

- SUBJECT:** Regarding the first date of student instruction for public schools
- COMMITTEE:** Public Education — committee substitute recommended
- VOTE:** 6 ayes — Sadler, Dutton, Grusendorf, Hochberg, Oliveira, Olivo
2 nays — Hardcastle, Smith
1 absent — Dunnam
- SENATE VOTE:** On final passage, March 27 — non-record vote (Barrientos, Cain, Carona, Ogden, Shapiro, Staples, Truan, West recorded nay)
- WITNESSES:** For — Tina Bruno, Texans for a Traditional School Year; Lonnie Hollingsworth, Texas Classroom Teachers Association
Against — David Dunn, Texas Association of School Boards
On — Bill Carpenter, Houston Independent School District
- BACKGROUND:** Current law does not set a uniform starting date for the public schools. The Legislature in 1984 prohibited the school year from beginning before September 1, then after some modification repealed this provision in 1990. Education Code, sec. 25.081 requires only that during each school year, each school district must provide at least 180 days of student instruction. Sec. 25.084 allows a school district to modify employee contracts, testing dates, data reporting, and student eligibility to participate in extracurricular activities in order to operate a year-round system.
- DIGEST:** SB 108 would add sec. 25.0811 to the Education Code to prohibit a school district from beginning instruction for students earlier than August 21.

A school district could apply for a waiver under existing Education Code provisions. A school district that intended to apply for a waiver would have to publish notice in a newspaper of general circulation in the district at least 60 days before the date of the application, stating its intention and specifying the proposed first day of instruction for students. School districts also would

have to hold a public hearing concerning the first day of instruction for students.

The waiver application would have to include a summary of opinions expressed in the public hearing, including any consensus of opinion concerning the date of the first day of instruction for students.

The bill would amend Education Code, sec. 25.084 to allow a school district that was operating under a year-round system for the 2000-2001 school year to modify the date of the first day of instruction.

The bill would take effect September 1, 2001, and would apply beginning with the 2002-2003 school year.

**SUPPORTERS
SAY:**

SB 108 is needed to reverse the trend of the last decade during which school starting dates have been moved back to early August. In 1990, the average school start date was August 27. Last year, 95 percent of Texas public schools started between August 7 and August 18, and some schools started as early as August 3.

Absenteeism. Earlier start dates increase student absentee rates, which are high during the month of August. Many families keep their children out of school while they finish their family vacation. Also, areas that tend to attract tourists see increased truancy as local kids blend in with visiting tourists. School districts in San Antonio and Fort Worth have seen a dramatic increase in attendance after scheduling a later school start date.

Migrant students. Earlier start dates hurt migrant students. Migrant farm worker families may be working in a different state when classes start, and thus their children are unable to attend school. For these students, the economic necessity of helping their family often outweighs educational opportunity. Migrant families tend to leave during summer months and not return until the fall. As a result, these students start school already behind their classmates, which discourages them and increases the likelihood that they will drop out of school. Many migrant students face significant challenges that are compounded by the early school-start dates. Many have language difficulties, lack credits to be placed with students their own age, and are behind in reading and math, for example. Migrant students have the

lowest school enrollment of any population group — a distressing fact when an education could provide them with better opportunities.

Farming families. Earlier start dates hurt other farming families. In rural areas, many students assist their families with farm work. Early school start dates force them to either miss school or leave their families short-handed during a crucial period of the agricultural year.

Utility bills. Earlier start dates increase school utility costs. Taxpayers must foot the bill for increased air conditioning in early August. In addition, many urban schools with blacktopped/asphalt recreation areas report that it is too hot to send students outside for recess during the late summer.

Air pollution. Earlier start dates increase air pollution. Early August is the height of ozone season. School buses and additional air conditioning required by schools with early start dates contribute to ozone smog pollution by emitting NO_x and VOC components. NO_x emissions early in the day have the greatest effect on the formation of ground level ozone. School buses are a particular problem, because they run during peak hours when ground level ozone is most likely to form. Individual cars used by families to drive children to school also would increase substantially VOC and NO_x emissions, as most of those trips would be taken in cars that were not fully warmed up, which generally emit more VOC and NO_x.

