HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 397   Veterans' Day
SPONSOR(S): Davis
TIED BILLS: **IDEN./SIM. BILLS:** SB 354

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) PreK-12 Committee	8 Y, 0 N	Beagle	Mizereck
2) Military & Veteran Affairs Committee		Marino	Cutchins
3) Education Appropriations Committee			
4) Education Council			
5)			

SUMMARY ANALYSIS

House Bill 397 requires all school districts to recognize Veterans' Day as a holiday, to be celebrated on November 11, and that no classes are to be held on that day, except for a declared state emergency. If November 11 falls on a Saturday or Sunday, the bill provides that districts may observe the school holiday on the weekday immediately following or preceding that weekend so as to correspond with the federal observance of Veterans' Day holiday. School districts currently have discretion to designate dates for the observance of school holidays.

This bill does not appear to have a fiscal impact.

This bill takes effect July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government -- This bill requires school districts to observe November 11 as the Veterans' Day holiday. School districts currently have discretion to designate dates for the observance of school holidays.

B. EFFECT OF PROPOSED CHANGES:

Present Situation:

School Calendars

Current Florida law requires each district school board to establish an annual instructional calendar for all schools within the district. The law also grants each school district the authority and flexibility to determine its own school calendar based on local considerations and input.

Each school district is directed by rule to adopt an annual calendar prior to the beginning of each fiscal year, and must file it with the Department of Education (DOE) (6A-10.019, F.A.C.). By rule, the calendar must support the following objectives:
- Minimal loss of time between student exit from one public institution and entry into another;
- Opportunity for students to move through the educational system at their respective paces;
- Opportunity for school personnel to utilize in-service and continuing education;
- Opportunity for effective and efficient utilization of resources;
- Opportunity for family activities; and
- Flexibility to implement calendar decisions.

District school boards are responsible for designating dates for the start and end of the school year, school holidays and vacation periods, and inservice and teacher planning days.[1]

The law also specifies certain required instruction. One such required instruction is on patriotism, and the law requires each school district to conduct programs pertaining to the contributions and sacrifices that veterans have made in serving our country on or before Veteran's Day and Memorial Day.[2]

Beyond the requirements to support these objectives, there are no limitations on the school board-adopted calendar. During the 2005-06 school year a total of 48[3] school districts observed Veterans' Day as a school holiday, down from 50[4] the year before.

Veterans' Day

In 1921, an unknown World War I American soldier was buried in Arlington National Cemetery. Similar ceremonies occurred earlier in England and France, where an unknown soldier was buried in each nation's highest place of honor (in England, Westminster Abbey; in France, the Arc de Triomphe). These memorial services all took place on November 11, the anniversary of the end of World War I at 11:00 a.m., November 11, 1918 (the 11th hour of the 11th day of the 11th month), which became

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[1] Section 1001.42(4), F.S.
[2] Section 1003.42(2)(r), F.S.
[3] 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.
[4] Florida Department of Education, Bureau of Education Information and Accountability Services, Statistical Brief: School District Calendars 2004-2005.

known as Armistice Day. Armistice Day officially became a holiday in the United States in 1926, and a national holiday 12 years later. On June 1, 1954, the name was changed to Veterans' Day to honor all U.S. veterans.

Effect of Proposed Changes:

House Bill 397 requires each school district to observe November 11, Veterans' Day, of each year as a holiday and that no classes are to be held for any reason except for a declared state emergency. There does not appear to be any other similar calendar requirement under current law.

Nineteen school districts did not observe Veterans' Day as a school holiday during FY 2005-06. Because school funding is tied to a formula that factors instructional hours as a variable, the provisions of this bill would require those school districts that do not currently set aside November 11 as a holiday to begin their calendars a day early or end them a day later in order to meet funding requirements. Additionally, any of these school districts that may have used November 11 as a day dedicated to meeting the required instruction provision for patriotism under s. 1003.42(2)(r), F.S., would need to reconsider how to meet that requirement under this bill.

The provision regarding the declared state emergency exception is unclear and may cause confusion for district school boards. One district school board may interpret the language to mean that classes may not be held on November 11 unless on that day there is a declared state emergency. Another district school board may interpret the language to mean that November 11 may be used as a makeup day in case a declared state emergency caused school closings earlier in the school year.

The bill also provides that the observance of Veteran's Day correspond with federal observance when November 11 falls on a Saturday or Sunday.

This bill takes effect July 1, 2006, which may cause problems for district school boards that have already submitted their next year's school calendars to the DOE.

C. SECTION DIRECTORY:

Section 1. Creates an unnumbered section of law requiring school districts to observe Veteran's Day.

Section 2. Provides an effective date of July 1, 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:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. This bill does not reduce the percentage of a state tax shared with counties or municipalities. This bill does not reduce the authority that municipalities have to raise revenues.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The effective date of the bill is July 1, 2006. School calendars for the 2006-2007 school year will have been determined and published prior to the effective date. Some school districts will have to revise their calendars and notify their communities.

The "declared state emergency" exception may need to be clarified in order to reduce confusion for district school boards trying to understand and comply with the law.[5]

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

None.

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[5] The Department of Education 2006 Bill Analysis on HB 397 also made a note of the confusing language of this provision. Analysis on file with Committee on Military & Veteran Affairs.