

Date of Hearing: June 26, 2024

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
SB 1440 (Laird) – As Amended June 10, 2024

SENATE VOTE: 39-0

SUBJECT: School operations: 4-day school week

SUMMARY: Authorizes the Stony Creek Joint Unified School District (SCJUSD) to operate one or more schools in the district on a four-day school week. Specifically, **this bill:**

- 1) Authorizes the SCJUSD to operate one or more schools in the district on a four-day school week, as specified.
- 2) States that the Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique needs of the SCJUSD.

EXISTING LAW:

- 1) Authorizes the Big Sur Unified School District, the Leggett Valley Unified School District, and the Reeds Creek Elementary School District to operate one or more schools in their respective school districts on a four-day school week, if the school district complies with specified instructional time and other requirements. (Education Code (EC) 37700)
- 2) Requires a school district operating one or more schools on a four-day school week to annually, not later than June 1, submit to the California Department of Education (CDE) for review and approval a plan for how the school district will ensure that the minimum specified instructional minutes will be met in the following school year. Requires, if the school district offered less than the minimum specified instructional minutes required, the school district to be subject to specified instructional time fiscal penalties. (EC 37700)
- 3) Authorizes a school district with an exclusive bargaining representative to operate a school on a four-day school week as specified only if the school district and the representative of each bargaining unit of school district employees mutually agree to that operation in a memorandum of understanding. (EC 37700)
- 4) Requires school district to provide, on an annual basis, while operating a school on a four-day school week, not less than 560 hours of instructional time for kindergarten, not less than 700 hours of instructional time for grades 1, 2, and 3, and not less than 845 hours of instructional time for grades 4 to 12, inclusive. Authorizes the school district to exceed these minimum instructional times except that no pupil in a kindergarten shall be kept in school more than four hours in any day, exclusive of recesses. Prohibits the school day from exceeding eight hours, nor may the school week be less than four days. (EC 37701)
- 5) Requires, to operate a school on a four-day school week, the school district to secure the approval of the governing board of the district and of any collective bargaining agents representing employees of the school district. (EC 37702)

- 6) Requires a school site council in the school district to be involved in the planning and evaluation of a four-day school week. (EC 37703)
- 7) Requires the school district to consider the impact of the longer schoolday on primary grade pupils and the impact of the four-day school week on working parents who may be required to find child care services for their schoolage children due to the shortened school week. (EC 37704)
- 8) Requires, if a school district elects to operate a school on a four-day school week as authorized by this chapter, the school district shall be entitled to receive the same support, but not more support, from the State School Fund due to the average daily attendance (ADA) at the schools within the school district that it would have received if the school district had been operating under the provisions of law relating to the 175-day school year. (EC 37706)
- 9) Requires, if the school district elects to operate a school on a four-day school week, as specified, the reduced number of schooldays in the school district to not affect the rights of certificated or classified employees of the school district with regard to classification, tenure, or notice and shall not otherwise affect the contract rights of the employees. (EC 37707)
- 10) Requires, if a school operating on a four-day school week, as specified, fails to achieve its Academic Performance Index growth target, the authority of that school to operate on a four-day school week to be permanently revoked commencing with the beginning of the following school year. (EC 37710)
- 11) Authorizes, beginning in the 2004–05 fiscal year, the following school districts in San Diego County to operate one or more schools in their respective districts on a four-day school week if the districts comply with the specified instructional time and other requirements: Borrego Springs Unified School District, Julian Union Elementary School District, Julian Union High School District, and Warner Unified School District.
- 12) Requires each school district, as a condition of apportionment, as specified, to for each fiscal year, offer, at a minimum, the following number of minutes of instruction:
 - a) To pupils in kindergarten, 36,000 minutes;
 - b) To pupils in grades 1 to 3, inclusive, 50,400 minutes;
 - c) To pupils in grades 4 to 8, inclusive, 54,000 minutes; and
 - d) To pupils in grades 9 to 12, inclusive, 64,800 minutes. (EC 46207)

FISCAL EFFECT: Unknown

COMMENTS:

Need for the bill. According to the author, “Existing law authorizes three school districts in California, often rural or very small districts, to operate on a four-day school week to meet unique community needs. School districts operating on a modified schedule are required to still

meet minimum instructional hours, and enter into a mutual agreement with local bargaining units to ensure both student and faculty achievement.

