

# Legislative Analysis



## EXCEPTION TO MINIMUM INSTRUCTION DAYS AND HOURS REQUIREMENT

Phone: (517) 373-8080  
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**House Bill 4206 as enacted**  
**Public Act 11 of 2019**  
**Sponsor: Rep. Ben Frederick**  
**1st House Committee: Education**  
**2nd House Committee: Ways and Means**  
**Senate Committee: Education and Career Readiness**  
**Complete to 7-11-19**

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

**BRIEF SUMMARY:** House Bill 4206 provides an exception to the minimum days of student instruction requirement in the State School Aid Act; that exception applies when the governor had declared a state of emergency.

**FISCAL IMPACT:** The bill would have no fiscal impact on the state and would likely have an indeterminate, but minimal, impact on districts. The bill could create some savings for districts by waiving days of instruction and the corresponding number of hours of instruction that would have to be added at the end of the school year, thus eliminating the additional utility, food service, and transportation costs.

### **THE APPARENT PROBLEM:**

The bill is understood to address the unusually high number of canceled school days in the 2018-19 school year, some of which occurred on days for which the governor had declared a state of emergency.<sup>1</sup> Reportedly, several districts in the Kent and Ottawa ISDs had already exceeded nine canceled days, with some districts up to 14 or 15 days.<sup>2</sup>

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

Generally under the act, districts must provide at least 1,098 instructional hours and 180 days of instruction. The first six days of instruction that are not provided because of conditions beyond the control of school authorities (including severe storms, fires, epidemics, utility power unavailability, or other specified events) are “forgiven” and counted toward the 180-day/1,098-hour requirement. An additional three days may be forgiven with the approval of the superintendent of public instruction, typically referred to as a “snow day waiver.”

The bill provides that, for 2018-19 only, on days when instruction was not provided because the governor had declared a state of emergency, those hours or days may likewise be counted toward the requirement upon request by a district to the superintendent of public instruction. The qualifying days are January 29, 2019, to February 2, 2019.

The bill took effect May 13, 2019.

MCL 388.1701

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<sup>1</sup> [https://www.michigan.gov/whitmer/0,9309,7-387-90499\\_90705-486311--,00.html](https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705-486311--,00.html)

<sup>2</sup> <https://www.mlive.com/news/grand-rapids/2019/02/schools-racking-up-snow-days-getting-3-day-waivers-but-more-relief-possible.html>

## ***ARGUMENTS:***

### ***For:***

Proponents advanced the bill as a way to account for the unusually cold weather in Michigan during January and February of 2019, the many days of canceled classes, and the state of emergency issued by the governor on January 28, 2019. Statute requires 1,098 instructional hours and 180 instructional days of class and allows for six forgiven days and three snow day waivers; however, supporters argued that days for which the governor issued a state of emergency should not be held against districts.

### ***Against:***

Some who otherwise supported the goal of the bill offered amendments that would have addressed the unique situation of hourly workers. The bill ensures funding for schools and teachers, they argued, but other workers, such as paraprofessionals, bus drivers, lunchroom workers, maintenance workers, and others, are only paid on days they actually work. Accordingly, when a state of emergency causes a school closing for several days in close succession, workers who are already scraping by receive only a fraction of their normal paycheck. While unusual weather in 2019 may have necessitated the bill, they argued, the bill should ensure that workers covered by collective bargaining agreements are still paid until they have the next opportunity to bargain for coverage during snow days.

### ***Response:***

Supporters replied that the payment of support workers on snow days is best addressed in the context of collective bargaining agreements and is not under the purview of the legislature.

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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.