

Sec. 25.0811. FIRST DAY OF INSTRUCTION. (a) Except as provided by this section, a school district may not begin instruction for students for a school year before the fourth Monday in August. A school district may:

(1) begin instruction for students for a school year before the fourth Monday in August if the district operates a year-round system under Section 25.084; or

(2) begin instruction for students for a school year on or after the first Monday in August at a campus or at not more than 20 percent of the campuses in the district if:

(A) the district has a student enrollment of 190,000 or more;

(B) the district at the beginning of the school year provides, financed with local funds, days of instruction for students at the campus or at each of the multiple campuses, in addition to the minimum number of days of instruction required under Section 25.081;

(C) the campus or each of the multiple campuses are undergoing comprehensive reform, as determined by the board of trustees of the district; and

(D) a majority of the students at the campus or at each of the multiple campuses are educationally disadvantaged.

(b) Notwithstanding Subsection (a), a school district that does not offer each grade level from kindergarten through grade 12 and whose prospective or former students generally attend school in another state for the grade levels the district does not offer may start school on any date permitted under Subsection (a) or the law of the other state.

(c) Repealed by Acts 2006, 79th Leg., 3rd C.S., Ch. 5, Sec. 9.03, eff. May 31, 2006.

Added by Acts 2001, 77th Leg., ch. 909, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2006, 79th Leg., 3rd C.S., Ch. 5, Sec. 9.02, eff. May 31, 2006.

Acts 2006, 79th Leg., 3rd C.S., Ch. 5, Sec. 9.03, eff. May 31, 2006.

Acts 2007, 80th Leg., R.S., Ch. 708, Sec. 1, eff. June 15, 2007.

Acts 2011, 82nd Leg., R.S., Ch. 277, Sec. 1, eff. June 17, 2011.

SECTION 59-1-425. Beginning and length of school term; make-up days; instructional days.

(A) Each local school district board of trustees of the State shall have the authority to establish an annual school calendar for teachers, staff, and students. The statutory school term is one hundred ninety days annually and shall consist of a minimum of one hundred eighty days of instruction covering at least nine calendar months. However, beginning with the 2007-2008 school year the opening date for students must not be before the third Monday in August, except for schools operating on a year-round modified school calendar. Three days must be used for collegial professional development based upon the educational standards as required by Section 59-18-300. The professional development shall address, at a minimum, academic achievement standards including strengthening teachers' knowledge in their content area, teaching techniques, and assessment. No more than two days may be used for preparation of opening of schools and the remaining five days may be used for teacher planning, academic plans, and parent conferences. The number of instructional hours in an instructional day may vary according to local board policy and does not have to be uniform among the schools in the district.

(B) Notwithstanding any other provisions of law to the contrary, all school days missed because of snow, extreme weather conditions, or other disruptions requiring schools to close must be made up. All school districts shall designate annually at least three days within their school calendars to be used as make-up days in the event of these occurrences. If those designated days have been used or are no longer available, the local school board of trustees may lengthen the hours of school operation by no less than one hour per day for the total number of hours missed or operate schools on Saturday. Schools operating on a four-by-four block schedule shall make every effort to make up the time during the semester in which the days are missed. A plan to make up days by lengthening the school day must be approved by the Department of Education before implementation. Tutorial instruction for grades 7 through 12 may be taught on Saturday at the direction of the local school board. If a local school board authorizes make-up days on Saturdays, tutorial instruction normally offered on Saturday for seventh through twelfth graders must be scheduled at an alternative time.

(C) The General Assembly by law may waive the requirements of making up missed days or, by law, may authorize the school board of trustees to forgive up to three days missed because of snow, extreme weather conditions, or other disruptions requiring schools to close. A waiver granted by the local board of trustees of the requirement for making up missed days also must be authorized through a majority vote of the local school board.

(D) If a school is closed early due to snow, extreme weather conditions, or other disruptions, the day may count towards the required minimum to the extent allowed by State Board of Education policy.

(E) The instructional day for secondary students must be at a minimum six hours a day, or its equivalent weekly, excluding lunch. The school day for elementary students must be at a minimum six hours a day, or its equivalent weekly, including lunch.

