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## The Ten-Month School Year: Are We Ignoring Educational Research in Order to Preserve Summer Vacation? Finding a Compromise Between Educational Advancement and Over-Schooling

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# THE TEN-MONTH SCHOOL YEAR: ARE WE IGNORING EDUCATIONAL RESEARCH IN ORDER TO PRESERVE SUMMER VACATION? FINDING A COMPROMISE BETWEEN EDUCATIONAL ADVANCEMENT AND OVER-SCHOOLING

## I. INTRODUCTION

The optimal structure and length of the American school year has been debated for years. While it is widely acknowledged that students lose academic knowledge over the traditionally long summer break,<sup>1</sup> many districts have been resistant to implement year-round schooling due to concerns about funding, economic impact on tourism, the decrease in a student's ability to engage in non-formalized summer learning, and the negative impact on family life. In opposition, concerns regarding the United States' ability to compete globally, the ever-growing achievement gap between wealthy and poor students, the changing family dynamic, and the need to combat child labor exemplify why some sort of academic summer program should be made available to all students, but particularly to under-achieving and under-privileged children. Though year-round schooling policies may face resistance, all states should mandate year-round schooling to ensure that all students receive the most efficient, thorough, and academically challenging curriculums.

Part II of this Comment will look at the history of the traditional school year, outlining the rationales behind creating a "summers-off" system of education. Part III assesses and discusses why the traditional rationales behind the nine- or ten-month school year are outdated, unpersuasive, and no longer relevant. Part IV looks at the national and global prevalence of year-round schooling. Part V argues in favor of year-round schooling, outlining many benefits that would result from its implementation. Part VI discusses the obstacles and restrictions that prevent the implementation of year-round

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<sup>1</sup> See David Von Drehle, *The Case Against Summer Vacation*, TIME (July 20, 2010), <http://www.time.com/time/magazine/article/0,9171,2005863,00.html>.

schooling. Lastly, Part VII proposes educational recommendations and attempts to find a compromise between much-needed educational advancements and reforms with economic and social concerns in opposition to year-round schooling.

## II. A VERY BRIEF HISTORY OF THE “SUMMERS-OFF” SCHOOL YEAR

Historically, schooling and education have been responsibilities falling under the control of parents and local districts.<sup>2</sup> Courts have often taken the position that the federal government should, in most circumstances, defer to local education agencies and districts in regulating and determining the requirements of education.<sup>3</sup> Thus, at the beginning of formalized education in our country, communities created schooling schedules that were cohesive with the lifestyles and responsibilities of the student populations. In rural areas, schooling was structured around agricultural harvesting.<sup>4</sup> Local school boards and superintendents gave students months off so that students could help their parents with harvesting crops and caring for the farm.<sup>5</sup> Unlike their rural counterparts, in the mid-1800s, children in urban areas were subject to year-round schooling.<sup>6</sup> Yet because education was not compulsory at the time, students were able to take time off when they pleased, and thus, attendance became inconsistent and problematic.<sup>7</sup> To encourage maximum school attendance, urban districts adopted the summers-off approach.<sup>8</sup>

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<sup>2</sup> *Miliken v. Bradley*, 418 U.S. 717, 742 (1974).

<sup>3</sup> *See id.* (“we observed that local control over the educational process affords citizens an opportunity to participate in decision-making, permits the structuring of school programs to fit local needs, and encourages ‘experimentation, innovation, and a healthy competition for educational excellence.’”).

<sup>4</sup> Alex Altman, *A Brief History Of: Summer Vacation*, TIME (June 19, 2008), <http://www.time.com/time/magazine/article/0,9171,1816501,00.html>; Von Drehle, *supra* note 1 (“Long summer holidays are the legacy of our vanished agrarian past, when kids were needed in the fields during the growing season.”).

<sup>5</sup> *See* Altman, *supra* note 4.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* (“Poor attendance got some people wondering if such a long academic calendar was worthwhile. Why keep schools open year-round if most kids don’t even go?”).

Nationally, states and districts adopted the summers-off approach because: “1) Poorly ventilated school buildings were nearly unbearable during heat waves. 2) Community leaders fretted that hot, crowded environments facilitated the spread of disease. 3) Wealthy urbanites traditionally vacationed during the hottest months, and middle-class school administrators were following in their footsteps.”<sup>9</sup> Furthermore, it was commonly believed by many physicians that “students were too frail, both in mind and body, for so many days at their desk. Too much education, they argued, could impair a child’s health.”<sup>10</sup> Thus, the traditional school-year structure was implemented to accommodate agricultural labor, medical beliefs, and the desire of families and society to enjoy vacation during the summer months.