Senate Bill 1440 authorizes the Stony Creek Joint Unified School District in Glenn and Colusa counties to operate on a 4-day school week schedule. Stony Creek Joint Unified School District is a rural district serving between 80-90 students and over half of the student body are members of the Grindstone Indian Rancheria of Wintun-Wailaki Indians of California which regularly engages in cultural and tribal activities on Mondays. Modifying the school schedule facilitates students' and faculty's participation in culturally significant events, and ensures the district is best able to meet the needs of its local community including families, and faculty that live up to 60 miles from the school district."

Four-day school week authorizations in California. Prior to 1983, school districts were required to operate schools for five days and 175 days per year. The Hughes-Hart Educational Reform Act of 1983 (SB 813, Chapter 498, Statutes of 1983) offered incentive funding for districts to offer 180 days of instruction each year. Current law authorizes seven districts to operate on a four-day school week if the districts meet the minimum annual minute requirements, without losing incentive funding. For most school districts, this means they operate four-days a week, with longer school days than districts operating a five-day week. Current law sets caps on the maximum length of a school day for school districts operating a four-day week.

According to the CDE, only two districts, Big Sur Unified School District (Monterey County), and Leggett Valley Unified School District (Mendocino County), operate on a four-day school week schedule, mainly due to extreme weather or geographic conditions. The other districts, despite having received authorization, have chosen to continue operating on a five-day school week schedule. Additional school districts previously received authorization to operate a four-day schedule, but over time, their authorizations ended due to sunset provisions or other reasons. According to the Assembly Education Committee analysis for SB 236 (Pavely), Chapter 716, Statutes of 2013:

In the past, this Committee has applied the following criteria to school districts seeking approval for this option. The district:

- Experiences extremes of climate and geography;
- Serves a widely dispersed population requiring long travel times for significant number of students in the school district;
- Demonstrates the expected benefits to the school(s) and students of operating on shorter school week and instructional year;
- Has considered and addressed concerns about possible negative consequences of a longer school day and shorter week on employees, students, and families; and
- Is held to the requirements of existing law governing those school districts already operating schools on a four-day week.

Current law requires a school district operating one or more schools on a four-day school week to annually submit to the CDE a plan for how the school district will ensure that the minimum specified instructional minutes will be met. The CDE reviews the submitted report and verifies the information provided by the district, including the school calendar, and how instructional minutes are calculated at all grade levels. Further, current law requires the school district and the representative of each bargaining unit of school district employees to mutually agree to that operation in a memorandum of understanding. If the school district elects to operate a school on a four-day school week, as specified, the reduced number of schooldays in the school district cannot affect the rights of certificated or classified employees of the school district with regard to classification, tenure, or notice and shall not otherwise affect the contract rights of the employees.

Finally, if a school operating on a four-day school week fails to achieve its Academic Performance Index (API) growth target the authority of that school to operate on a four-day school week is permanently revoked, commencing with the beginning of the following school year. The API was one component of California's prior statewide accountability system. The Public Schools Accountability Act (PSAA) of 1999 required that the CDE annually calculate APIs for California public schools and publish statewide school decile ranks. The PSAA also established annual API growth targets for each district, school, and student group. The Local Control Funding Formula (LCFF), enacted in 2013, was designed to improve student outcomes by providing more resources to meet the educational needs of low-income students, English learners (ELs), and foster youth. The LCFF required the SBE to develop a new statewide accountability system. During the development of this new system, the SBE suspended the calculation of the API, and the last API report was produced in 2013. In 2017, the SBE and the CDE launched a new accountability system to replace the API. This new, multiple-measures system provides a fuller picture of how districts and schools are addressing the needs of their students while also identifying the specific strengths and areas in need of improvement. The new accountability and continuous improvement system was implemented using an online tool known as the California School Dashboard (Dashboard). *The Committee may wish to consider* updating current law related to using the API growth targets to determine if a school district may continue to receive an authorization to operate a four-day week in order to reflect the current state accountability system.

Stony Creek Joint Unified School District. The SCJUSD is located in Glenn County. According to the SCJUSD's webpage:

The Stony Creek Joint Unified School District is located in a rural area of northern California and serves students from Ladoga to Chrome and from the western edge of the Sacramento Valley to the summit of the Coast Range. The district covers approximately six hundred square miles, of which nearly half is within the boundaries of the Mendocino National Forest. Also included in this area is Grindstone Rancheria, a Nomlaki Indian Rancheria. Members from the Pomo and Wintun tribes also attend the school. The school community is made up of a variety of socioeconomic backgrounds: inter-district students from Glenn and Colusa Counties, Native Americans from one rancheria, ranching and logging families, and other students from well-established Elk Creek, Chrome, and Stonyford families.

