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## SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

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**Bill No:** SB 328 **Hearing Date:** April 19, 2017  
**Author:** Portantino  
**Version:** February 13, 2017  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Brandon Darnell

**Subject:** Pupil attendance: school start time

### SUMMARY

This bill prohibits middle schools and high schools from beginning their schoolday before 8:30 a.m.

### BACKGROUND

Existing law:

- 1) Requires the governing board of each school district to fix the length of the schoolday for the several grades and classes of the schools maintained by the district. (Education Code § 46100)
- 2) Specifies that the minimum schoolday for purposes of average daily attendance for grades 4-12 is typically 240 minutes, except as otherwise provided for specialized programs (EC § 46113, §46141)
- 3) Generally requires school districts and county offices of education to offer 54,000 instructional minutes annually for grades 4-8 and to offer 64,800 instructional minutes annually for grades 9-12, except as otherwise provided. (EC § 46200 et seq.)
- 4) Authorizes the governing board of a school district that maintains a junior high school or high school to schedule classes in these schools so that each pupil attends classes for at least 1,200 minutes during any five-schoolday period or 2,400 minutes during any 10-schoolday period and specifies that under that kind of schedule, any pupil may be authorized to attend school for less than the total number of days in which the school is in session as long as the pupil attends the required number of minutes per five-schoolday period or per 10-schoolday period to accommodate career technical education and regional occupational center and program courses and block or other alternative school class schedules. (EC § 46160)
- 5) Requires the governing board of a school district, before implementing an alternative schedule in any school of the district, to consult in good faith in an effort to reach agreement with the certificated and classified employees of the school, with the parents of pupils who would be affected by the change, and with the community at large, and requires the consultation to include at least one

public hearing for which the board has given adequate notice to the employees and to the parents of pupils affected. (EC § 46162)

- 6) Establishes collective bargaining rights for public school teachers, which gives teachers the right to elect an exclusive representative to bargain wages and working conditions with local school boards. Mandatory issues that fall under the “scope of representation” include wages, *hours of employment*, and other terms and conditions of employment such as health and welfare benefits, leave, transfer, and reassignment policies, safety conditions, class size, procedures to be used for the evaluation of employees, organizational security, and grievance procedures. (Government Code § 3540, et seq., § 3543.2(a)(1))

## ANALYSIS

This bill prohibits middle schools and high schools from beginning their schoolday before 8:30 a.m.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “The leaders of local school districts are or should be well-aware that requiring students – especially adolescents – to wake, travel to school, and learn during early morning hours is contrary to the developmental needs and biological sleep cycles of growing minds and bodies. Yet, only a handful of districts have been proactive in doing what is right for students by making the change back to traditional school hours, which prior to the 1980s had most school opening between 8:30 and 9 a.m. Today, most middle and high schools begin at or way before 8 a.m. According to the most recent data available, the average start time among California-based public schools is 8:07 a.m.”

Existing law authorizes school boards to set their own start times, and some already set their start time at 8:30 a.m. or even later. The committee may wish to consider the necessity of statewide legislation on this issue. However, because working hours are within the scope of representation for teachers’ collective bargaining rights (see comment #6) and the inherent difficulties of moving the status quo, statewide legislation may be necessary to remove impediments that might otherwise prevent school boards from pushing back school start times on their own accord.

- 2) ***Science of adolescent sleep.*** According to the author, “The American Academy of Pediatrics, the American Medical Association (AMA) and the U.S. Centers for Disease Control and Prevention (CDC) are among the organizations and experts that have reported on the harm being done to the physical and emotional health of adolescents due to the sleep deprivation caused by such developmentally-misaligned school hours. Similarly, researchers report that academic success and school attendance is greatly improved by later starting school days. The recommendation made the American Academy of pediatrics – and supported by the AMA, CDC, and others – states that no middle or high school should begin before 8:30 a.m. Other organizations add that no elementary school should begin before 8 a.m.”

A specific example of a research study supporting these contentions is *Examining the Impact of Later High School Start Times on the Health and Academic Performance of High School Students: A Multi-Site Study*, conducted by the Center for Applied Research and Educational Improvement (CAREI) in the College of Education and Human Development at the University of Minnesota. In its final report, CAREI's major findings stated that "The results from this three-year research study, conducted with over 9,000 students in eight public high school in three states, reveal that high schools that start at 8:30 AM or later allow for more than 60% of students to obtain at least eight hours of sleep per school night. Teens getting less than eight hours of sleep reported significant higher depression symptoms, greater use of caffeine, and are at a greater risk for making choices for substance abuse. Academic performance outcomes, including grades earned in core subject areas of math, English, science, and social studies, plus performance on state and national achievement tests, attendance rates, and reduced tardiness show significantly positive improvement with the later start times of 8:30 AM or later. Finally, the number of car crashes for teen drivers from 16 to 18 years of age was significantly reduced by 70% when a school shifted start times from 7:35 AM to 8:55 AM."

By moving the start time back to 8:30 a.m. or later for middle schools and high schools, this bill could improve attendance rates and reduce tardiness. A study involving 29 high schools and 30,000 students over seven states, *Delayed High School Start Times later than 8:30 a.m. and Impact on Graduation Rates and Attendance Rates*, concluded that "Attendance rates and graduation rates significantly improved in schools with delayed start times of 8:30 a.m. or later. School officials need to take special notice that this investigation also raised questions about whether later start times are a mechanism for closing the achievement gap due to improved graduation rates."

- 3) ***Local control and local circumstances.*** In recent years, the state has transitioned to the Local Control Funding Formula (LCFF) and the utilization of Local Control and Accountability Plans to empower local school boards with the ability to tailor important educational decisions to the unique circumstances of their schools and communities. As stated above, under existing law, school boards can currently set their start time at 8:30 a.m. or even later. The committee may wish to consider if mandating a statewide prohibition against starting middle school or high school before 8:30 a.m. is consistent with the intent of the LCFF. Similarly, the committee may also wish to consider if families in small, geographically isolated in communities with only a few large employers could be disproportionately burdened by a mandated later school start time that is inconsistent with the specific needs of that community.

***Author amendment:*** The author would like to amend the bill to include the ability for rural school districts to seek a waiver from the State Board of Education to delay implementation of the required later start time. The waiver could only be granted if the school district could demonstrate a verifiable, significant economic hardship resulting from the required later start time. If granted, the waiver would only delay implementation of the 8:30 a.m. or later start time for two years, but a school district would be able to seek an additional two-year extension. ***Staff***

**recommends** that the bill be amended to reflect the author's proposed amendment.

- 4) **Potential Unintended impacts.** This bill would require many school districts to push back their current start times to 8:30 a.m. or later. The committee may wish consider how that change, which for some schools would be almost an hour later, could have unintended impacts, including, but not limited to, impacts on each of the following:
- a) Working and single parent families. It is near impossible for school boards to set their school start times at a time that is convenient for all parents and guardians because in any given community there is a variance of work schedules for parents and guardians. Does pushing back school start times disproportionately impact working families and single parent families who may not be able take their children to school later or easily arrange for child care? Is this an issue that will exist regardless of school start time?
  - b) Home-to-school transportation. Will school districts that choose to provide home-to-school transportation be able to maintain their current capacities without increased costs? Will schools districts providing required transportation be forced to incur additional costs?
  - c) Extracurricular activities, including athletics. Pushing back the time school starts necessitates pushing back the time school ends. Could shifting time in the afternoon that is currently free for extracurricular activities to in-class school time negatively impact extracurricular activities, including athletics? Conversely, could requiring every school to start at 8:30 a.m. or later actually help athletics schedules? Are there positive benefits to keeping students who are not engaged in after school extracurricular activities in school longer?
  - d) Before and after school programs. Will pushing back school start times increase capacity demands on before school programs? Are there sufficient resources to meet those demands? How will later school start times impact the need for, and enrollment in, after school programs?
- 5) **Collective bargaining.** Under existing law, working hours are specifically included within the scope of representation for purposes of teachers' collective bargaining rights. The committee may wish to consider how a statewide prohibition against middle schools and high schools beginning before 8:30 a.m. might conflict with the express terms of existing collective bargaining agreements.

**Author amendment:** The author would like to amend the bill to specify that middle schools and high schools shall implement the 8:30 a.m. or later start time requirement by no later July 1, 2020. **The staff recommends** that the bill be amended to reflect the author's proposed amendment.

- 6) **Charter schools.** Under existing law, charter schools generally are exempted from laws governing school districts, except as they are otherwise specifically included. It appears to staff that the bill's provisions, as written, would not apply to charter schools. If the bill moves forward, the author may wish to clarify how the bill's provisions are intended to apply to charter schools.
- 7) **Author amendment for Zero Periods.** The author would also like to amend the bill to define "school day" for purposes of the bill to *not* include "zero periods" offered before 8:30 a.m. **Staff recommends** that the bill be amended to reflect the author's proposed amendment.

## SUPPORT

American Academy of Pediatrics  
California Federation of Teachers  
Child and Adolescent Development Department, San José State University  
Children's Orthopaedic Center at Children's Hospital Los Angeles  
High School Parent Engagement Group  
Manhattan Beach Unified School District  
Seattle Children's Sleep Disorders Center/University of Washington School of Medicine  
Start School Later, Inc.  
Zoe Lofgren, Member of Congress  
Numerous individuals

## OPPOSITION

California School Boards Association  
California Teachers Association

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