### III. OUTDATED RATIONALES

With a variety of rationales supporting students having summers off, the traditional nine- or ten-month school year became a national norm. Likewise, summer vacations became a staple of American schooling and a symbol of childhood. Despite the fact that many of the original rationales behind the nine- or ten-month school year are no longer relevant, society has grown accustomed to giving students months off, and thus, the traditional school year has remained the status quo throughout the vast majority of the United States.

While there are still a significant number of children in the United States who work in the agricultural industry,<sup>11</sup> today, the majority of school-aged children do not need time off from school to harvest crops. Historically, students in agricultural states engaged in farming experience not only to assist their families, but also because it served as preparation for when they would one day own the farm. Today, there is much more mobility between professions and careers, and thus,

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<sup>9</sup> Juliet Lapidus, *Do Kids Need a Summer Vacation? Why Our Schoolchildren Get to Take Three Months Off*, SLATE (July 11, 2007), available at [http://www.slate.com/articles/news\\_and\\_politics/explainer/2007/07/do\\_kids\\_need\\_a\\_summer\\_vacation.html](http://www.slate.com/articles/news_and_politics/explainer/2007/07/do_kids_need_a_summer_vacation.html).

<sup>10</sup> *Id.*

<sup>11</sup> *Take Action: End Child Labor in US Agriculture*, HUMAN RIGHTS WATCH, <http://www.hrw.org/support-care> (last visited Apr. 10, 2013) (“Hundreds of thousands of children are employed as farmworkers in the United States.”).

it is important that all students are sufficiently educated and prepared to enter into a variety of career fields.<sup>12</sup> Furthermore, with advances in agricultural machinery and technology, arguably, a child's availability to help on the farm is no longer as important as it was in the 1800s,<sup>13</sup> especially when weighed against the well-recognized importance of academic education.<sup>14</sup>

Concerns regarding maximizing school attendance are no longer justifications for having a nine- or ten-month school year. In *Pierce v. Society of Sisters*, the Supreme Court noted that state laws compelling school attendance are constitutional.<sup>15</sup> Since *Pierce*, states have widely adopted compulsory school laws and criminal sanctions for parents who fail to meet compulsory school law requirements.<sup>16</sup> Compulsory

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<sup>12</sup> See Jeanne Meister, *Job Hopping Is the "New Normal" for Millennials: Three Ways to Prevent a Human Resource Nightmare*, FORBES (Aug. 14, 2012), <http://www.forbes.com/sites/jeannemeister/2012/08/14/job-hopping-is-the-new-normal-for-millennials-three-ways-to-prevent-a-human-resource-nightmare/> ("Ninety-one percent of Millennials (born between 1977-1997) expect to stay in a job for less than three years . . . . That means they would have 15-20 jobs over the course of their working lives!").

<sup>13</sup> See, e.g., James F. Thompson & Stephen C. Blank, *Harvest Mechanism Helps Agriculture Remain Competitive*, 54 CAL. AGRIC. 51 (2000), available at <http://ucanr.org/repository/cao/landingpage.cfm?article=ca.v054.n03p51&fulltext=yes> (discussing the impact of machinery advancements on tomato farming).

<sup>14</sup> See *Brown v. Bd. of Educ.*, 347 U.S. 483, 493 (1954) ("Today, education is perhaps the most important function of state and local governments.").

<sup>15</sup> 268 U.S. 510 (1925).

<sup>16</sup> See COLO. REV. STAT. § 22-33-104 (West 2013) ("every child who has attained the age of six years on or before August 1 of each year and is under the age of seventeen years, except as provided by this section, shall attend public school for at least the following number of hours during each school year: (I) One thousand fifty-six hours if a secondary school pupil; (II) Nine hundred sixty-eight hours if an elementary school pupil in a grade other than kindergarten; (III) Nine hundred hours if a full-day kindergarten pupil; or (IV) Four hundred fifty hours if a half-day kindergarten pupil."); MISS. CODE ANN. § 37-13-91 (West 2013) ("Any parent, guardian or custodian of a compulsory-school-age child subject to this section who refuses or willfully fails to perform any of the duties imposed upon him or her under this section or who intentionally falsifies any information required to be contained in a certificate of enrollment, shall be guilty of contributing to the neglect of a child and, upon conviction, shall be punished . . . ."); N.D. CENT. CODE § 15.1-20-01 (West 2013) ("Any person having responsibility for a child between the ages of seven and sixteen years shall ensure that the child is in attendance at a public school for the duration of each school year."); N.M. STAT. ANN. § 22-12-7 (West 2013) ("If unexcused absences continue after written notice of habitual truancy as provided in Subsection B of this section has occurred, the student shall be reported to the probation services office of the judicial district where the student resides for an investigation as to whether the student shall