(F) Elementary and secondary schools may reduce the length of the instructional day to not less than three hours for not more than three days each school year for staff development, teacher conferences, or for the purpose of administering end-of-semester and end-of-year examinations.

(G) Priority during the instructional day must be given to teaching and learning tasks. Class interruptions must be limited only to emergencies. Volunteer blood drives as determined by the principal may be conducted at times which would not interfere with classroom instruction such as study period, lunch period, and before and after school.

(H) The State Board of Education may waive the school opening date requirement pursuant to subsection (A) of this section on a showing of good cause or for an educational purpose. For the purposes of this section:

(1) "Good cause" means that schools in a district have been closed eight days per year during any four of the last ten years because of severe weather conditions, energy shortages, power failures, or other emergency situations.

(2) "Educational purpose" means a district establishes a need to adopt a different calendar for a:

(a) specific school to accommodate a special program offered generally to the student body of that school,

(b) school that primarily serves a special population of students, or

(c) defined program within a school.

The state board may grant the waiver for an educational purpose for that specific school or defined program to the extent that the state board finds that the educational purpose is reasonable, the accommodation is necessary to accomplish the educational purpose, and the request is not an attempt to circumvent the opening date set forth in this subsection. Waiver requests for educational purposes may not be used to accommodate system-wide class scheduling preferences. Nothing in this subsection prohibits a district from offering supplemental or additional educational programs or activities outside of the calendar adopted under this section.

HISTORY: 2006 Act No. 260, Section 1, eff April 8, 2006.

2011 Florida Statutes

<u>Title XLVIII</u> K-20 EDUCATION CODE	Chapter 1001 K-20 GOVERNANCE
	Entire Chapter

1001.42 Powers and duties of district school board.— The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(1) **REQUIRE MINUTES AND RECORDS TO BE KEPT.**—Require the district school superintendent, as secretary, to keep such minutes and records as are necessary to set forth clearly all actions and proceedings of the school board.

(a) *Minutes, recording.*—The minutes of each meeting shall be reviewed, corrected if necessary, and approved at the next regular meeting, provided that this action may be taken at an intervening special meeting if the district school board desires. The minutes shall be kept as a public record in a permanent location.

(b) *Minutes, contents.*—The minutes shall show the vote of each member present on all matters on which the district school board takes action. It shall be the duty of each member to see to it that both the matter and his or her vote thereon are properly recorded in the minutes. Unless otherwise shown by the minutes, it shall be presumed that the vote of each member present supported any action taken by the district school board in either the exercise of, violation of, or neglect of the powers and duties imposed upon the district school board by law or rule, whether such action is recorded in the minutes or is otherwise established. It shall also be presumed that the policies, appointments, programs, and expenditures not recorded in the minutes but made and actually in effect in the district school system were made and put into effect at the direction of the district school board, unless it can be shown that they were done without the actual or constructive knowledge of the members of the district school board.

(2) **CONTROL PROPERTY.**—Subject to rules of the State Board of Education, control property and convey the title to real and personal property.

(3) **ADOPT SCHOOL PROGRAM.**—Adopt a school program for the entire school district.

(4) **ESTABLISHMENT, ORGANIZATION, AND OPERATION OF SCHOOLS.**—Adopt and provide for the execution of plans for the establishment, organization, and operation of the schools of the district, including, but not limited to, the following:

(a) *Schools and enrollment plans.*—Establish schools and adopt enrollment plans that may include school attendance areas and open enrollment provisions.

(b) *Elimination of school centers and consolidation of schools.*—Provide for the elimination of school centers and the consolidation of schools.

(c) *Adequate educational facilities for all children without tuition.*—Provide adequate educational facilities for all children without payment of tuition.

(d) *Cooperate with school boards of adjoining districts in maintaining schools.*—Approve plans for cooperating with school boards of adjoining districts in this state or in adjoining states for establishing school attendance areas composed of territory lying within the districts and for the joint maintenance of district-line schools or other schools which are to serve those attendance areas. The conditions of such cooperation shall be as follows:

1. **Establishment.**—The establishment of a school to serve attendance areas lying in more than one district and the plans for maintaining the school and providing educational services to students shall be effected by annual resolutions spread upon the minutes of each district school board concerned, which resolutions shall set out the territorial limits of the areas from which children are to attend the school and the plan to be followed in maintaining and operating the school.

