

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 177                      Public K-12 Education  
**SPONSOR(S):** Gelber and others  
**TIED BILLS:**                              **IDEN./SIM. BILLS:** SB 306

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) PreK-12 Committee	_____	Beagle	Mizereck
2) Education Appropriations Committee	_____	_____	_____
3) Education Council	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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### SUMMARY ANALYSIS

House Bill 177 specifies that beginning with the 2007-2008 school year, each district school board may not adopt a school year start date earlier than 7 days prior to Labor Day each year. The bill adds a similar requirement to the 180 instructional day requirement for school district participation in the Florida Education Finance Program (FEFP).

The bill sets an effective date of July 1, 2006.

The bill does not have a fiscal impact.

### FULL ANALYSIS

#### I. SUBSTANTIVE ANALYSIS

##### A. HOUSE PRINCIPLES ANALYSIS:

**Provide Limited Government**— The bill mandates that district school boards may not adopt a school year start date earlier than 7 days prior to Labor Day. Local school districts currently have full control over the establishment of school year calendars.

##### B. EFFECT OF PROPOSED CHANGES:

###### Present Situation:

Currently, Florida law grants authority to district school boards to establish an annual instructional calendar for all schools in the district. District school boards are responsible for designating dates for the start and end of the school year, for school holidays and vacation periods, and for inservice and teacher planning days.<sup>1</sup> Each school district is eligible to participate in the FEFP, if its yearly instructional calendar provides for a minimum term of at least 180 instructional days<sup>2</sup>, or an hourly equivalent as provided by State Board of Education rule.<sup>3</sup> Thus, local school districts may receive FEFP funding by meeting the statutorily required minimum term, while retaining discretion to establish

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<sup>1</sup> Section 1001.42(4), F.S.

<sup>2</sup> Section 1011.60(2), F.S.

<sup>3</sup> Presently, there is no State Board of Education Rule that sets hourly equivalencies to the 180 day minimum term. Email from Maria Eckard, Florida Department of Education, Legislative Affairs Department, December 20, 2005.

**This document does not reflect the intent or official position of the bill sponsor or House of Representatives.**

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school year calendars. School year start and end dates vary across school districts, including several schools that operate on modified, year-round, or extended year calendars.<sup>4</sup>

The DOE reports a statewide trend towards earlier school start dates. Twenty-six school districts began school in the first week of August in 2005-2006 as compared to four in 1999-2000. Eight school districts began school August 15 or later in 2005-2006 as compared to forty-one in 1999-2000.<sup>5</sup>

The following table prepared by the DOE reflects this trend.

**Shift in School Start Dates, 1998-99 through 2005-2006<sup>6</sup>**

	Districts Starting in Week 1 (Aug. 1-7)	Districts Starting in Week 2 (Aug. 8-14)	Districts Starting in Week 3 (Aug. 15-21)	Districts Starting in Week 4 (Aug. 22-28)	Districts Starting in Week 5 (Aug. 29-31)
1998-99	6	25	23	16	3
1999-00	4	28	25	14	2
2000-01	13	38	16	6	0
2001-02	15	47	8	3	0
2002-03	18	46	6	3	0
2003-04	31	33	7	2	0
2004-05	25	38	10	0	0
2005-06	26	38	8	0	0

Currently, several states have legislatively established school start dates. These states include Iowa, Michigan, Minnesota, Missouri, North Carolina, South Carolina, South Dakota, Texas, Virginia, West Virginia, and Wisconsin. Similar legislation is pending in Georgia and Oklahoma.<sup>7</sup>

**Effects of Proposed Changes:**

House Bill 177 amends s.1001.42, F.S. to specify that beginning with the 2007-2008 school year, district school boards may not adopt a school year start date earlier than 7 days prior to Labor Day each year. The bill also amends s.1011.60(2), F.S. to add the same start date requirement to the statutory prerequisites for school district participation in the FEFP. If adopted, the bill removes district school boards' discretion to adopt an earlier school year start date than that which is statutorily prescribed. A school district that fails to satisfy this provision would be ineligible for FEFP funding.

