January 23, 2019

MEMORANDUM

TO:       City and County Superintendents

FROM:     Eric G. Mackey
          State Superintendent of Education

RE:       2019-2020 School Calendars

As you develop your 2019-2020 academic calendars, and any subsequent calendars, I strongly urge you and your respective boards to adopt a calendar that includes 180 student instructional days. As provided for in Act 2015-430, local county and city boards of education are allowed to adopt calendars with less than 180 calendar days, provided that those boards guarantee that no less than 1,080 instructional hours will be provided to students. These must be true instructional hours, with no reductions due to early dismissals, breaks, student assemblies, pep rallies, or other activities.

In order to adopt a flexible school calendar that includes less than 180 days of student instruction, you must submit a flexibility waiver. Dr. Susan McKim will review those waivers to ensure that the required components are included, and I will then determine whether to grant the waiver. Waiver requests must include the following components:

- A detailed statement of how reducing student days will improve student academic outcomes.
- How you will utilize the resultant teacher professional development days to improve their knowledge and skills.
- A copy of your proposed calendar.

In addition, please be aware that teachers must continue to work 187 actual days. No exceptions have ever been granted, and none will be granted this year. The Alabama Legislature has never enacted a bill to provide any flexibility in this matter. I fully realize that the Appropriations Act, Act 2018-481, includes language that says teachers must work 187 days or the hourly equivalent; however, no such equivalency has ever been set by law or rule. Setting an hourly pay schedule could remove teachers from their status as exempt employees under the Fair Labor Standards Act. In turn, this could have the unwanted effect of placing local boards of education in the position of having to pay overtime to teachers. There will be no flexibility granted for teachers to work less than 187 days.

EGM:SM:LAK

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