2. **Control.**—Control of the school or schools involved shall be vested in the district school board of the district in which the school or schools are located unless otherwise agreed by the district school boards.

3. **Settlement of disagreements.**—In the event an agreement cannot be reached relating to such attendance areas or to the school or schools therein, the matter may be referred jointly by the cooperating district school boards or by either district school board to the Department of Education for decision under rules of the State Board of Education, and its decision shall be binding on both school boards.

(e) *Classification and standardization of schools.*—Provide for the classification and standardization of schools.

MINNESOTA STATUTES AND CODES**Section 120A.40 School Calendar** Listen**120A.40 SCHOOL CALENDAR.**

(a) Except for learning programs during summer, flexible learning year programs authorized under sections 124D.12 to 124D.127, and learning year programs under section 124D.128, a district must not commence an elementary or secondary school year before Labor Day, except as provided under paragraph (b). Days devoted to teachers' workshops may be held before Labor Day. Districts that enter into cooperative agreements are encouraged to adopt similar school calendars.

(b) A district may begin the school year on any day before Labor Day:

(1) to accommodate a construction or remodeling project of \$400,000 or more affecting a district school facility;

(2) if the district has an agreement under section 123A.30, 123A.32, or 123A.35 with a district that qualifies under clause (1); or

(3) if the district agrees to the same schedule with a school district in an adjoining state.

History:

Ex1959 c 71 art 7 s 12; 1967 c 890 s 2; 1974 c 326 s 15; 1978 c 764 s 89; 1985 c 51 s 1; 1987 c 258 s 7; 1990 c 562 art 8 s 33; 1991 c 265 art 9 s 57; 1Sp1995 c 3 art 16 s 13; 1998 c 397 art 6 s 117; art 11 s 3; 1998 c 398 art 6 s 29; 1999 c 241 art 9 s 2; 1Sp2005 c 1 art 4 s 31; 2009 c 96 art 1 s 2

- [22.1 Education \(/22.1/\)](#)
- [7 General Powers and Duties of School Boards \(/22.1/7/\)](#)
- [§ 22.1-79.1 Opening of the school year; approvals for certain .□.□. \(/22.1-79.1/\)](#)

§ 22.1-79.1

Opening of the school year; approvals for certain alternative schedules.

A. Each local school board shall set the school calendar so that the first day students are required to attend school shall be after Labor Day. The Board of Education may waive this requirement based on a school board certifying that it meets one of the good cause requirements of subsection B.

B. For purposes of this section, “good cause” means:

1. A school division has been closed an average of eight days per year during any five of the last 10 years because of severe weather conditions, energy shortages, power failures, or other emergency situations;
2. A school division is providing, in the school year for which the waiver is sought, an instructional program or programs in one or more of its elementary or middle or high schools, excluding Virtual Virginia, which are dependent on and provided in one or more elementary or middle or high schools of another school division that qualifies for such waiver. However, any waiver granted by the Board of Education pursuant to this subdivision shall only apply to the opening date for those schools where such dependent programs are provided;
3. A school division is providing its students, in the school year for which the waiver is sought, with an experimental or innovative program which requires an earlier opening date than that established in subsection A of this section and which has been approved by the Department of Education pursuant to the regulations of the Board of Education establishing standards for accrediting public schools. However, any waiver or extension of the school year granted by the Board of Education pursuant to this subdivision or its standards for accrediting public schools for such an experimental or innovative program shall only apply to the opening date for

those schools where such experimental or innovative programs are offered generally to the student body of the school. For the purposes of this subdivision, experimental or innovative programs shall include instructional programs that are offered on a year-round basis by the school division in one or more of its elementary or middle or high schools; or

4. A school division is entirely surrounded by a school division that has an opening date prior to Labor Day in the school year for which the waiver is sought. Such school division may open schools on the same opening date as the surrounding school division.

C. Individual schools may propose, and local school boards may approve, pursuant to guidelines developed by the Board of Education, alternative school schedule plans providing for the operation of schools on a four-day weekly calendar, so long as a minimum of 990 hours of instructional time is provided for grades one through twelve and 540 hours for kindergarten. No alternative plan that reduces the instructional time in the core academics of English, mathematics, social studies, and science shall be approved.

History

1986, c. 587; 1998, c. 702; 2003, c. 724; 2010, cc. 49, 88; 2011, cc. 216, 387.



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COMPULSORY SCHOOL ATTENDANCE ATTENDANCE POLICIES AND GRADES

The sections of the *Revised School Code* that address this issue are contained in the Michigan Compiled Laws under MCL 380.1147, 380.1278a, 380.1278b, 380.1284, 380.1284b, 380.1561-380.1599 and the *State School Aid Act* under MCL 388.1701.

Age of Attendance

The law in Michigan governing compulsory attendance requires a parent, legal guardian, or other person having control or charge of a child age six to sixteen to send the child to school during the entire school year, except under the limited circumstances specified in subsection (3) of section 380.1561. A child who was age eleven on or after December 1, 2009 or who was age eleven before that date and entered grade 6 in 2009 or later shall attend school from age six to eighteen. The exceptions include, but are not limited to, sending the child to a state-approved, nonpublic school or educating the child at home in an organized educational program. Although the compulsory school attendance law does not apply to children under the age of six, a child who is at least five years of age by December 1 of the school year and is a resident of a school district which provides kindergarten work is entitled to enroll in the kindergarten [MCL 380.1147].

Enforcement and the Attendance Officer

Attendance officers are employed by an intermediate school district or local school district. The attendance officer has the powers of a deputy sheriff within the school district while performing official duties and pursues cases of nonattendance which are reported to him or her by the proper authority. The attendance officer, upon receiving notice of that fact, must give written notice either in person or by registered mail requiring the child to appear at school on the next regular school day following receipt of notice and to continue in regular and consecutive attendance in school. If the parent or legal guardian fails to comply with the notice, the attendance officer must make a complaint against that individual in the proper court for refusal or neglect to send the child to school. The court then issues a warrant and proceeds to hear and make a determination in the case. The law also states that a parent or legal guardian who fails to comply with the compulsory school attendance section of the *Revised School Code* is guilty of a misdemeanor [MCL 380.1571- 380.1599].

Attendance Exceptions

A child is not required to attend a public school in the following cases:

- A child who is attending regularly and is being taught in a state approved nonpublic school, which teaches subjects comparable to those taught in the public schools to children of corresponding age and grade, as determined by the course of study for the public schools of the district within which the nonpublic school is located.
- A child who is being educated at the child's home by his or her parent or legal guardian in an organized educational program in the subject areas of reading, spelling, mathematics, science, history, civics, literature, writing, and English grammar.
- The child who has graduated from high school or has fulfilled all requirements for high school graduation [MCL 380.1561].



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Local Attendance Policies

Local boards of education have the authority to adopt attendance policies addressing the number of days a student may lose due to illness or other causes. Although the law does not mandate that school district policies distinguish between excused and unexcused absences, the State Board of Education has taken the position that districts should make this distinction.

Attendance and Grades

In a matter related to school attendance and grades, the Michigan Attorney General issued an opinion cited as 1978 OAG 5414 that states that the compulsory school attendance law recognizes an educational value in regular attendance at school. The opinion states that classroom attendance instills a concept of self-discipline, exposes a student to group interactions with teachers and fellow students, and enables a student to hear and participate in class discussion and other related learning experiences. Based on these considerations, the Attorney General concluded that a school district may consider attendance in determining a student's grade in a course.

The Michigan Merit Curriculum requires students entering the eighth grade in 2006 to meet specific high school graduation requirements [MCL 380.1278a and MCL 380.1278b]. The district must grant credit if a student passes an exam or series of exams used for testing-out, which the district has determined measures a student's proficiency in meeting the Michigan Merit course/credit content expectations. The district may establish reasonable time lines for when a student may be provided the opportunity to test-out. Additional information regarding the Michigan Merit Curriculum may be accessed at www.michigan.gov/highschool.

Pupil Hours of Instruction

Beginning in the 2003-2004 school year, the *State School Aid Act* established a minimum of 1,098 hours of pupil instruction. To qualify for state aid without a penalty, a local school district provides to each pupil the required minimum number of 1,098 hours of instruction in a school year [MCL 388.1701(3)]. The state superintendent may waive the minimum instructional hour requirement for a department-approved alternative education program [MCL 388.1701(9)]. School districts have the option of counting up to 38 hours of professional development time toward the 1,098 hours of pupil instruction requirement [MCL 388.1701(10)]. A school district with a collective bargaining agreement that was in effect as of August 15, 2006, that permitted the use of up to 51 hours of professional development as hours of instruction can continue to count up to 51 hours of instruction until the collective bargaining agreement expires. The professional development time must be focused on achieving or improving adequate yearly progress, or be used for accreditation purposes, achieving highly qualified teacher status under No Child Left Behind, or maintaining teacher certification. The first 6 days (or equivalent hours), where schools are closed due to conditions not within control of the school (i.e., snow, severe storms, fires, health conditions, utility power unavailability, or water or sewer failure), may be counted toward the days and hours of pupil instruction requirements as provided in Section 101 of the State School Aid Act [MCL 388.1701]. Up to an additional 6 days (or equivalent hours) that occur after April 1 of each year, where schools are closed for unusual and extenuating



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circumstances resulting from conditions not within the control of school authorities, may be counted toward the days and hours of pupil instruction requirements if the first 6 days (or equivalent hours) have been exhausted by the district and if the request for additional days is approved by the State Superintendent.

School Calendar

The board of a school district or public school academy must determine the length of a school term and ensure that there are a minimum of 1,098 hours of pupil instruction in a school year. The local school board has the authority to establish the school calendar.

Labor Day

Beginning in the 2006-2007 school year, public schools are prohibited from holding classes before Labor Day [MCL 380.1284b]. The law does not prohibit a public school from offering or requiring professional development for its personnel before Labor Day.

The provisions of the law would not apply in a district where a collective bargaining agreement providing a complete school calendar was in effect as of September 29, 2005, if that school calendar did not comply with the law. The prohibition, however, against holding classes before Labor Day would apply in that district after the terms of the collective bargaining agreement expired.

The requirement to start school after Labor Day would not apply to districts that are already operating a year-round school or program or an international baccalaureate academy that provides 1,160 hours of pupil instruction. If a district begins operating a year-round school or program after September 29, 2005, the district may apply to the superintendent of public instruction for a waiver from the requirement to start after Labor Day. The superintendent of public instruction would grant the waiver if it is determined that the school or program is a bona fide year-round school or program established for educational purposes. The standards for determining a bona fide year-round school or program for the purposes of the waiver would be determined by the superintendent of public instruction.

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. The constituent district or public school academy must also be exempt from the requirement by either obtaining a waiver, having a collective bargaining agreement that does not comply with the requirement to start after Labor Day, or by being an international baccalaureate academy. The programs or services provided by the intermediate school district must be provided according to the school district's or public school academy's calendar.

In addition, a public school that operates all of grades 6-12 at a single site, that aligns its high school curriculum with advanced placement courses as the capstone curriculum, and that ends the second semester concurrently with the



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end of the advanced placement examination period is exempt from the requirement to start school after Labor Day.

Common School Calendar

Beginning in the 2008-2009 school year, the board of each constituent district and intermediate school district must ensure that its school calendar complies with the adopted common school calendar [MCL 380.1284a]. The common calendar must identify dates for each school year when school will not be in session for a winter holiday break and a spring break for at least the next five school years.

The provisions of law would not apply in a district where a collective bargaining agreement providing a school calendar was in effect as of July 1, 2008. The requirements of a common school calendar would apply in that district after the terms of the collective bargaining agreement expires.

The requirement to adopt a common school calendar would not apply to districts that are already operating a year-round school or program or an international baccalaureate academy that provides 1,160 hours of pupil instruction. If a district begins a year-round school or program after October 1, 2007, the district may apply to the superintendent of public instruction for a waiver from the requirement of a common school calendar.

A school district or intermediate school district that operates a trimester schedule may apply to the superintendent of public instruction for a waiver from the requirement to adopt a common school calendar.