The district operates grades TK-12 across four schools: an elementary school, a middle school, a high school, and a continuation high school. For the 2023-24 school year, student enrollment was 71, 65% socioeconomically disadvantaged, 0% ELs, and 1% foster youth.

Ethnicity	Total	Grade												
		TK	1	2	3	4	5	6	7	8	9	10	11	12
American Indian or Alaska Native	36	1	3	6	2	2	5	1	2	3	3	2	3	3
Hispanic or Latino	10	0	1	0	1	1	1	0	3	1	1	1	0	0
White	23	1	1	2	1	1	3	1	2	4	2	0	1	4
Two or More Races	2	0	0	0	0	0	0	0	0	0	1	1	0	0
Total	71	2	5	8	4	4	9	2	7	8	7	4	4	7

According to the 2023 California Schools Dashboard, the SCJUSD scored 31.7 points below the state standards for English Language Arts, and 51.3 points below the standards for Mathematics. The district has a chronic absenteeism rate (students missing more than 10% of schooldays) of nearly 40% (15.4% higher than the statewide average).

According to information provided by the author's office, "the SCJUSD has a unique local community makeup that would be better suited to a four-day school week schedule. The community exists in the territory of the Grindstone Indian Rancheria, and many of SCJUSD's students and staff are members of the tribe. Cultural events for the tribe are often held on Mondays."

As noted above, SCJUSD's rate of chronic absenteeism was 39.7% in the 2022-23 school year, which was 15.4% higher than the statewide average rate (24.3%) for that year. A goal was set in the school district's LCAP to improve attendance rates by the 2023-24 school year and reach "green" on the California Schools Dashboard by 2024. Chronic absenteeism rates improved in the 2021-22 school year, but became worse in 2022-23 and was "red" on the Dashboard. The SCJUSD LCAP notes that two families with multiple children are classified as chronically absent, which has a large impact on attendance rates. The LCAP further states:

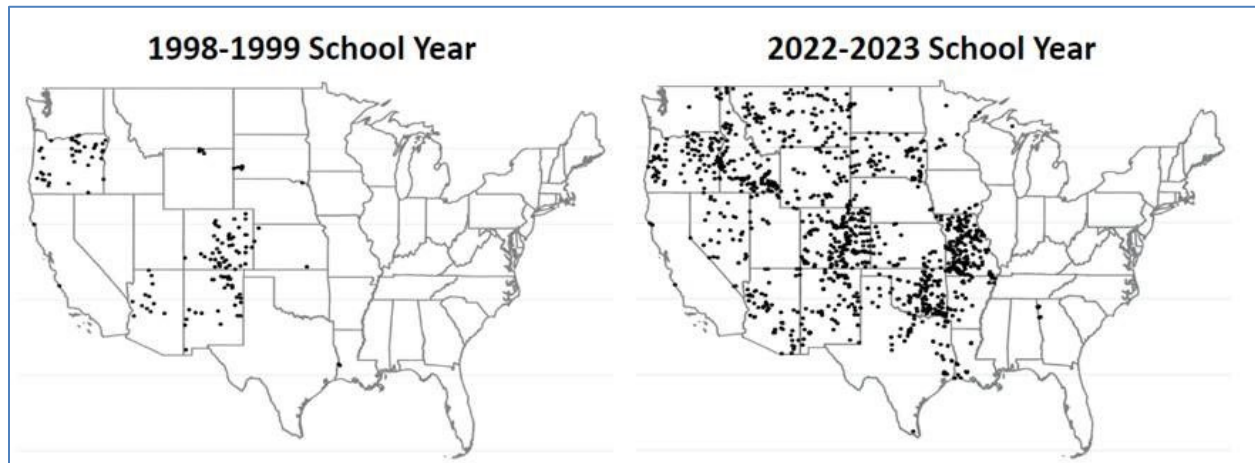
After assessing the needs, conditions, and circumstances of our low-income students, we learned that the attendance rate of our low-income students is 7% lower than the attendance rate for all students.

In order to address this condition of our low-income students, we will develop and implement a new attendance program that is designed to address some of the major causes of absenteeism, including lack of reliable transportation and food, as well as a school climate that does not emphasize the importance of attendance. Goal N, Actions X, Y, and Z provide additional transportation and nutritional resources as well as a districtwide educational campaign on the benefits of high attendance rates.

These actions are being provided on an LEA-wide basis and we expect/hope that all students with less than a 100 percent attendance rate will benefit. However, because of the significantly lower attendance rate of low-income students, and because the actions meet needs most associated with the chronic stresses and experiences of a socio-economically disadvantaged status, we expect that the attendance rate for our low-income students will increase significantly more than the average attendance rate of all other students.

Four-day school weeks in other states. Four-day school week schedules are steadily gaining in popularity across the United States. Typically, schools increase the length of the school day four days a week and "drop" the fifth day. According to a 2024 EdWeek article, *As Districts Weigh*

4-Day Weeks, Research Overlooks Their Most Pressing Questions, about 900 school districts in 26 states currently operate on a four-day school week, an increase of about 40% since 2019. Prior to the spring before the COVID-19 pandemic, 662 districts were using the schedule across 24 states, an increase of over 600% since 1999, according to a 2021 Brookings commentary, *4-day school weeks: Educational innovation or detriment?* In Idaho, more than half of the state's 179 school districts and charter schools are on a four-day calendar, and the average four-day calendar includes 146 instructional days, according to the Iowa Department of Education. The Iowa State Board of Education recently took action to set minimum instructional days for K-12 public schools.



Source: *Four-Day School Weeks: What Do We Know and Where Are We Going?* National Conference on the Four-Day School Week, Oregon State University.

According to a 2023 EdSource article, *Four-day school week gaining popularity nationally. Why isn't it happening in California?:*

Whether a district moves to a four-day schedule depends largely on whether states allow it. Thirty-one states require that schools operate at least 180 days a year, which is extremely difficult on a four-day schedule. Seven states require schools to be open 170 to 178 days a year, and two require them to be open between 160 and 165 days. Other states have a required number of hours, instead of days, that schools must offer students instruction. Three states — Idaho, Ohio and, South Dakota — have no requirements.

According to a 2021 Education Finance and Policy article, *Are All Four-Day School Weeks Created Equal? A National Assessment of Four-Day School Week Policy Adoption and Implementation*, across the country, students on four-day weeks spend about 85 fewer hours per year at school. Most of the districts on the four-day week schedule are small and rural, but not exclusively; for example, one urban Colorado district that serves approximately 18,000 students adopted the schedule at the start of the 2018–2019 school year (Morton, 2020).

Research on the benefits of four-day school weeks. According to a 2021 Brookings article, “Recent survey findings show that four-day school weeks have been adopted as a way to alleviate budgetary issues, attract teachers, and reduce student absences—issues that the pandemic exacerbated for many districts. Although conditions may be ripe for more schools to turn to such a model in the wake of the pandemic, the research suggests that most of these aims fail to be realized.”

Academic achievement. A primary concern surrounding the four-day school week is the impact on student academic achievement. Recent evidence found primarily negative academic impacts of four-day weeks in Oklahoma (Morton, 2020) and Oregon (Thompson, 2021). However, other studies suggest schools using the four-day schedule with a reduction in overall learning time saw the greatest decrease in student academic progress, in comparison with other schools using the four-day schedule, which maintained the overall learning time experienced little to no impact on achievement (Thompson, 2021). ***The Committee may wish to consider*** that structuring the four-day school week to maintain equivalent learning time appears to be critical to avoiding student learning loss.

Student attendance. Although a goal to increase student attendance is often listed as a rationale for shifting to a four-day week, studies show that there is no significant change to attendance rates for students in grades 3-8, nor among students in high school (Anderson & Walker, 2015; Thompson, 2021). According to a 2023 Educational Evaluation and Policy Analysis article, *Effects of 4-Day School Weeks on Older Adolescents: Examining Impacts of the Schedule on Academic Achievement, Attendance, and Behavior in High School*:

Despite an abundance of anecdotal evidence that four-day school weeks improve attendance, the three quasi-experimental studies existing to date that examine impacts on attendance find no effect or negligible effects on attendance rates. The anecdotal evidence, primarily based on interviews and opinion surveys, argues that attendance increases on a four-day week because students can use the fifth day for activities and appointments for which they might otherwise miss school (Hale, 2007; Hanson, 2017; Hedtke, 2014; Kilburn et al., 2021; Kingsbury, 2008; Leiseth, 2008; Schank & York, 2009; Smith, 2009; Toppo, 2002; Turner, 2010). These situations are likely to be particularly relevant in the remote, rural areas that have 4-day school weeks due to the lengthy travel that can be required to get to doctors' offices and athletics games at other schools.