education laws have defeated the need for states and districts to attempt to maximize school attendance through scheduling school only nine or ten months of the year and have opened the door for school districts to require attendance in months in which students have traditionally opted not to attend.

Though many of the factors that originally led to the creation of the nine- or ten-month school year are no longer persuasive, opponents of year-round schooling today assert that summer vacations allow for meaningful non-classroom growth and enrichment.<sup>17</sup> Though summer vacation has long been used for family vacationing, in light of the well-recognized importance of education, concerns regarding travel are insufficient to dictate the structuring of the school year. This is particularly true because under the year-round school model, students receive a variety of two-week breaks that enable families to travel together.<sup>18</sup> Additionally, historical arguments based in psychological theories regarding over-working students and fears of spreading diseases are outdated, disproved, and insufficient to justify maintaining the current educational structure. Lastly, with the ability of schools to have air conditioning, concerns regarding unbearable heat are now less persuasive.

#### IV. WHERE YEAR-ROUND SCHOOLS HAVE BEEN IMPLEMENTED

While there is sparse data regarding the number of schools and districts that provide year-round schooling, it is undoubtedly clear that in the United States, year-round schools are in the minority. As of the 2006-2007 school year, all but seven states offered at least one year-round public school.<sup>19</sup> Yet thirty-one of the states that offered public year-

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be considered to be a neglected child or a child in a family in need of services because of habitual truancy and thus subject to the provisions of the Children's Code.”)

<sup>17</sup> See *infra* Part V.B.

<sup>18</sup> *Year-Round Schooling*, EDUC. WEEK (Aug. 3, 2004), <http://www.edweek.org/ew/issues/year-round-schooling/> (“Most often, year-round schooling is not an extension of the school year, but, rather, a reorganization of it. The summer break is usually broken up and redistributed throughout the year in relatively regular intervals.”).

<sup>19</sup> Nat'l Ass'n for Year-Round Schooling, *Calendar Reform Statistics: Schools, Districts By State—2007*, CALENDAR REFORM (2007), <http://www.nayre.org/> (PDF link

round schooling did so in fewer than fifty schools.<sup>20</sup> In 2007, California led the nation in year-round school attendance, with 1,118,608 students enrolled in year-round schools.<sup>21</sup> Of the fifty states and the District of Columbia, seventeen states have indicated that they have a statewide policy regarding year-round education.<sup>22</sup> No year-round school policy is identical. States with policies define what constitutes “year-round schooling” differently<sup>23</sup> and vary in methods used to approve of a school or district’s modified school year.<sup>24</sup>

Despite resistance, courts have held that school districts can implement and compel year-round schooling, even in the absence of parental consent.<sup>25</sup> In *Wake Cares, Inc. v. Wake County Board of Education*, the North Carolina Supreme Court found that in the absence of a summers-off mandate, a board of education could compel year-round schooling.<sup>26</sup> Additionally, the court found that parental consent was not required in determining the school-year structure.<sup>27</sup> The court noted that in circumstances where parents do not agree with the school-year structure, they have recourse through the electoral process—through the ability to carefully choose

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available at the bottom of the page) (Maine, Mississippi, New Hampshire, New Jersey, Rhode Island, Vermont, and Wyoming are the states listed as not having any year-round public schools).

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> Inst. of Educ. Sci., *State Education Reforms, Table 4.1: Year-round School Policies, by State: 2008*, NAT’L CTR. FOR EDUC. STATISTICS (2008), [http://nces.ed.gov/programs/statereform/tab4\\_l.asp](http://nces.ed.gov/programs/statereform/tab4_l.asp) (The states that identified having year-round schooling policies are Arkansas, California, Florida, Illinois, Iowa, Maryland, Michigan, Minnesota, New Mexico, North Carolina, Ohio, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, and West Virginia).