Lost income and educational opportunities. Earlier start dates decrease the income of working students and of teachers who work second jobs during the summer. High school students, many of whom are saving for college, lose income from summer jobs due to early school start dates. They are unable to make up these lost earnings during one and two day holidays spread throughout the school year. The Comptroller estimates that migrant farm workers lost \$27 million in earnings due to early school start dates. Earlier start dates also make it difficult for teachers to complete continuing education classes and for high school students to complete advanced summer course work at community colleges.

Impact on tourism. Earlier start dates hurt the Texas tourism industry, the largest economic driver in many areas of Texas. The Comptroller's Office estimates that the tourism industry loses \$332 million per year due to early

school start dates. Also, many tourist attractions and amenities, such as historical sites and theme parks and hotels, depend on teen-age employees who work there during peak summer vacation season.

Family time. Earlier start dates infringe on family vacation time and undermine the family by curtailing other summer family activities. Quality time for families spent together at home or on vacations is disappearing as the school year is extended. This especially is true for families with divorced parents, where children spend part of the summer with their mother and part of the summer with their father. A short summer means parents and children are forced to give up a significant portion of their summer together if the children also attend basketball camp, church camp, swimming lessons, etc. Many children, including those whose parents are not divorced, no longer have the luxury of a week at grandma's house or with cousins, a vacation trip, and summer camp in the same summer.

TAAS. Earlier start dates provide some students with an unfair advantage when they take TAAS. School districts with the earliest start date can get a four week jump on school districts with the latest start date. It is not fair to judge all students on the same scale when some have had an additional month of instruction prior to taking the exam. Many districts feel pressured to adopt an earlier start date when neighboring districts do so, just to ensure that their students have the same amount of preparation before TAAS.

Exam schedule. It is possible to have a later start date and still administer midterm or semester exams prior to the winter holiday break. Several model calendars have been developed that would allow for this. Also, no academic research proves that students are more successful on exams administered before or after the winter break. Students actually may perform better on exams after the break, as they would have had more time to prepare and would not be taking exams while distracted by an upcoming vacation. Migrant students in particular may perform better, as schools would have more time to work with them to catch up on material missed during the earlier part of the school year.

School breaks. Frequent smaller breaks during the year are disruptive to the education process. Eliminating fall break would not cause any harm, and in fact would assist families who need to arrange for day time child care

during school breaks. It is easier to find child care in blocks of time than it is to find child care for one or two days at a time.

Parent and citizen support. Many parents and citizens prefer a later school start date but do not feel they have adequate opportunities to participate in setting the school start date. Some parents report that when a school board proposal to start the school year significantly earlier meets with opposition, the school board gets around the opposition by incrementally moving the starting date back a few days each year, until their target is met. According to a 1999 Scripps-Howard poll of 1000 people, a majority of parents would prefer a school start date that fell within one week of Labor Day.

Teacher support. Many teachers also support a later start date. One teacher organization polled members via the Internet, and 84 percent of respondents said they would support the Legislature setting a date prior to which schools could not start. Another teacher organization's poll revealed that about 68 percent of responding teachers agreed that school districts should be prohibited from starting classes before September 1, and that starting school in early August has made it more difficult to take college courses during the summer. That same poll also revealed that almost half of the responding teachers had worked a second job over the summer.

Extracurricular activities. Lack of a uniform school start date interferes with extracurricular activities. A uniform school start date would allow for a common football calendar, for example. Activities such as marching band, which require students to practice outside for long hours, also would be helped by a later school start date by reducing the number of days students were exposed to extreme heat.

OPPONENTS
SAY:

Local control. Texas has over 1,000 school districts, each with its own concerns specific to the student population it serves. Under current law, the Education Code delegates authority to the school boards of each district to decide the first day of instruction for students. Mandating a start date takes away the boards' authority to do so. The school calendar should be determined solely on what is in the best interests of the children attending school in a particular district, and that decision is best made by local school boards with the input of parents and other citizens.

