

# CSBA Sample Board Policy

Instruction

BP 6111(a)

## SCHOOL CALENDAR

Note: The following **optional** policy may be subject to collective bargaining agreements and should be modified to reflect district practice. The Public Employment Relations Board has determined that school calendar issues related to the work of employees, such as beginning and ending dates, summer vacations, and school holidays, are negotiable.

For each district school, the Governing Board shall adopt a school calendar that meets the requirements of law as well as the needs of the community, students, and the work year as negotiated with the district's employee organization(s). As appropriate, the Superintendent or designee shall ensure that the proposed calendar is aligned with assessment and accountability schedules in order to support the district's goals for student achievement.

*(cf. 0200 - Goals for the School District)*  
*(cf. 4143/4243 - Negotiations/Consultation)*  
*(cf. 6162.51 - State Academic Achievement Tests)*  
*(cf. 6162.52 - High School Exit Examination)*

Each school calendar shall show the beginning and ending school dates, legal and local holidays, staff development days, orientation days, minimum days, vacation periods, and other pertinent dates.

*(cf. 6112 - School Day)*  
*(cf. 6115 - Ceremonies and Observances)*  
*(cf. 6117 - Year-Round Schedules)*  
*(cf. 6177 - Summer **School Learning Programs**)*

Note: Education Code 41420 establishes 175 days of instruction as the minimum requirement to receive full average daily attendance (ADA) reimbursement. Education Code 46200 provides incentive funding for districts to increase to 180 days of instruction and imposes financial penalties, **by way of withholding from the district's local control funding formula (LCFF) apportionment**, upon districts that offer fewer than 180 days of instruction after **receiving** ~~accepting~~ the incentive funding. However, **pursuant to Education Code 46208, once a district meets or exceeds its LCFF funding target, it will be required to offer 180 days or more of instruction or will have a portion of its apportionment withheld. For more information about the impact of the LCFF on instructional time, see the California Department of Education's "LCFF and Instructional Time FAQs" located on its web site.** Education Code 46201.2 was added in 2009 to authorize any district receiving the longer year incentive funding to reduce the school year by up to five days of instruction without incurring financial penalties. This authorization, which was to be in effect through the 2012-13 school year, has now been extended until the end of the 2014-15 school year by Education Code 46201.2, as amended by SB 70 (Ch. 7, Statutes of 2011). In addition, Education Code 46201.3, added by AB 114 (Ch. 43, Statutes of 2011), would become operative, if certain conditions exist, to allow all districts to reduce the minimum instructional days and minutes for the 2011-12 school year by up to seven days.

## SCHOOL CALENDAR (continued)

However, before any reduction in the number of working days, the district must first negotiate with employee organizations. In addition, constitutional equity issues may have to be considered. In *Butt v. State of California*, the California Supreme Court held that a district violated students' fundamental right to basic equality in public education when it shortened the school year by six weeks because of a lack of funds. Thus, it is possible that, despite the legislative authority, similar equality issues could be raised if one school district offers 175 days of instruction and a neighboring district offers 180 days. Districts seeking to reduce instructional time should proceed cautiously and consult with legal counsel.

The following paragraph provides for 180 days of instruction. Districts that provide fewer than 180 days should modify the following paragraph accordingly.

The district shall offer **180 a minimum of 175** days of instruction per school year, **except for any school year in which the district and employee organization(s) agree to have fewer days of instruction pursuant to the authorization in Education Code 46201.2. until it equals or exceeds the local control funding formula target established for it pursuant to Education Code 42238.02, at which time it shall offer 180 days or more of instruction per school year. (Education Code 41420, 46208)**

*(cf. 1431 - Waivers)*

**Note: The following optional paragraph is for use by districts that maintain one or more schools on a multitrack year-round schedule. Pursuant to Education Code 37670, such schools will be deemed to be in compliance with requirements pertaining to the minimum number of instructional days if they offer at least 163 school days per year and meet specified conditions. See BP 6117 - Year-Round Schedules.**

**However, district schools on a multitrack year-round schedule may be maintained for a minimum of 163 instructional days in accordance with Education Code 37670.**

Note: Education Code 46300 identifies educational activities that are included in the computation of ADA. School districts may not receive ADA reimbursement for staff development programs conducted on regular school days.

Staff development days shall not be counted as instructional days.

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

Notification of the schedule of minimum days **and student-free staff development days** shall be sent to all parents/guardians at the beginning of the school year. If any minimum days **or student-free staff development days** are added to the schedule, the Superintendent or designee shall notify

parents/guardians of the affected students as soon as possible and at least one month before the scheduled minimum day. (Education Code 48980)

(cf. 5145.6 - Parental Notifications)

BP 6111(c)

## SCHOOL CALENDAR (continued)

Note: Pursuant to Elections Code 12283, the Governing Board may determine whether to keep a school open or closed on an election day when the school will be used as a polling place. In some cases, districts have closed the school for safety reasons, as a precaution against the large number of visitors on school grounds. Elections officials are required to request the use of the school within sufficient time in advance of the school year so that the Board can make this determination before school calendars are printed and distributed to parents/guardians.

If a school will be used as a polling place on an election day, the Board shall determine whether to continue school in session, designate the day for staff training and development, or close the school to students and nonclassified staff. (Elections Code 12283)

(cf. 1400 - Relations Between Governmental Agencies and the Schools)

(cf. 5113 - Absences and Excuses)

### Legal Reference:

#### EDUCATION CODE

37200-37202 School calendar

37220-37223 Holidays

~~37252-37254.1 Summer school~~

~~37300-37307 Year-Round School Demonstration Project~~

37600-37672 Continuous school programs: year-round schools, especially:

37618 School calendar

37700-37714~~2~~ Four-day week

**41420 Apportionment withholding, schools not maintained for 175 days**

41422 Schools not maintained for 175 days

**42238.02 Local control funding formula**

46200-46206~~8~~ Incentives for longer instructional day and year

46300 Method of computing ADA

48980 Notice at beginning of term

~~REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS~~

~~44579-44579.6 Instructional Time and Staff Development Reform Program~~

#### ELECTIONS CODE

12283 School closures, election days

#### COURT DECISIONS

*Butt v. State of California*, (1992) 4 Cal 4th 668

#### PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

*Davis Joint Unified School District*, (1984) PERB Decision No. 474

### Management Resources:

#### WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

*California Public Employment Relations Board: <http://www.perb.ca.gov>  
Secretary of State's Office: <http://www.sos.ca.gov>*

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