<sup>23</sup> *See id.* (For example, “Arkansas defines year-round schools as no fewer than the number of days required between July 1 and June 30 of each school year and in which no vacation, including summer, lasts more than 6 weeks,” while “Oklahoma defines year-round schools as at least 10 months of 4 weeks during which the school will be in session and instruction offered not less than 180 days,” and “Tennessee defines year-round schools as operating on a 200-day calendar.”)

<sup>24</sup> *See id.* (“In Kansas, alternative school calendars are approved by the Commissioner of Education.”)

<sup>25</sup> *Wake Cares, Inc. v. Wake Cnty. Bd. of Educ.*, 363 N.C. 165, 166 (N.C. 2009).

<sup>26</sup> *Id.* at 169 (noting that North Carolina statutes neither defined “traditional” school years, nor mandated when school should be in session).

<sup>27</sup> *Id.* at 172.

members of the board of education.<sup>28</sup> Thus, under *Wake Cares*, parental resistance, on its own, cannot prevent a school board from implementing year-round schooling.

While the United States debates the value and costs of implementing year-round schooling, many other countries have already implemented programs with extended school years. In the United States, the school year averages “180 instruction days per year, according to the Education Commission of the States, compared to an average of 197 days for lower grades and 196 days for upper grades in countries with the best student achievement levels, including Japan, South Korea, Germany and New Zealand.”<sup>29</sup> Further, reports have shown that “[t]he Israeli academic year lasts 216 days, and kids in Japan plug away for a whopping 243 days per annum.”<sup>30</sup> Thus, while the United States maintains the traditional school year, many other countries have implemented educational programs that increase student academic exposure and learning. Though there may be a variety of factors and reasons why other countries have implemented longer school years than the United States, today, in light of the globally mobile and international workforce, it is important for the United States to contemplate and consider the reasons why countries have implemented their particular educational programs and to assess whether similar implementation would increase the United States’ educational achievement.

## V. WHY SCHOOL SHOULD BE YEAR-ROUND

### *A. Globalism*

Many believe that in light of concerns about globalism, summer vacation is not a luxury that the United States’ education system can afford.<sup>31</sup> In order to ensure that United States citizens are capable of participating in the global workforce, it is essential that the United States education

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<sup>28</sup> *Id.*

<sup>29</sup> Erica Werner, *Obama: School Year Should Be Longer*, HUFFINGTON POST (Sept. 27, 2010), [http://www.huffingtonpost.com/2010/09/28/obama-school-year-should-\\_n\\_741338.html](http://www.huffingtonpost.com/2010/09/28/obama-school-year-should-_n_741338.html).

<sup>30</sup> Lapidus, *supra* note 9.

<sup>31</sup> *See* Von Drehle, *supra* note 1.

system is adequately preparing students. Today, with a variety of jobs and career opportunities being offered internationally, “American students are competing with children around the world who are in many cases spending four weeks longer in school each year.”<sup>32</sup> Thus, some argue that education needs to be focused on global competition because “[a]s a nation, either our kids are getting dumber or everyone else’s are getting smarter.”<sup>33</sup>

Summer vacations may be a major factor contributing to the United States’ student test scores being lower than many other nations. Harris Cooper, director of the education program at Duke University, has argued that “[t]ests given to kids in the spring and fall show [that] children generally slide in math and reading during the traditional summer break lasting 10 to 12 weeks.”<sup>34</sup> Furthermore, Cooper has asserted that while “[b]oth poor students and their wealthier counterparts lose math skills, . . . kids from low-income families also decline in reading.”<sup>35</sup> Thus, under the current school-year structure, the average American student is less academically advanced in September than he was the previous June.

Corporations and employers are no longer operating on a purely national scale. Instead, when determining where to set up headquarters and offices, companies look at a variety of country locations and consider a variety of factors including financial strength and skill level of a workforce. In order to ensure that the United States will be able to compete globally and thus, that jobs are made available to United States workers, the United States education system needs to focus on efficiently preparing students for careers. In order to promote time efficiency, the United States needs to minimize student-learning loss through mandating summer learning for all

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<sup>32</sup> *Id.*

<sup>33</sup> LZ Granderson, *We Need Year-Round School to Compete Globally*, CNN OPINION (May 10, 2011), [http://articles.cnn.com/2011-05-10/opinion/granderson.yearround.school\\_1\\_year-round-school-math-and-science-international-student-assessment?s=PM:OPINION](http://articles.cnn.com/2011-05-10/opinion/granderson.yearround.school_1_year-round-school-math-and-science-international-student-assessment?s=PM:OPINION) (“American 15-year-olds ranked 14th in reading, 17th in science, and 25th in math in a study of students in 34 nations and nonnational regions.”).