Local needs. Many arguments favoring a later start date do not apply equally to all districts. For example, many districts do not have a migrant student population or farming families. Many districts do not have a significant tourism industry that depends on students or teachers for seasonal labor. Most school districts are not located in areas that have been designated as “not in attainment” with the National Ambient Air Quality standards for ozone pollution and would not see a significant impact due to school-related transportation. Not all districts’ calendars conflict with summer college courses for teachers and advanced high school students.

Exam schedule. Earlier start dates allow a school to complete its first semester, including final exams, prior to the winter holiday break. If a later school start date were imposed, many districts would be forced to cancel fall break and postpone exams until after winter break. When exams fall after a break, the first few weeks of classes after break must be devoted to reviewing material. These weeks could be better spent working on new material.

Parent and citizen support. Earlier school calendars are driven, in part, by families’ desire for more frequent or longer school breaks, such as a longer winter holiday break and a week-long spring break. Citizens can provide input to their local school boards concerning school calendars, including school start dates. School board members are locally-elected and are directly responsible to local citizens. If the majority of residents disagreed with school board members’ decisions, they could choose not to re-elect them.

Later start, later ending. A later start date also could force many districts to continue instruction into the month of June, resulting in the same “problems” identified by those favoring the bill: migrant student absenteeism, harm to the tourist industry, increased cooling costs, use of school buses during ozone season, decreased earnings for working students and teachers with a second job, and so on.

Impetus for earlier start dates. Many districts have adopted earlier school start dates due in part to legislative action. In 1969, the Legislature added five days of mandatory attendance to the school year, then added another five days in 1984. Earlier school start dates also have resulted from adding a week long “spring break” to replace the more traditional two days of

vacation surrounding Easter. Other districts have added a full week off for Thanksgiving and a “fall break.” Also, current law mandates seven days of staff development for school staff. To accommodate the additional days of instruction and additional holidays, most districts have opted to start school earlier, rather than end school later in the year. Districts should retain as much flexibility as possible to respond to legislative mandates.

Air pollution. Scientific data surrounding the air quality arguments is, at best, inconclusive. Before mandating a later school start date based on environmental allegations, the Legislature should require reliable scientific data regarding air pollution and school transportation.

Educational basis. Decisions regarding the first date of instruction for schools should be based on what was in the best educational interest of the students. It would be inappropriate to base a school calendar on a few parents’ desire to keep their children out on vacation past the school start date. Some parents may choose to keep their children out of school no matter how late the school start date is. The school calendar should not be based on its impact on the tourist industry, but on the educational needs of students. Likewise, it would be inappropriate to arrange the school year specifically to accommodate extracurricular activity schedules.

NOTES:

The committee substitute would prohibit a school district from beginning instruction before August 21, while the bill as passed in the Senate would have prohibited beginning instruction before the week in which August 21 fell. The bill as filed would have required schools to start no earlier than August 21 and end no later than the first full week in June. The House committee substitute also set out specific requirements for a school district seeking a waiver. The bill as filed would have required the board of trustees of a school district to hold a hearing on the most appropriate date for the first day of instruction upon request, by a student, parent, teacher, or district resident, to the superintendent. The bill as filed also would have required the board of trustees of a school district in which more than five percent of the students were migratory children as defined by federal law to hold a public hearing on the most appropriate start date each year.

According to the fiscal note, LBB does not anticipate a significant fiscal impact on the state, but notes that if changing the start date leads to higher

rates of student attendance, this could trigger additional state funding. LBB concludes that school districts could save money on air conditioning as a result of the later start date. The Comptroller's Office estimates school districts would save \$10 million per year in air conditioning costs if they did not extend the school year at the end of the year. The Texas Education Agency assumes school districts would extend the school year at the end of the year and estimates \$2 million to \$4 million per year in savings.

HB 40 by McClendon, the designated companion bill to SB 108, was considered in the Public Education Committee on March 13 and 20 and failed to receive an affirmative vote. HB 40 as introduced would have required the first school day to begin the day after Labor Day. HB 1936 by Dutton, which would have required each school district to hold an annual referendum on the school starting date, was left pending in the Public Education committee on March 13.

Similar legislation filed in 1997 would have required schools to begin after Labor Day. Legislation filed in 1999 would have required a study of school start dates.