Fiscal impact. According to a 2021 National Tax Journal article, *Does a Day Lost Equal Dollars Saved? The Effects of Four-Day School Weeks on School District Expenditures*, school districts utilizing a four-day school week find only minimal cost savings, but there is also some evidence to suggest that the schedule may allow school districts greater resource flexibility when facing budget shortfalls. The four-day school week may also be used as a form of non-monetary compensation to facilitate instructional cost reductions, as research finds that teachers generally prefer the schedule (Thompson and Morton, 2021; and Turner, Finch, Ximena, 2017).

Students with disabilities. In Missouri, where four-day schedules have been adopted largely by rural school districts, 33% of families with students receiving special education services wanted to return to a five-day school week, as compared to only 12% of families with children not receiving special education services. Only 10% of families without students with disabilities said the switch to the four-day schedule had had a negative impact on their family, while 29% of families with students with disabilities said the four-day week had negatively impacted their family, according to a 2024 presentation by Missouri State University, *Parent and Community Leader Perspectives: Missouri 4 Day School Week*.

Other considerations. A survey of 545 school districts utilizing a four-day week showed that on the non-school weekday, 71.4% of districts did not provide any food to students (Thomason, 2024). According to a 2018 Economics of Education Review article, *Juvenile Crime and the Four-Day School Week*, juvenile crimes increase on average when a four-day schedule is

adopted, particularly for property crime. *The Committee may also wish to consider* the impact of students to access to child care, nutritionally adequate meals, physical activity opportunities, social interactions with peers, teachers, and administrators, as well as any other impacts of a shorter school week.

Recent school closure data. School closures due to circumstances beyond a school district’s control have increased significantly over the last 10 years, with fewer closures during the COVID-19 pandemic due to students participating in school remotely. According to data provided by the CDE, there have been 3,931 school closure requests for apportionment during a closure submitted by LEAs from 2014-15 to 2022-23. As shown in the table below, the total number of school closures reported increased dramatically beginning in 2016-17 due to wildfires. The vast majority of these school closures lasted less than three days. The CDE reports that the two school districts that currently utilize the authorization to operate a four-day week regularly exceed the statewide average of school closure days. In the 2022-23 school year, the Leggett Valley USD was closed for 8 days, the Big Sur USD was closed for 92 days, and the statewide average was 4.24 days. A portion of Highway 1 near the Big Sur USD was impacted by a rockslide in January 2023, which made roads impassable for many months.

Emergency	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Weather	215	43	331	75	263	399	57	57	441
Other	22	27	70	57	17	6	7	21	60
Epidemic	5	2	7	8	14	10	3	76	32
Violence Threat	23	44	8	24	35	21	0	25	18
Wildfire	22	42	30	424	507	185	120	61	37
Power	32	46	26	28	42	20	44	45	35
TOTAL	319	204	472	616	878	641	231	285	623

Source: CDE

Apportionment during emergencies. Current law authorizes the SPI to grant normal apportionment credit to LEAs in emergencies, or in instances when one or more schools must be closed because of “extraordinary conditions.” When the SPI authorizes credit for days that school was closed, LEAs receive instructional time credit for the day(s) and minutes lost to the emergency closure and approval to reduce the divisor used for calculating ADA. The instructional time credit satisfies state law with regard to both the instructional day and minute requirements. *The Committee may wish to consider* that a California school district utilizing a four-day week schedule likely operates each school day with more instructional minutes per day than one with a five-day week schedule. Therefore, if a school needs to close due to an emergency or other authorized reason, the loss of instructional time is greater for students attending a school with a four-day schedule.

LEAs are held harmless from revenue loss that might otherwise result from the loss of ADA or instructional time in emergencies. LEAs obtain credit for days and minutes lost to emergency closure and material decreases in attendance due to emergency events by submitting a Request for Allowance of Attendance Due to Emergency Conditions (Form J-13A). A Form J-13A approval, combined with other LEA’s records, serves to document the LEA’s compliance with instructional time laws, show why different divisors may be used in the computation of ADA, and document approval for ADA credit.

All LEAs must submit a certified plan for which independent study will be offered to students that accompanies all Form J-13A requests submitted for a school closure and/or a material decrease in attendance due to a qualifying event.

