

## **Section 1284b – Labor Day Waiver Requests (MCL 380.1284b)**

### **Background**

In accordance with Section 1284b of the Revised School Code (MCL 380.1284b), the board of a school district or intermediate school district or board of directors of a public school academy shall ensure that the district's or public school academy's school year does not begin before Labor Day. If an exception allowed by this legislation applies, the district or public school academy must still ensure that the school is not in session on the Friday before Labor Day.

### **Exceptions to the Requirement**

The requirement to start school after Labor Day does not apply to a district that had a collective bargaining agreement in place as of June 26, 2006, that provided a complete school calendar that is in conflict with this section but remains in effect, until after the expiration of that collective bargaining agreement.

The requirement to start school after Labor Day does not apply to a district that was operating a year-round school or program, or to a school that is an international baccalaureate academy that provides 1,160 hours of pupil instruction per school year, if the school or program was operating as of September 29, 2005.

The requirement to start school after Labor Day does not apply to a public school that operates all of grades 6 to 12 at a single site, that aligns its high school curriculum with advanced placement courses as the capstone of the curriculum, and that ends its second academic semester concurrently with the end of the advanced placement examination period.

An intermediate school district is also exempt from the requirement to start school after Labor Day if the intermediate school district (1) contracts with a constituent district or public school academy to provide programs and services for pupils; (2) operates a program or service within a school building owned by a constituent district or public school academy within the boundaries of the intermediate school district; or (3) provides instructional programs or services to pupils of a constituent district or public school academy, where that constituent district or public school academy is exempt from the requirement through one of the means mentioned above.

### **Waiver Eligibility**

If after September 29, 2005, a district begins operating a year-round school or program, the district may apply to the State Superintendent for a waiver from the language requiring that schools begin their instructional school year after Labor Day. The application shall be submitted in written form in the manner prescribed by the Department and shall provide justification for the school or program to operate on a year-round calendar, including evidence that the school or program has been established for educational reasons. A standard from the 'Standards for Determining a Bona Fide Year Round School' must be identified in the request.

If an intermediate school district contracts with a constituent district to provide programs or services for pupils of the constituent district, or operates a program or service within a building owned by a constituent district or a public school academy located within the intermediate school district's boundaries, or otherwise provides instructional programs or services for pupils of a constituent district or public school academy, and if the school district or public school academy begins its instructional

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school year before Labor day, then the intermediate school district may provide programs or services according to the school district or public school academy calendar.

The requirements of Section 1284b do not apply to a public school that operates all of grades 6 to 12 at a single site, that aligns its high school curriculum with advanced placement courses as the capstone of the curriculum, and that ends its second academic semester concurrently with the end of the advanced placement examination period.

### **Terminology**

Board means the board of a school district or board of directors of a public school academy.

Constituent district means a constituent district of the intermediate school district or a public school academy that is located within the boundaries of the intermediate school district and that receives services from the intermediate school district.

School district means a school district or a public school academy.

Labor Day means the first Monday in September.

### **Standards for Determining a Bona Fide Year-Round School or Program**

Pursuant to subsection 380.1284b(4) of the Revised School Code, the State Superintendent has established the following standards for determining a bona fide year-round school or program:

#### Calendar Coterminous with College / University

A school that is on the same calendar as an institution of higher education and the school shares facilities, faculty, or courses with the higher education institution (e.g., middle colleges on the same calendar as a community college).

#### Length of Summer Break (Balanced Calendar and Year-Round)

A school may be considered a bona fide year-round if it operates a school calendar that includes a summer break during the summer of 2007 that is no greater than six (6) weeks in length.

*For the purposes of determining the length of the summer break, public holidays as recognized in section 380.1175 of the Revised School Code, which includes July 4, may be excluded when calculating the length of the summer break.*

#### Persistently Lowest Achieving School

A local educational agency governing a school identified as persistently lowest-achieving is required to implement an intervention model specified under federal regulations and guidelines. If the school has selected a model requiring increased learning time as a condition of a reform, the school may have the post Labor Day start requirement waived.

#### Alternate Program Criterion

Districts selecting this criterion need to demonstrate how their program will offer extended learning options to students throughout the summer break in a manner that provides an experience similar to that of a shortened summer break. Summer learning opportunities

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must be free of charge to all students. If your summer learning program is made optional to students, the district's intent must still be to serve the majority of the student population through the program. Please be prepared to provide detail regarding these options when describing the goals and objectives, as well as the programming available to students, when prompted below.

### Balanced Calendar

A balanced calendar is an alternative way of structuring a school calendar, where shorter instructional breaks are scheduled more frequently throughout the year rather than concentrating the time off into a long summer break. The following plans are examples of balanced calendars:

#### Example Balanced Calendar Track Plans

##### 45-15 Single-Track Plan

The year is divided into four nine-week sessions, separated by four three-week vacations. School is in session for nine weeks (45 days) followed by a three-week vacation (15 days). This sequence of sessions and vacations repeats four times each year, thus providing the usual 36 weeks or 180 days of school. Four additional weeks each year are allocated to winter holidays, spring vacation, and national, state, or local holidays.

##### 45-15 Multi-Track Plan

Under this type of calendar, pupils are divided into four groups. While groups A, B, and C are in school, D is on vacation. When D returns, A goes on vacation. The rotation continues every three weeks, thus providing for 33 percent additional space in the school. Each track has its own 45-15 schedule of nine weeks in school and three weeks on vacation.

##### 60-20 Single or Multi-track Plan

Pupils attend school for 60 days (12 weeks) and vacation for 20 days (four weeks). Pupils rotate through the year until they have had three 60-day terms and three 20-day vacations. The 60-20 Plan can be varied to take into account winter holidays, spring vacation, and national, state, or local holidays. It can be conducted in either a single-track or a multiple-track format.

##### 60-15 Single or Multi-track Plan

This plan borrows from both the 45-15 and 60-20 formats in that the instructional period is 60 days and the vacation period is 15 days. By rearranging the instructional days, a common summer vacation of three to four weeks can be given to all pupils and faculty. It is usually implemented with five tracks available to pupils. Teachers keep their own classrooms and teach a 225-day contract. One-fifth of the pupils are always on vacation.

##### 90-30 Single or Multi-track Plan

The two 90-day semesters are separated by a 30-day vacation period twice a year, and schools are closed during the traditional winter holiday period and spring vacation. This calendar can be conducted as either a single-track or a multi-track plan.

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THE REVISED SCHOOL CODE (EXCERPT)  
Act 451 of 1976

380.1284b School in session before Labor day; prohibition; effect of collective bargaining agreement; year-round school or program; waiver; exception; "Labor day" defined.  
Sec. 1284b.

(1) Until subsection (2) applies to the school district, public school academy, or intermediate school district, the board of a school district or intermediate school district or board of directors of a public school academy shall ensure that the district's or public school academy's schools are not in session on the Friday before Labor day.

(2) Except as otherwise provided in this section, the board of a school district or intermediate school district or board of directors of a public school academy shall ensure that the district's or public school academy's school year does not begin before Labor day.

(3) If a collective bargaining agreement that provides a complete school calendar is in effect for employees of a school district, public school academy, or intermediate school district as of the effective date of the amendatory act that added subsection (2), and if that school calendar is not in compliance with subsection (2), then subsection (2) does not apply to that school district, public school academy, or intermediate school district until after the expiration of that collective bargaining agreement.

(4) If a school district, intermediate school district, or public school academy is operating a year-round school or program as of September 29, 2005 or is operating as of that date a school that is an international baccalaureate academy that provides 1,160 hours of pupil instruction per school year, then subsection (2) does not apply to that school or program. If a school district, intermediate school district, or public school academy begins operating a year-round school or program after September 29, 2005, the school district, intermediate school district, or public school academy may apply to the superintendent of public instruction for a waiver from the requirements of subsection (2). Upon application, if the superintendent of public instruction determines that a school or program is a bona fide year-round school or program established for educational reasons, the superintendent of public instruction shall grant the waiver. The superintendent of public instruction shall establish standards for determining a bona fide year-round school or program for the purposes of this subsection.

(5) If an intermediate school district contracts with a constituent district or public school academy to provide programs or services for pupils of the constituent district or public school academy; operates a program or service within a building owned by a constituent district or a public school academy located within the intermediate school district's boundaries; or otherwise provides instructional programs or services for pupils of a constituent district or public school academy, and if the school district's or public school academy's school year begins before Labor day under subsection (3) or (4), then the intermediate school district may provide programs or services according to the school district's or public school academy's calendar.

(6) This section does not apply to a public school that operates all of grades 6 to 12 at a single site, that aligns its high school curriculum with advanced placement courses as the capstone of the curriculum, and that ends its second academic semester concurrently with the end of the advanced placement examination period.

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(7) This section does not prohibit a school district, intermediate school district, or public school academy from offering or requiring professional development for its personnel that is conducted before Labor day.

(8) As used in this section, "Labor day" means the first Monday in September.

History: Add. 1999, Act 141, Eff. Mar. 10, 2000 ;-- Am. 2001, Act 167, Imd. Eff. Nov. 26, 2001 ;-- Am. 2005, Act 144, Imd. Eff. Sept. 29, 2005 ;-- Am. 2006, Act 235, Imd. Eff. June 26, 2006  
Popular Name: Act 451