

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number:** SB 145aa

**50th Legislature, 1st Session, 2011**

**Tracking Number:** .183513.1

**Short Title:** Clarify School Year & Day Length

**Sponsor(s):** Senator Gay G. Kernan and Others

**Analyst:** Peter B. van Moorsel

**Date:** March 15, 2011

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**FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE**

**AS AMENDED**

The House Education Committee amendment specifies that up to 22 hours of grades one through six (rather than five) may be used for home visits by the teacher for parent-teacher conferences.

The Senate Education Committee amendment restores language permitting up to 12 hours of grades 7 through 12 programs to be used:

- to consult with parents to develop next step plans for students; and
- for parent-teacher conferences.

**Original Bill Summary:**

SB 145 amends the *Public School Code* to change the provisions governing the required length of school calendars. Specifically, the bill:

- Strikes language providing that:
  - a school year consists of at least 180 full instructional days, exclusive of any release time for in-service training;
  - a school year consists of at least 150 full instructional days for a variable school calendar, exclusive of any release time for in-service training;
  - days or parts of days that are lost to weather, in-service training or events that are not school-directed programs shall be made up so that students are given a full instructional school year.
- Provides for minimum number of hours per year during which regular students must be in school-directed programs, exclusive of lunch, as follows (as an alternative to daily minima, which are currently in statute):
  - for half-day and full-day kindergarten, 450 hours per year and 900 hours per year, respectively;
  - for grades 1 through 6, 990 hours per year; and
  - for grades 7-12, 1,080 hours per year.

- Strikes the requirement that the Public Education Department (PED) provide for the length and number of school days for variable school year calendars in accordance with the *Variable School Calendar Act*; and
- Removes the provision permitting that up to 12 hours of grades 7 through 12, programs may be used to consult with parents to develop next step plans for students and for parent-teacher conferences.

**Fiscal Impact:**

SB 145 does not contain an appropriation.

**Fiscal Issues:**

During the 2010 interim, a work group formed to study current law governing school calendars (see “Background,” below) reported that, based on PED calendar data, school districts and charter schools operating on 5-day and 4-day weeks offered an average of 176 and 149 instructional days, respectively, and therefore would not comply with the delayed statutory provisions requiring the respective 180 and 150 instructional days for 5-day and 4-day weeks.

However, the work group also found that, on average, all districts and charter schools exceed the current requirement of 1,080 hours of instruction for secondary schools, and 990 instructional hours for elementary schools.

Considering that districts already offer the more than the minimum required number of instructional hours, the enactment of SB 145 will allow school districts to avoid the cost of adding additional instructional days, while still providing the required instructional time.

The potential of operational savings is echoed by PED, which indicates in its analysis of SB 145 that granting districts the flexibility to schedule hours of instructional time rather than days may result in some budgetary savings to districts and charter schools.

To illustrate the potential cost of adding instructional days, the Legislative Education Study Committee (LESC) staff estimate that if all school districts were to add one additional instructional day, the additional cost would be approximately \$12.89 million, based on FY 11 budgeted operational and pupil transportation expenditures.

**Substantive Issues:**

SB 145 repeals changes made to the *School Calendar Act* during the 2009 legislative session mandating a minimum of 180 school days, and restores language in the *School Calendar Act* defining the number of hours required each year.

The bill reflects the recommendations of the SJM 12 work group (see “Background,” below), which studied the impact of statutes governing school calendars.

**Background:**

In 2009, legislation was enacted that required, effective school year 2010-2011, that school calendars consist of 180 full instructional days for a regular school year calendar and 150 full instructional days for a variable school year, excluding release time for in-service training.

As presented in testimony to the LESC several times during the 2009 interim, these imminent requirements raised a number of issues:

- For one, there was concern that, during the budget approval process for school year 2009-2010, a number of school districts and charter schools felt compelled to change their school calendars in the current school year, a year earlier than the effective date of the 2009 legislation.
- For another, staff testimony indicated that more than half of the school districts and charter schools would be required to add instructional days in school year 2010-2011 to satisfy the requirements of the 2009 legislation.
- Staff testimony also indicated a wide range of per-day costs at the districts and charter schools surveyed.

To address these concerns, LESC-endorsed legislation was passed by the 2010 Legislature and signed by the Governor that delayed the implementation of the 2009 legislation until school year 2011-2012.

To study the effect of the delayed school calendar legislation, the 2010 Legislature also passed SJM 12, *Study School Calendars*, which requests that the Office of Education Accountability (OEA), in collaboration with PED, school districts, charter schools, school boards and governing bodies, teacher and employee representatives, and parent representatives to study current practices and issues related to school calendars and the length of a school day, including:

- scheduling and making up time lost due to inclement weather or pandemic illness;
- scheduling teacher planning time and professional development activities; and
- the impact of various school calendar options and scheduling practices on:
  - teachers;
  - learning time and achievement of students;
  - school operations; and
  - school district budgetary needs.

To address the memorial, OEA formed a work group comprising 31 representatives of public school districts, charter schools, the business community, public education professional organizations, PED, as well as the Legislature and legislative agencies, including the LESC.

Based on school district calendar data provided by PED, as well as input from school districts and educational professional associations, the work group recommended that the 2009 amendments to the *Public School Code* requiring a minimum number of instructional days be:

- repealed, or
- indefinitely delayed until such time that further study of both the costs to districts and charter schools and the impact on student and teacher performance has been completed and the results presented to the Legislature for further consideration.

**Related Bills:**

None as of February 3, 2011.