<sup>34</sup> *Schools Increasingly Cutting Back on Summer Vacation*, FOX NEWS (Sept. 2, 2007), <http://www.foxnews.com/story/0,2933,29525,00.html>.

<sup>35</sup> *Id.*

students and decreasing the length of vacations. The number of states with modified summer vacations (vacations less than the traditional ten to twelve weeks) has reportedly doubled in recent years, demonstrating some acknowledgement of the need to abandon the traditional school-year structure.<sup>36</sup> Arguably, the less time students are away from school, the less time teachers will have to spend reviewing material from the previous year and acclimating students to classroom rules and procedures.<sup>37</sup> Opponents of year-round schooling contest that it will deprive students of a much needed break from education and result in students “burning out”; however, research has shown that making school year-round encourages more efficient learning.<sup>38</sup> By dividing the traditional three-month summer vacation into shorter, more frequent vacations, students will have shorter, yet more frequent breaks from school. Proponents of year-round schooling assert that more frequent breaks from schooling will leave children feeling refreshed and thus will increase their positive attitudes towards school and result in more effective learning.<sup>39</sup>

### *B. Decreasing the Achievement Gap*

While many argue that summer vacation is a time for children to be children and to explore new places and do new things, the luxuries of summer camps and vacations are not available to many low-income children in urban areas who are, in many cases, academically low-achieving.<sup>40</sup> Furthermore, researchers have asserted that throughout the summer,

deprived of healthy stimulation, millions of low-income kids lose a significant amount of what they learn during the school year. Call it “summer learning loss,” as the academics do, or “the summer slide,” but by any name, summer vacation is among the most pernicious, if least acknowledged causes of

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<sup>36</sup> *See id.*

<sup>37</sup> *Id.*

<sup>38</sup> ELISABETH A. PALMER & AMY E. BEMIS, CTR. FOR APPLIED RESEARCH & EDUC. IMPROVEMENT, UNIV. OF MINN., YEAR-ROUND EDUCATION (1999), , available at <http://www.cehd.umn.edu/carei/publications/documents/Year-round.pdf>.

<sup>39</sup> *Id.*

<sup>40</sup> Von Drehle, *supra* note 1 (“summer is a season of boredom, inactivity and isolation. Kids can’t go exploring if their neighborhoods aren’t safe.”).

achievement gaps in America's schools.<sup>41</sup>

In response, some have argued that the traditional summer learning loss theory is more connected to a child's socio-economic status and access to reading material than to summer vacation.<sup>42</sup> Particularly, researchers assert that "while students made similar progress during the school year, regardless of economic status, the better-off kids held steady or continued to make progress during the summer, but disadvantaged students fell back."<sup>43</sup> Therefore, some have argued that summers need to be filled with school enrichment programs addressing the needs of low-income children.<sup>44</sup>

Through the implementation of year-round schooling, academically low-achieving districts would have the opportunity to continue educational advancement without the disruption of summer, which would likely lead to a lessening of the achievement gap. While increasing low-income students' access to educational resources, such as books, could also help to decrease the achievement gap, merely increasing access to educational resources does not, on its own, guarantee that children will continue reading and learning over the summer. Instead, through formalized summer programs, educators and states can actively monitor and ensure that low-achieving districts and students are continuing to progress during the summer months. Though many school districts already have summer-school programs to provide remedial instruction to failing students, year-round schooling is more beneficial to students than traditional summer-school programs because it (1) encompasses all students and (2) promotes an educational environment that does not equate summer schooling with punishment for failing grades. Unlike summer school, which is generally focused on assisting students who are below grade

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<sup>41</sup> *Id.*

<sup>42</sup> Valeria Strauss, *Summer Learning Loss: What's True and False*, WASH. POST (July 20, 2012), [http://www.washingtonpost.com/blogs/answer-sheet/post/summer-learning-loss-whats-true-and-false/2012/07/19/gJQAl3B3wW\\_blog.html](http://www.washingtonpost.com/blogs/answer-sheet/post/summer-learning-loss-whats-true-and-false/2012/07/19/gJQAl3B3wW_blog.html).