A public school that operates all of grades 6-12 at a single site, that aligns its high school curriculum with advanced placement courses as the capstone curriculum, and that ends the second semester concurrently with the end of the advanced placement examination period is exempt from the requirement to comply with the adopted common school calendar.

In addition, the superintendent of public instruction may grant a waiver from the requirement of a common school calendar for a school district that applies in writing and provides sufficient justification for the waiver.



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FINAL November 2011

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WISCONSIN STATUTES AND CODES**118.045 Commencement of school term.**

 Listen

118.045

118.045 Commencement of school term.

118.045(1)

(1) Except as provided in subs. (2) and (3), beginning in the year 2000, no public school may commence the school term until September 1.

118.045(2)

(2) Subsection (1) does not prohibit a school board from doing any of the following:

118.045(2)(a)

(a) Holding athletic contests or practices before September 1.

118.045(2)(b)

(b) Scheduling in-service days or work days before September 1.

118.045(2)(c)

(c) Holding school year-round.

118.045(3)

(3) A school board may commence the school term before September 1 in any school year if the school board requests the department to allow it to commence the school term before September 1 and the school board includes reasons with its request. The department may grant a request only if it determines that there are extraordinary reasons for granting it. The department shall promulgate rules to implement and administer this subsection.

118.045 - ANNOT.

History: 1999 a. 9; 2001 a. 16.

118.045 - ANNOT.

Cross Reference: See also ch. PI 27, Wis. adm. code.

279.10 SCHOOL YEAR -- BEGINNING DATE -- EXCEPTIONS --
PILOT PROGRAMS.

1. The school year shall begin on the first day of July and each regularly established elementary and secondary school shall begin no sooner than a day during the calendar week in which the first day of September falls but no later than the first Monday in December. However, if the first day of September falls on a Sunday, school may begin on a day during the calendar week which immediately precedes the first day of September. School shall continue for at least one hundred eighty days, except as provided in subsection 3, and may be maintained during the entire calendar year. However, if the board of directors of a district extends the school calendar because inclement weather caused the district to temporarily close school during the regular school calendar, the district may excuse a graduating senior who has met district or school requirements for graduation from attendance during the extended school calendar. A school corporation may begin employment of personnel for inservice training and development purposes before the date to begin elementary and secondary school.

2. The board of directors shall hold a public hearing on any proposal prior to submitting it to the department of education for approval.

3. The board of directors of a school district may request approval from the department of education for a pilot program for an innovative school year. The number of days per year that school is in session may be more or less than those specified in subsection 1, but the innovative school year shall provide for an equivalent number of total hours that school is in session.

The board shall file a request for approval with the department not later than November 1 of the preceding school year. The request shall include a listing of the savings and goals to be attained under the innovative school year subject to rules adopted by the department under chapter 17A. The department shall notify the districts of the approval or denial of pilot programs not later than the next following January 15.

A request to continue an innovative school year pilot project after its initial year also shall include an evaluation of the savings and impacts on the educational program in the district.

Participation in a pilot project shall not modify provisions of a master contract negotiated between a school district and a certified bargaining unit pursuant to chapter 20 unless mutually agreed upon.

4. The director of the department of education may grant a request made by a board of directors of a school district stating its desire to commence classes for regularly established elementary and secondary schools prior to the earliest starting date specified in subsection 1. A request shall be based upon the determination that a starting date on or after the earliest starting date specified in subsection 1 would have a significant negative educational impact.

Section History: Early Form

[R60, § 2023, 2037; C73, § 1724, 1727; C97, § 2773; S13, § 273; C24, 27, 31, 35, 39, § 4226; C46, 50, 54, 58, 62, 66, 71, 73, 78, 77, 79, 81, § 279.10]

Section History: Recent Form

83 Acts, ch 17, § 1, 3, 4; 85 Acts, ch 6, § 1, 2; 86 Acts, ch 1245, § 1467; 88 Acts, ch 1087, § 1; 88 Acts, ch 1259, § 1; 90 Acts, ch 1272, § 68; 94 Acts, ch 1020, § 1

Referred to in § 256.20, 256F.4, 257.17, 299.1, 299.4