

CLIENT NEWS BRIEF

New Law Requiring Later Start Times For Middle Schools And High Schools Creates Uncertainty For Educational Agencies

Governor Gavin Newsom signed Senate Bill (SB) 328, which establishes new mandatory school day start times for most middle schools and high schools. SB 328 adds section 46148 to the Education Code, requiring high schools to set the beginning of the school day no earlier than 8:30 a.m., and middle schools at no earlier than 8:00 a.m. The reasoning behind this new law is based on studies showing increased academic performance, school attendance, and health for students at schools that started later in the day.

SB 328 raises several questions for school districts, county offices of education, and charter schools. Here are some of the areas which remain uncertain or will need to be addressed by school districts.

Implementation Date. The new start times must be implemented by July 1, 2022, unless the school district or charter school has a collective bargaining agreement that is operative on January 1, 2020 and expires after July 1, 2022; in that case, the new start times shall be implemented at the expiration of that collective bargaining agreement. Most school districts have two collective bargaining agreements, one with their teachers and certificated personnel, and the other with classified personnel. Unfortunately, SB 328 does not distinguish whether one or both collective bargaining agreements must expire for this start time mandate to be implemented.

Collective Bargaining. In addition to questions regarding when SB 328 will be implemented, collective bargaining may also be required to set new start and end times for employees, and districts affected by SB 328 will need to give notice and offer to negotiate these changes with their bargaining units.

Rural School Districts. SB 328 provides that rural school districts are exempted from the new school start time. However, the law does not currently provide a definition of a "rural school district," a fact that was noted in the legislative analysis that accompanied the bill. This rural exemption only applies to school districts, but not to charter schools.

Enforcement. The text of the new statute is silent as to how SB 328 might be enforced to ensure compliance.

Middle School and High School. SB 328 lacks a definition of "middle school" and of "high school." Does "middle school" cover grades 6 to 8 or 7 and 8 only, and does this mandate apply to elementary schools which serve grades ranging from kindergarten to eighth grade?

Other Considerations. Notably, it is still permissible to offer "zero" period classes or activities that start before the school day and do not count towards

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average daily attendance. Also, SB 328 does not appear to create any new obligations for secondary schools directly run by county offices of education, but would affect a charter school overseen by a county office of education.

Takeaways

SB 328 will have significant impacts on the operations of school districts, for both the students and the employees. School districts who rely on staggering their bus transportation times for secondary and elementary students may have to acquire more buses or push elementary school start times back. Districts may also need to consider the cost of expanding child care and other before-school programs, as well as changes to the scheduling of after school programs and extracurricular activities to later in the day; this may result in student-athletes missing more class time due to afternoon competitions. Many secondary schools open up their campus to outside groups through the Civic Center Act when school ends and the later start time may require renegotiating of arrangements with community groups for time slots after the school day. Finally, districts that are considering whether they qualify for exemption as "rural school district" may wish to contact legal counsel for assistance.

School districts should start planning now to address the issues raised by compliance with this new bill and work together with employees, parents, and other community stakeholders to determine how to best meet student needs within the parameters of SB 328.

For more information about SB 328, including questions about preparing for changes to school start times, please contact the authors of this Client News Brief or an attorney at one of our [eight offices](#) located statewide. You can also subscribe to our [podcast](#), follow us on [Facebook](#), [Twitter](#), and [LinkedIn](#) or download our [mobile app](#).

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