<sup>43</sup> Von Drehle, *supra* note 1.

<sup>44</sup> *Id.* ("Supporters range across the political spectrum from Republican Senator Richard Lugar of Indiana to Democrats in the Department of Education under President Obama, who has created a National Summer Learning Day to call attention to the issue. Some of the nation's largest private donors including the Bill & Melinda Gates Foundation, the Wallace Foundation, the Charles Stewart Mott Foundation and the Atlantic Philanthropies are putting their muscle into the cause.")

level, year-round schooling requires districts to continue the educational advancement of all students, regardless of academic level, during the summer months. Furthermore, mandating year-round schooling for all students will help to promote positive student attitudes towards learning during the summer months because it will ensure that lower-achieving students are not stigmatized or separated from their peers when required to attend summer school and will combat common student beliefs that attendance at summer school is punishment for inadequate grades.

### *C. Familial Benefits*

Many familial benefits will likely result from a national implementation of year-round schooling. Research has consistently shown that parental involvement is one of the most prominent indicators of a child's academic success.<sup>45</sup> Replacing the long summer break with shorter breaks from school will enable parents and families to easily and regularly be aware of educational expectations. Through consistent schooling, teachers will likely be able to more effectively communicate academic expectations for students to parents and ensure that parents are continuing to monitor learning when children are at home on vacation.

Year-round schooling will likely serve the economic needs of many families, as it will enable parents to work throughout the summer without having to pay for child-care services. This is particularly important in today's society where a large number of children are being raised in single-parent families. With year-round schooling, parents will not have societal pressures to find jobs that enable optimal vacation time or favorable summer hours so that they are home with their children while they are off from school. Thus, year-round schooling will likely enable parents to pursue more time-demanding careers, including careers that require summer

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<sup>45</sup> Karen Bogenschneider, *Parental Involvement in Adolescent Schooling: A Proximal Process with Transcontextual Validity*, 53 J. MARRIAGE & FAM. 718, 719 (Aug. 1997) ("The most consistent finding is that parents who are involved in school activities such as attending parent-teacher conferences, monitoring their children's progress, and helping with homework are more likely to have children who are performing well academically.").

hours.

#### *D. Increasing Teacher Professionalism*

For much of the United States' history, teaching was a profession dominated by men.<sup>46</sup> Yet in the mid 1800's, with the increase of women in the labor force and the common belief that educated men could obtain more professional employment, many women began to fill teaching positions.<sup>47</sup> By the 1900s, "nearly 75 percent of America's teachers were women."<sup>48</sup> Though today teachers are required to have college degrees and be certified in their particular teaching field, historical perceptions that women's maternal nature enables them to be good teachers remain,<sup>49</sup> and today it is generally believed that teaching is a profession that easily enables a mother to balance a career with her duties at home.<sup>50</sup> Furthermore, teaching is categorized as a vocational profession, and, arguably, teaching has never been given the same credibility as other jobs that require college degrees, such as accountants, doctors, and veterinarians.<sup>51</sup> The "summers and weekends off" perception and diminished professionalism and societal value associated with the teaching profession has in many ways deterred strong teaching candidates from pursuing careers in education.

Much of the debate regarding educational reform has revolved around the teaching profession. Research shows that as much as twenty percent of a student's success is directly related to teacher quality.<sup>52</sup> Thus, higher-quality teachers

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<sup>46</sup> *Teaching Timeline: Only a Teacher*, PBS, <http://www.pbs.org/onlyateacher/timeline.html> (last visited Feb. 28, 2013).

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> *See id.*

<sup>50</sup> *100 Best Jobs for Mom*, HUFFINGTON POST (Feb. 28, 2011), [http://www.huffingtonpost.com/the-stir/working-mothers\\_b\\_828373.html](http://www.huffingtonpost.com/the-stir/working-mothers_b_828373.html) ("Teacher. Summer breaks, early days that match your child's schedule, and all of those adorable Christmas presents. Who says being a teacher isn't rewarding anymore?").

