill 5193 would amend the Revised School Code by:

- Requiring a public hearing before a proposed year-round school or program applies to the state for a waiver from the requirement that all schools within an intermediate school district (ISD) must use a common school calendar;
- Requiring a public hearing before a proposed year-round school or program applies to the state for a waiver in order to allow that a school district, ISD, and public school academy (charter school) to begin the school year before Labor Day; and
- Describing the instances under which a school must be granted a waiver from the common school calendar requirement and the post-Labor Day start requirement, as a true year-round school or program.
- Removing two sections added to the Code in 2007 which allowed then-existing collectively bargained school calendars to run their course even if they did not comply with new sections then being inserted in the Code requiring common calendars and post-Labor Day starts.

Common School Calendar Waiver

Public hearing required

Under the code, an ISD and its constituent districts must adopt a common school calendar with designated school breaks, with which all must comply. Currently, if a school district or ISD begins operating a year-round school or program, it may apply for a waiver from the common calendar requirement. House Bill 5193 instead requires that before applying for the waiver, the board of the school district or ISD must hold at least one public hearing to discuss the proposed alternative school calendar and whether or not to apply for the waiver.

When waiver must be granted

Also, in addition to granting waivers based on the standards established by the state superintendent of public instruction, the bill adds a requirement that the superintendent must consider a school as a true year-round school or program and must grant a waiver from the common school calendar requirement if the school meets any of the following criteria:

- Is on the same calendar as an institution of higher education and shares facilities, faculty, or courses with the higher education institution. This must apply to all students.
- Operates on a school calendar that includes a summer break that is not greater than eight weeks for the first two school years beginning after the date of the application and is not greater than six weeks for subsequent school years.
- Is among the lowest-achieving 5% of all public schools in the state,¹ selects a model that requires increased learning time as a condition of reform.
- Has adopted a plan used by or similar to a plan used by other schools or programs to conduct an extended school calendar, such as 45 days on and 15 days off, 60 days on and 20 days off, 60 days on and 15 days off, or 90 days on and 30 days off.
- Operates on a true trimester schedule, as determined by the superintendent of public instruction according to standards developed by the superintendent.

This waiver also applies to all pupils enrolled in the school or program.

Post- Labor Day Start Requirement Waiver

Public hearing required

Current law allows a school district, ISD, or charter school which begins operating a year-round school or program to apply for a waiver from the requirement that the school year begin after Labor Day. House Bill 5193 instead requires that the school, ISD, or charter school hold at least one public hearing to discuss the proposed alternative school calendar and whether or not to apply for the waiver.

¹ Beginning in 2010, the superintendent of public instruction must publish a list of these lowest-performing schools by September 1. MCL 380.1280c(1)

When waiver must be granted

Additionally, the bill lists virtually the same criteria for when a school or program must be granted a waiver from the Labor Day requirement as for the school calendar requirement (listed above), the sole difference being the substitution of "waiver of the post-Labor Day start requirement" for "waiver of the common school calendar requirement."

MCL 380.1284a and 1284b

ARGUMENTS:

For:

Proponents argued that this legislation will ensure that school district calendars meet the needs of their communities. If a district decides, after the public hearing required in the bill, that its students are best served by a year-round or balanced calendar, that district should not have to try to obtain a waiver through a system that is not currently specified in statute. Rather, the process for obtaining the waiver, and the instances in which a school must be allowed a waiver from the calendar, should be readily available. This bill would ensure that that is the case.

Some advocates even indicated that they would like the legislation to go further in favor of granting waivers, as studies have shown that long summer breaks result in summer learning loss. Studies show that students lose up to two months of reading and math skills over the summer, and shorter breaks between periods of schooling would ensure that the hard work of students and teachers is retained.

<http://www.usnews.com/opinion/knowledge-bank/2015/06/16/summer-slide-is-bad-for-students>
<http://ideas.time.com/2013/07/01/do-kids-really-have-summer-learning-loss/>

Against:

Opponents noted that one district's calendar can also affect other districts when they share resources such as transportation, after school programs, and learning intervention professionals. Similarly, school teams compete against each other, so that if one school moves the start day up, thereby moving up team and club start dates, other schools will feel compelled to adjust their own calendars to stay competitive. This chain of events would lead a large number of schools to seek waivers,

Historically, it is often said, school schedules were related to the agrarian calendar, so that children would be able to farm with their families during the planting and harvesting seasons. Some opponents of the bill argued that this need still exists in many communities, especially rural areas in northern Michigan. They say moving the school start date to August, and reducing or eliminating summer vacation, would create a hardship for some of these families.

Many students rely on the income from summer jobs to support themselves and their families, provide discretionary income, and save for college. Easing the waiver process is

seen as a move toward a year-round, or balanced, school calendar, which would reduce summer vacation by up to one month, thus decreasing the earning potential and practicality of summer jobs.

Moreover, a shortened summer break will adversely affect the ability to participate in summer camps, family vacations, and other traditional, and cherished, activities.

Tourism advocates argued that expediting the waiver process would cause a greater number of schools to seek that waiver from the post-Labor Day start requirement. They cited an August 2015 poll conducted by the Michigan Lodging and Tourism Association that indicates that 72% of voters support a post-Labor Day start. That same poll showed that 37% those surveyed identified August as their favorite month for a summer vacation, seven points more than the second place month. Easing the process for obtaining waivers would limit the time families could take for vacations in August, affecting those families and the Michigan tourism industry at large.

Response:

While the MLTA poll indicated that voters strongly support a post-Labor Day start, some wondered about the poll's metrics—how many of those surveyed had school age children, what their socio-economic or racial backgrounds were, and how many individuals fell into each category (the poll cites percentages, but not the actual number of those questioned in each category). The results of the study may be skewed if those surveyed are not representative of those affected by a prospective post-Labor Day start.

POSITIONS:

A representative of Jenison Public Schools testified in support of the bill. (2-4-16)

A representative of Grand Rapids Public Schools testified in support of the bill. (2-4-16)

The Michigan Department of Education supports the bill. (2-4-16)

Oakland Schools supports the bill. (2-4-16)

The Michigan Association of School Administrators supports the bill. (2-11-16)

The West Michigan Talent Triangle supports the bill. (2-11-16)

The Michigan Association of Intermediate School Administrators supports the bill. (2-11-16)

The Great Lakes Education Project supports the bill. (2-11-16)

A representative of the Michigan Lodging and Tourism Association testified in opposition to the bill. (2-4-16)

A representative of the Michigan Association of Conventions and Visitors Bureau testified in opposition to the bill. (2-4-16)

The Michigan Chamber of Commerce opposes the bill. (2-4-16)

The Traverse City Chamber opposes the bill. (2-11-16)

The Detroit Metro Convention and Visitors Bureau opposes the bill. (2-11-16)

The Michigan Grocers Association opposes the bill. (2-11-16)

The Michigan Association of Manufactured Housing, Recreational Vehicle and Campground Association opposes this bill. (2-11-16)

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