



**House  
Legislative  
Analysis  
Section**

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**WAIVE MINIMUM DAYS OF  
INSTRUCTION; SNOW DAYS**

**House Bill 4398 as introduced  
First Analysis (1-29-02)**

**Sponsor: Rep. Ron Jelinek  
Committee: Education**

***THE APPARENT PROBLEM:***

The State School Aid Act (MCL 388.1701) provides that each district must provide for "at least 180 days of pupil instruction and a number of hours of pupil instruction at least equal to the required minimum number of hours required for 2000-2001 under section 1284 of the Revised School Code." Under the Revised School Code, the total number of hours required for that year was 1,104 hours, and that total number of hours remains in effect during this school year. [Note: if a school offered instruction during a six-hour day, then it could offer 184 days of instruction and meet the 1,104-hour minimum.] See *BACKGROUND INFORMATION* below.

Although the school aid act requires at least 180 days of instruction, it also allows a two-day grace period during each academic year. These two days are customarily referred to as "snow days;" however, the act specifies more broadly that the two-day grace period can be used for any days during which "instruction is not provided because of conditions not within the control of school authorities, such as severe storms, fires, epidemic, or health considerations." If the uncontrollable event (or events) extend(s) beyond two days, then the school calendar is adjusted to make up for lost instructional time, and generally the school year is extended.

Some school district officials have argued that school districts should be able to "bank" their unused "snow days" for the past three academic years. Under the banking arrangement that they propose, a maximum of eight "snow days" could accumulate over a four-year period, if no days from the allowable grace period had been used in the current year and the three past academic years. Then, all previously unused "snow days" could be counted as days of instruction in the fourth year, if heavy snow conditions (or other conditions outside the school officials' control) warranted.

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

The bill would amend the State School Aid Act of 1979 to waive the minimum days of instruction for a current school year by allowing a district to use accumulated 'snow days' that the district had carried over from the three preceding school years.

More specifically, the bill provides that if, over the three years immediately preceding the current school year, a district counted as days of pupil instruction less than the maximum number of days allowed to be counted for that entire three-year period as days of pupil instruction under the severe storm provision, then the district could count one or more of those unused days, up to that maximum, as a day of pupil instruction for the current school year, but only for a day when pupil instruction was not provided due to conditions outside the control of school authorities, as specified in the law.

MCL 388.1701

***BACKGROUND INFORMATION:***

There is a conflict between the Revised School Code and the State School Aid Act, concerning the minimum number of required school days. Under the Revised School Code (MCL 380.1284), public schools are required to offer a certain number of days and hours of pupil instruction in order to be eligible for state aid. For many years, the minimum number of school days in Michigan was 180, and when the school code was revised in 1995, reformers thought the minimum number of days and hours should be increased. Reformers proposed to lengthen the school year for two reasons: so that American school children could compete with their counterparts in other countries where school is in session for a month longer than in the United States; and, so youngsters--and especially those who are slower learners--could retain more of what they learned over a shorter summer school break. Reformers argued that if academic standards were to be raised, then American school children needed more ample opportunities for

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serious intellectual work. They pointed out that students also needed more time to learn if they were to be expected to excel on the tests that are used to make international comparisons of academic achievement. Reformers also argued that the work of the adults in schools--that of teachers and administrators, especially--should also meet higher standards, and that ongoing professional development would require more time set aside in the school year for adult learning.

To these ends, those who drafted the Revised School Code designed a school year that slowly lengthened, providing for a gradual increase in the minimum number of school days and hours. Their plan was that over a ten-year period that was to have begun in the fall of 1997 and would have ended in the spring of 2007, the minimum number of school days would increase to 190, as one day was added each year. For example, 184 days would have been required in the 2000-2001 school year, 185 days in 2001-2002, 186 days in 2002-2003, and so forth, until 190 days was reached in the 2006-2007 school year.

The number of instructional hours also was to have increased over the ten years, from 900 to 1,140. For example, 1,104 hours of instruction would have been required during the 2000-2001 school year; 1,110 hours during the 2001-2002 school year; 1,116 hours for the 2002-2003 school year; 1,122 hours for the 2003-2004 school year; 1,128 hours for the 2004-2005 school year; 1,134 hours for the 2005-2006 school year; and, 1,140 hours for the 2006-2007 school year and beyond. Generally, the reformers imagined a six-hour school day, giving individual school districts the opportunity to decide an ideal schedule within the collectively bargained agreements they negotiated with teachers.

Because the State School Aid Act specifies a 180-day minimum for the days of instruction (as well as allowing a two-day grace period in which "snow days" can be counted as days of instruction) and does not penalize districts with reductions in their state aid school unless they fall below that minimum, districts are careful to maintain the 180-day minimum. However, very few school districts in the state offer more than 180 days of instruction, and the state aid payment to a district does not increase if they do so. Although the Department of Education does not tabulate how many districts exceed the minimum, a spokesperson in the department confirms that the number is "very small."

### ***FISCAL IMPLICATIONS:***

The House Fiscal Agency notes that House Bill 4398 would allow school districts to count any unused snow days from the previous three school years as instruction days in the current year, and subsequently receive state aid for those days. Currently if a district is closed for more than two days per school year for snow or other reasons beyond its control, it makes those days up sometime before the end of the school year. The bill would alleviate the need to make those days up. It would have no state or local fiscal impact. (1-22-02)

### ***ARGUMENTS:***

#### ***For:***

A change in the "snow day" policy that would allow school districts to "bank" unused but allowable days over a four-year period would be convenient for schools to administer, most especially in those regions of the state where the amount of snowfall varies during the winter months from year to year. "Banking" days could ensure a school district's total reimbursement, during an occasional year with high snowfall, or during an episode beyond school officials' control that resulted in a short instructional break. Withdrawing days from the bank would eliminate the need to recalculate and reduce the school district's reimbursement during the year the extraordinary events occurred.

#### ***Against:***

Fewer days of instruction in a student's school year diminishes a student's academic preparedness, since it reduces his or her opportunities for serious intellectual work. The more school days, the better. Students in other countries attend school for longer sessions, and the evidence of the time and effort they spend is evident on the international tests that compare academic achievement. Asking American students to compete with their counterparts in other countries despite their shortened school year is the same as asking them to win a four-quarter basketball game, but walking off the court after the third quarter while their opponents stay to finish the game.

#### ***Against:***

This change in policy would not help school districts in the snowiest regions of the state, since their administrators would seldom if ever have deposited unused "snow days" in the "bank."

***POSITIONS:***

The Michigan Association of School Boards supports the bill. (1-24-02)

The Michigan Association of Secondary School Principals supports the bill. (1-24-02)

The Michigan Education Association supports the bill. (1-24-02)

The Michigan Federation of Teachers and School-Related Personnel support the bill. (1-24-02)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.