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## HOUSE JOINT RESOLUTION NO. 620

Offered January 12, 2011

Prefiled January 11, 2011

*Directing the Joint Legislative Audit and Review Commission to study the feasibility and effect of post-Labor Day opening of public schools in the Commonwealth. Report.*

Patrons—Ebbin and Kory

Referred to Committee on Rules

WHEREAS, pursuant to § 22.1-79.1 of the Code of Virginia, each school board is required to set the school calendar so that the first day students are required to attend school at the beginning of the school year falls after Labor Day; and

WHEREAS, the opening of public schools in Virginia after Labor Day is perennially debated, and each year the Board of Education grants school boards waivers to the school opening day law upon certification that the school board meets one of the good cause requirements under the law; and

WHEREAS, proponents of post-Labor Day opening of public schools argue that opening schools before Labor Day would harm the tourism industry and tax revenues, disrupt the traditional end of summer family vacations, and curtail the earnings of many teenagers and college students who depend upon summer jobs for their income, all very important matters particularly in tough economic times; and

WHEREAS, opponents of post-Labor Day opening of public schools propound that school divisions are required to provide 180 instructional days and opening schools after Labor Day would lessen valuable instructional time, would be injurious to at-risk students needing to achieve certain academic standards, and would lessen the time that Virginia students have to prepare for standardized national tests and place them at a disadvantage on the Advanced Placement and International Baccalaureate examinations; and

WHEREAS, in previous years, legislation has been introduced to provide options to resolve the post-Labor Day school opening debate, including (i) allowing school divisions to open schools before Labor Day, (ii) allowing school divisions to open schools one week before Labor Day in the years in which the holiday falls on or after September 5, (iii) easing the criteria for school opening day waivers, and (iv) permitting Title I elementary schools, which serve at-risk students, to open before Labor Day; and

WHEREAS, currently, it has been reported in the media that Michigan and Virginia are the only states with laws prohibiting the opening of schools before Labor Day, and that other states, several of which are tourism-industry dependent, have various opening day requirements or are considering a post-Labor Day opening requirement; and

WHEREAS, the debate concerning the post-Labor Day school opening unfortunately has set public education, the tourism industry and economic development, and families as rivals, and a sound compromise to balance these priorities appears prudent and essential for progress and growth on all fronts; and

WHEREAS, determining the effect of opening public schools after Labor Day on public education, the tourism industry, tax revenues, and families would help to resolve this perennial debate and facilitate sound public policy for the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Legislative Audit and Review Commission be directed to study the feasibility and effect of post-Labor Day opening of public schools in the Commonwealth.

In conducting its study, the Joint Legislative Audit and Review Commission shall (i) determine the number of school divisions granted a waiver by the Board of Education each year pursuant to § 22.1-79.1, requiring public schools to open after Labor Day; (ii) enumerate the opening and closing dates of public schools in school divisions granted waivers; (iii) evaluate the advantages and disadvantages of pre- and post Labor Day opening of public schools in Virginia, including the effect on instruction, student achievement, student preparation for national standardized examinations, the tourism industry, state revenues derived from post-Labor Day school opening, and disruption of end-of-summer family vacations; (iv) determine the number of high school students employed annually in Virginia's summer tourism industry, including recent high school graduates and students on work visas, and state revenues generated from their employment; (v) identify school opening dates in other states and determine, in states that have changed school opening dates within the past 10 years, whether and how post-Labor Day school opening has impacted public education and summer tourism; and (vi) examine other factors as the Commission may determine should be considered in fashioning a feasible solution

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59 and sound public policy regarding post-Labor Day school opening and propose appropriate options and  
60 alternatives.

61 Technical assistance shall be provided to the Joint Legislative Audit and Review Commission by the  
62 Secretary of Commerce and Trade, Department of Education, and Department of Taxation. All agencies  
63 of the Commonwealth shall provide assistance to the Commission for this study, upon request.

64 The Joint Legislative Audit and Review Commission shall complete its meetings by November 30,  
65 2011, and the Chairman shall submit to the Division of Legislative Automated Systems an executive  
66 summary of its findings and recommendations no later than the first day of the 2012 Regular Session of  
67 the General Assembly. The executive summary shall state whether the Joint Legislative Audit and  
68 Review Commission intends to submit to the General Assembly and the Governor a report of its  
69 findings and recommendations for publication as a House or Senate document. The executive summary  
70 and report shall be submitted as provided in the procedures of the Division of Legislative Automated  
71 Systems for the processing of legislative documents and reports and shall be posted on the General  
72 Assembly's website.