According to the DOE, the average instructional days available to school districts prior to FCAT administration is 124.7. The bill may reduce the number of instructional days available before students take the FCAT in the spring. This may require that FCAT administration be delayed to allow school districts more time to prepare students, which could impair the DOE's ability to report FCAT results by the end of the school year.<sup>8</sup>

The following table, prepared by the DOE, illustrates the impact of various school start dates on instructional days available prior to FCAT administration.

<sup>4</sup> Florida Department of Education, Bureau of Education Information and Accountability Services, Statistical Brief: School District Calendars 2005-2006 *available at* <http://www.firn.edu/doe/eias/eiaspubs/pdf/calendar.pdf>.

<sup>5</sup> Florida Department of Education, 2006 Legislative Bill Analysis for HB 177, dated October 31, 2005.

<sup>6</sup> Florida Department of Education, 2006 Legislative Bill Analysis for HB 177, dated October 31, 2005.

<sup>7</sup> Id.

<sup>8</sup> Id.

**Number of Instructional Days between Start Date and FCAT (currently set to begin Feb. 26, 2008) if School Started on the First Day of the Designated Week, 2007-08 School Year<sup>9</sup>**

	# Week Days	# Holidays	# Planning Days (2.9 day avg. for 2005-06)	# Instructional Days	# Instructional Days, FCAT 5 days later	# Instructional Days, FCAT 10 days later
Week 3 (Aug. 15-21)	139	19	3	117	122	127
Week 4 (Aug. 22-28)	134	19	3	112	117	122
Week 5 (Aug. 29-31)	129	19	3	107	112	117
After Labor Day	125	18	3	104	109	114

*Holidays falling between August and FCAT administration include Labor Day (1), Columbus Day (1), Veterans Day (1), Thanksgiving (3), Winter Break (10), New Years Day (1), Martin Luther King's Birthday (1), and Presidents' Day (1)*

School semesters are not required to contain an equal number of instructional days, as reflected in the practices of several Florida school districts.<sup>10</sup> However, the bill may limit school districts' ability to complete a 90-day semester before winter break. This would put school district calendars out of sync with colleges and universities, disrupting completion of and enrollment in dual enrollment and early admission credit programs. Currently, there are four types of programs:

- Dual enrollment for associate college credit;
- Dual enrollment for vocational credit;
- Early admission for college credit and;
- Early admission for vocational credit.

All 28 Florida community colleges participate in the dual enrollment and early admission credit programs. In 2003-2004, 35,424 students were enrolled in these programs; 34,574 students were enrolled in 2004-2005.<sup>11</sup>

The bill takes effect July 1, 2006.

**C. SECTION DIRECTORY:**

**Section 1.** Amends s.1001.42, F.S. to establish a school year start date no earlier than 7 days prior to Labor Day.

**Section 2.** Amends s.1011.60, F.S. making each school district's participation in the FEFP contingent upon its adoption of a school year start date no earlier than 7 days prior to Labor Day.

**Section 3.** Establishes an effective date of July 1, 2006.

<sup>9</sup> Florida Department of Education, 2006 Legislative Bill Analysis for HB 177, dated October 31, 2005.

<sup>10</sup> Id.

<sup>11</sup> Email from Mark Walsh, Florida Department of Education, Legislative Affairs Department, January 9, 2006.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

#### 2. Expenditures:

This bill does not appear to have a fiscal impact on state government expenditures.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

#### 2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a fiscal impact on the private sector.

### D. FISCAL COMMENTS:

House Bill 177 requires school district adoption of a school year start date no earlier than seven days prior to Labor Day as a prerequisite for participation in the FEFP.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

#### 1. Applicability of Municipality/County Mandates Provision:

The bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.

#### 2. Other:

None.

### B. RULE-MAKING AUTHORITY:

None.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

## IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES