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New Law Mandates Later Start Times for Middle and High Schools

Governor Gavin Newsom recently signed Senate Bill (“SB”) 328, which prohibits most middle and high schools from starting the regular schoolday earlier than 8:00 a.m. and 8:30 a.m., respectively. With the passage of SB 328, California became the first state to mandate later start times for middle and high school students.

Under existing law, local governing boards determine the length of the schoolday, which is a minimum of 240 minutes for middle and high schools (except for specialized programs). In general, middle and high school students must receive 54,000 instructional minutes and 64,800 instructional minutes per school year, respectively. Existing law is silent about the start and end times for the schoolday.

SB 328, which adds section 46148 to the Education Code, requires school districts and charter schools to ensure that middle schools start no earlier than 8:00 a.m., and that high schools start no earlier than 8:30 a.m. The new law was motivated by concerns about the effects of sleep deprivation on adolescents. In addition to the change in schedule, SB 328 encourages the California Department of Education and schools to disseminate information about these effects.

SB 328 does not apply to rural school districts. In addition, it allows schools to offer classes or activities before the start of the schoolday (e.g., “zero periods”) to a “limited” number of students, so long as those classes or activities do not generate average daily attendance for state funding apportionment purposes. However, the law does not define “limited,” and therefore the scope of this exception is not clear.

The deadline for compliance with SB 328 is either July 1, 2022, or the expiration date of the collective bargaining agreement that is in effect on January 1, 2020, whichever is later. This means that schools have approximately three years to prepare to implement the new law. During this time, school districts and charter schools should consider:

1. Reviewing start times for middle and high schools to determine if they must be adjusted.
2. Reviewing start times for elementary schools to determine if they should be adjusted to accommodate the changes at middle and high schools.
3. Determining whether to adjust the start and end times of before- and after-school programs.
4. Examining collective bargaining agreements to identify provisions governing working hours, which may be impacted by new start times.
5. Reorganizing bus transportation routes, which may result in increased costs.
6. Considering whether to provide information to the community about the impact of sleep deprivation on students and the benefits of a later start time.
7. Discussing with the community strategies for successful implementation of the later school start time.

8. Preparing a notification to all parents informing them of the new start times well in advance of their effective date.

SB 328 states that, if the Commission on State Mandates determines that the law imposes mandated costs on school districts and charter schools, they may seek reimbursement.

If you have any questions about the passage of SB 328 and later start times for middle and high schools, or other related questions, please contact one of our six offices.

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