

Department of Legislative Services  
Maryland General Assembly  
2016 Session

FISCAL AND POLICY NOTE  
Enrolled - Revised

House Bill 39

(Delegate A. Miller)

Ways and Means

Education, Health, and Environmental Affairs

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Education - Orange Ribbon for Healthy School Hours - Establishment

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This bill establishes an Orange Ribbon for Healthy School Hours certification in the Maryland State Department of Education (MSDE) beginning in the 2017-2018 school year. Orange Ribbon certification is intended to recognize a local school system that creates, implements, and enforces school start times that are consistent with those recommended by MSDE, the Department of Health and Mental Hygiene (DHMH), and the American Academy of Pediatrics (AAP). To receive Orange Ribbon certification, a local school system may not have (1) an elementary school requiring a student to be in class before 8:00 a.m. and board a school bus before 7:00 a.m. and (2) a middle or high school requiring a student to be in class before 8:30 a.m. and board a school bus before 7:30 a.m. Other certification criteria are specified. The bill also establishes criteria for limited (“honorable mention” and “commended”) certification, which MSDE may grant.

The bill takes effect July 1, 2016.

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Fiscal Summary

**State Effect:** None. MSDE can provide required certification, provide required information to local school systems, and adopt required regulations using existing resources.

**Local Effect:** Local school system finances are not affected. The bill would recognize school systems for having established certain school start times but does not require a local school system to alter school start times, nor does the bill provide a financial incentive to do so.

**Small Business Effect:** None.

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## Analysis

**Bill Summary:** A local school system may apply for certification; MSDE must grant the appropriate certification to a local school system that meets certification requirements. To receive full certification, a local school system must conduct at least two targeted and televised public education forums for students, parents, teachers, and school staff on the necessity of healthy start times, the consequences of chronic sleep deprivation, and the health and safety impact of aligning school times with adolescent sleep patterns. In order to attain certification, the local school system must also inform specified stakeholders of the importance of healthy start times; engage these stakeholders in conversations about possible contraindications of altering school start times; and notify the public and stakeholders of any changes to school start times.

To qualify for honorable mention certification, a local school system must (1) within two years after application establish a healthy school start times task force and (2) either conduct at least two targeted and televised public education forums, as described above, or provide evidence of a plan to move the local school system toward meeting full certification requirements. To qualify for commended certification, honorable mention criteria must be met, and the local school system must have implemented and maintained a districtwide school time change that moved the district schedule closer to full certification criteria, and the local school system must provide evidence of progress toward meeting full certification criteria.

By October 1, 2016, the State Board of Education must develop criteria that a local school system must meet to prove that its school start times are consistent with recommendations from MSDE, DHMH, and AAP.

The State Board of Education must provide these criteria, along with information on methods of efficiently altering current school start times to be consistent with the recommendations, to local school systems by December 1, 2016. Orange Ribbon certification must be renewed each year if the local school system presents evidence that it meets certification requirements. MSDE must adopt regulations to carry out provisions of the bill.

**Current Law:** Public schools must be open for at least 180 days and 1,080 school hours at elementary and middle schools and 1,170 hours at high schools during a 10-month period. However, under certain conditions (*i.e.*, a natural disaster, civil disaster, and severe weather conditions), the State Board of Education may permit schools only to be open for 1,080 school hours. Local school systems have authority over opening and closing hours for public schools.

**Background:** MSDE's *Statewide School Hour Survey* for the 2015-2016 school year indicates that none of Maryland's 24 local school systems presently meets the certification criteria under the bill (which begins recognizing school systems in the 2017-2018 school year.) However, 16 local school systems open their elementary schools at 8:00 a.m. or later.

Chapter 620 of 2014 required the Office of Public Health Services (OPHS) in DHMH to conduct a study of safe and healthy school hours for Maryland public schools. In conducting the study, OPHS was required to review the science on the sleep needs of children and adolescents, including the effects of sleep deprivation on academic performance and benefits of sufficient sleep; review and study how other school systems have implemented alternative school day starting times and how various activities in those school systems were impacted and scheduled around the changes; and make recommendations regarding whether public schools should implement a starting time of no earlier than 8:00 a.m.

In its December 2014 report, pursuant to Chapter 620, DHMH indicates that multiple studies have found that sufficient sleep duration and quality are associated with higher grades and achievement scores, and studies also indicate that measures of attention, impulsivity, and error making were improved with longer sleep duration. The report also finds that the relevant literature consistently demonstrates that delaying school start times results in more sleep for students and that students do not react to significantly later start times by going to bed later at night. DHMH concludes its report by encouraging the State Board of Education to advise local school systems of the benefits of later school start time policies and to encourage them to conduct feasibility studies regarding the implementation of school starting times of 8:00 a.m. or later.

In a supplemental report, MSDE reviewed fiscal analyses of later school start times conducted by the public school systems in Anne Arundel, Howard, and Montgomery counties. Howard County had studied the option of shifting start times for high schools from 7:25 to 8:15 a.m., finding that this would increase by 299 the number of school buses required, and therefore, would result in additional costs of \$19.2 million. Anne Arundel County Public Schools (AACPS) and Montgomery County Public Schools (MCPS) both studied several options. While both systems found that some options would generate substantial additional costs (as much as \$8.4 million for AACPS and \$12.0 million for MCPS), both found that options that delay all (elementary, middle, and high school) start times by an equal amount can result in little or no significant increase in school system costs. As the MSDE supplemental report indicates, there are additional factors to consider beyond transportation and other costs to school systems. Among these factors are whether students must walk to/from bus stops before or after daylight hours, parents' availability for dropping off/picking up students, scheduling of day and evening care for children, and the amount of time available for extra-curricular activities.

In February 2015, the Montgomery County Board of Education adopted an option to move start times for middle and high schools to 20 minutes later and for elementary schools to 10 minutes later; end times for all three levels move to 20 minutes later. Thus the length of middle and high school days remain unchanged while the elementary school day is extended by 10 minutes. Cost analysis for this option indicates that transportation cost savings would be offset nearly equally by staffing costs needed to cover longer lunch periods at elementary schools. However, the new start times will not meet the targets set by the bill.

According to an AAP policy statement published in the September 2014 edition of the journal *Pediatrics*, AAP urges high schools and middle schools to aim for start times that allow students the opportunity to achieve optimal levels of sleep (8.5 to 9.5 hours), adding that in most districts, middle and high schools should aim for a starting time of no earlier than 8:30 a.m. AAP finds that evidence strongly implicates early school start times (*i.e.*, before 8:30 a.m.) as a key contributor to insufficient sleep, as well as circadian rhythm disruption, in the middle and high school student population, and that a substantial body of research has demonstrated that delaying school start times is an effective countermeasure to chronic sleep loss and has a wide range of potential benefits to students with regard to physical and mental health, safety, and academic achievement.

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### **Additional Information**

**Prior Introductions:** HB 1081 of 2015 passed the House and received an unfavorable report in the Senate Education, Health, and Environmental Affairs Committee.

**Cross File:** Senate Bill 224 (Senator Simonaire) – Education, Health, and Environmental Affairs.

**Information Source(s):** Dorchester and Montgomery counties, Maryland State Department of Education, Department of Health and Mental Hygiene, Department of Legislative Services

**Fiscal Note History:** First Reader - January 27, 2016  
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