Arguments in support. The SJUSD writes, “A well-implemented four-day school week leads to improved student engagement, attendance, academic performance, and test scores. The additional day off provides students with opportunities for rest, enrichment activities, family time, and cultural engagement, which is particularly important for our Native American students, who represent 51% of our student population. This extra day can be used for participation in tribal events, ceremonies, and other culturally significant activities that are crucial for their personal and community well-being. Enhanced cultural engagement leads to improved self-esteem and academic performance, as students feel more connected to their roots and supported by their community. Parents and students in districts with four-day school weeks benefit from the three-day weekend for more rest, time for family activities, shopping trips, and doctor appointments in town. This resulted in markedly lower absenteeism and higher grades.”

Recommended Committee Amendments. *Staff recommends that the bill be amended as follows:*

Specific to SCJUSD:

- Require, the SCJUSD elects to operate a school on a four-day school week, the school district to make available a nutritionally adequate breakfast and a nutritionally adequate lunch free of charge to any student who requests a meal without consideration of the student’s eligibility for a federally funded free or reduced-price meal five days per week.
- Require, if the SCJUSD chooses to operate a school on a four-day school week, the district to establish an annual school calendar with at least five additional days of instruction in order to attempt to meet the minimum instructional minute requirements pursuant to EC 46207 in the event one or more of the schools in the school district is prevented from operating, such as extreme weather, pursuant to EC 41422 or 46392. State that, in the event that the SCJUSD does not need some or all of the five additional days of instruction in order to meet the annual minimum instructional minute requirements, the school district shall only offer the necessary extra instructional days to students.
- Require, if the SCJUSD operates on a four-day school week and experiences a decline in status in 50% or more of the indicators/performance levels included in the evaluation rubrics (California Schools Dashboard) the authority of that district to operate on a four-day school week be permanently revoked commencing with the beginning of the following school year.
- Add a sunset to the authorization for the SCJUSD to operate one or more schools in their respective school district on a four-day school week only until June 30, 2029.

Specific to school districts with the authorization to offer a four-day week:

- Update those San Diego county school districts with an authorization to offer a four-day week to meet the instructional requirements of EC 37700.

Related legislation. SB 236 (Pavley), Chapter 716, Statutes of 2013, authorized high schools offering a middle college program within the Moorpark Unified School District to operate a four-day school week, beginning in the 2013-14 fiscal year, if the school district complied with existing minimum instructional time requirements and meet their API growth targets, as specified. The intent of the bill is to only apply to high schools that have a middle college program. The requirements of the bill sunset on January 1, 2019.

AB 691 (Gilmore), Chapter 252, Statutes of 2009, authorizes the Alpaugh Unified School District, beginning in the 2010-11 fiscal year, to operate one or more schools in the school district on a four-day school week if the district complies with the instructional time requirements and other requirements for operating a four-day school week.

AB 868 (V. Manuel Perez) would have authorized the Palo Verde Unified School District to operate one or more schools on a four-day school week. The author later amended the bill into a different subject area in 2010.

AB 1889 (Berg), Chapter 661, Statutes of 2008, authorizes the Potter Valley Community Unified School District, beginning in the 2009-10 fiscal year, to operate one or more schools in the school district on a four-day school week if the district complies with the instructional time requirements and other requirements for operating a four-day school week.

SB 1138 (Hollingsworth), Chapter 465, Statutes of 2004, authorizes Borrego Springs Unified School District, Julian Union High School District, Warner Unified School District, Jamul-Dulzura Union Elementary School District, and Marysville Joint Unified School District, to operate a four-day school week.

AB 1820 (Maze), Chapter 481, Statutes of 2004, authorizes the Death Valley Unified School District to operate a four-day school week.

SB 1142 (Chesbro), of the 2023-24 Session would have authorized the Pacific Unified School District, Leggett Valley Unified School District, and Reeds Creek Elementary School District to operate for less than 180 days without penalty as long as the same number of annual minutes of instruction is provided. This bill was vetoed by the Governor, with a message stating that the bill would defeat the objective of the incentive funding program.

REGISTERED SUPPORT / OPPOSITION:

Support

Glenn County Office of Education
 Grindstone Indian Rancheria of Wintun-Wailaki Indians of California Parental Advisory Committee
 Stony Creek Joint Unified School District
 Stony Creek Joint Unified School District Governing Board

Opposition

None on file

Analysis Prepared by: Marguerite Ries / ED. / (916) 319-2087