



## School Start Date

For more than two decades, the Texas Legislature and school districts have been wrestling over the authority to set the school year calendar. School districts want to start early in August in order to maximize the number of instructional days available before the state assessments are administered in December, March, and May. The tourism industry wants to postpone the start of school until after Labor Day in order to maximize summer tourism and the availability of a high school labor force during the summer months.

Passed in 2006, current law prohibits school districts from starting school before the fourth Monday in August, unless they operate on a year-round basis. In 2011, the Legislature created a narrow exception, allowing certain campuses in Houston ISD that are undergoing comprehensive reform and serve a majority of economically disadvantaged students to start on or after the first Monday in August.<sup>1</sup>

### Background

In 1984, House Bill 72 prohibited Texas schools from starting before September 1. Six years later, the Legislature repealed the uniform school start date and allowed school boards to establish a local school start date as long as the required number of instructional days were preserved.<sup>2</sup>

In 1995, the Legislature substantially revised the laws governing public education but preserved school board control over the school start date. In 1997 and again in 1999, legislation to establish a September 1 uniform school start was filed but did not pass.

In short, between 1990 and 2001, school districts determined when school would start and end. Most schools started in early to mid-August.

The tourism industry continued to argue for a uniform, post-Labor Day school start date. In 2001, the Legislature prohibited schools from starting earlier than the third week of August but allowed districts to apply to the commissioner of education for a waiver upon meeting certain public notice and hearing requirements. Contending that the waiver provision had rendered the uniform start date meaningless, in 2006, the Legislature prohibited Texas schools from starting before the fourth Monday in August, unless the district operates a year-round school system, and eliminated waivers.

### Challenges Posed by the Uniform School Start Date

Texas school districts must provide 180 instructional days per school year. Staff development and holidays (not including winter break) account for 20 school days during a typical school year. School boards must juggle those legal requirements along with the state's instructional mandates and local communities' demands to develop a school calendar that maximizes the amount of instructional time available for students.

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<sup>1</sup> Texas Education Code (TEC) § 25.0811.

<sup>2</sup> TEC § 25.081 requires districts to provide at least 180 instructional days per school year, except under certain prescribed circumstances, such as a year-round school year or when the education commissioner reduces the number of required instructional days due to a disaster that causes schools to close.

Starting school in late August makes it difficult to achieve fall and spring semesters of roughly equal length, which is academically optimal. To achieve this, school boards typically are forced to shorten the Thanksgiving and/or Christmas break or end the fall semester in January, after the winter break. None of those choices increase the amount of meaningful instructional time for the following reasons:

- Reducing or eliminating Thanksgiving or Christmas break interrupts family vacations and are thus, not acceptable choices to many parents. .
- Alternatively, ending the fall semester in January reduces the number of instructional days available during the spring semester. This disadvantages students who take a one-semester course in spring, as they have fewer days of instruction before their end-of-course test. It also disadvantages students enrolled in a two-semester course, as the more rigorous part of the course is presented during the spring semester.

Postponing the state testing dates until later in May to provide more instructional days is not a viable alternative. The Advanced Placement and International Baccalaureate exam schedules are set nationally. Further, the Texas Education Agency has little flexibility in the state assessment testing dates because of subsequent statutory deadlines that are dependent upon students' results on those tests.

State law requires districts to provide remedial instruction and multiple retesting opportunities for students who do not pass the state assessments. Accommodating those mandates within a school year that begins in late August is generally not possible, thus forcing districts to provide summer school. Districts receive no state funding for summer school.

The current uniform school start date creates a misalignment between school district calendars and the calendars of the local community colleges and universities where students and teachers enroll in summer and dual-credit courses.

### **83rd Legislative Session**

Whether school boards or the tourism industry should control when school starts is a perennial debate. However, the new state assessment and accountability laws will make it necessary once again for the Legislature to consider the positive and negative effects of the late August uniform school start date.