<sup>51</sup> LINDA HARGREAVES, ET. AL., THE STATUS OF TEACHERS AND THE TEACHING PROFESSION: VIEWS FROM INSIDE AND OUTSIDE THE PROFESSION: INTERIM FINDINGS FROM THE TEACHER STATUS PROJECT 13-16 (2006), available at <http://webarchive.nationalarchives.gov.uk/20130401151715/https://www.education.gov.uk/publications/eOrderingDownload/RR755.pdf>.

<sup>52</sup> *Teacher Quality*, EDUC. WEEK (July 8, 2011),

substantially increase a student's chances of academic success. Understanding the value of teachers, school districts need to focus on encouraging highly qualified individuals to become teachers. To do so, states and local districts need to combat the perception that teaching is a less admirable and respected profession.

By making the school year year-round, the teaching profession will no longer be viewed as a ten-month job. Year-round schooling would help to alter societal views that teaching is an easy part-time job<sup>53</sup> and would, thus, increase respect for those who choose to enter the teaching profession. Increasing teacher respect and responsibility would likely result in an increase of highly qualified teaching candidates and a decrease in the number of individuals entering into the teaching profession primarily for the favorable work hours.

Year-round schooling, with its more frequent yet shorter breaks, would enable teachers to attend professional development classes that do not interfere with the regular school day. Unlike the current structure, under which teachers rarely attend professional development during the long summer break, shorter breaks that fall within the school year would permit teachers to attend professional development meetings tailored to the needs of their current classrooms. With increased professional development and teacher "work days," year-round schooling would likely result in an increase in teacher salaries and responsibilities, both of which would help to increase the professionalism of the teaching profession and thus the efficiency and success of student academic performance.

Year-round schooling may help to create a sense of permanency and investment within districts. Under the traditional ten-month school year, teachers have the ability to take a teaching job within a district knowing that they can easily leave the position in June. Under the current system, there is a general sense that teachers are obligated to commit to

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<http://www.edweek.org/ew/issues/teacher-quality/>.

<sup>53</sup> See Nat'l Educ. Ass'n, *Myths and Facts about Educator Pay*, <http://www.nea.org/home/12661.htm> (last visited May 16, 2013) (In outlining common myths regarding the teaching profession, the National Education Association notes, "Myth: Teaching is easy—anyone can do it.").

only one school year and thus are less likely to view the position as permanent. Furthermore, with the prevalence of teacher unions, school districts, teachers, and community members often view teachers as more loyal to their unions (which provide for protections that enable teachers to maintain benefits when switching schools) than to their particular school. By altering the school year to become year-round, teachers may view their teaching commitments as more than just a nine- or ten-month span and thus may become more invested in their students and school.

### *E. Combating Child Labor*

Under a year-round schooling system, states will be able to minimize, or at least reduce, agricultural child labor. Today, many agricultural states permit and benefit from the use of child labor during the summer. An estimated 400,000 children in the United States use their summers to work in agriculture.<sup>54</sup> Further, the National Center for Farmworker Health (NCFH) estimates that 300,000 to 800,000 children work on United States farms each summer.<sup>55</sup> Agricultural labor is considered one of the most dangerous jobs for children, as “the nature of agricultural work exposes child laborers to many risks and dangers, including long hours in scorching heat, hauling heavy loads, exposure to toxic pesticides and injury from sharp knives and other dangerous tools.”<sup>56</sup> Agricultural work is an exception to the Fair Labor Standards Act.<sup>57</sup> As such, the majority of children in the agricultural world are not given wage and hour protections.<sup>58</sup> Furthermore, many children working in agriculture do not work on family farms and instead work

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<sup>54</sup> Cynthia Boyd, *Despite Child Labor Laws, Children Still Toil in Hot-Summer Fields in Minnesota*, MINNPOST (July 21, 2010), <http://www.minnpost.com/community-sketchbook/2011/07/despite-child-labor-laws-children-still-toil-hot-summer-fields-minnesot>.

<sup>55</sup> NAT'L CENTER FOR FARMWORKER HEALTH, INC., CHILD LABOR IN AGRICULTURE (2009), available at [www.ncfh.org/docs/fs-Child%20Labor.pdf](http://www.ncfh.org/docs/fs-Child%20Labor.pdf) [hereinafter *NCFH*].

<sup>56</sup> *Id.*

<sup>57</sup> 29 U.S.C. § 213(c) (2006) (outlining child labor law exemptions to agricultural work, including allowing children under the age of twelve to work on a family member's farm).

<sup>58</sup> NCFH, *supra* note 55.

within the migrant community moving from area to area as harvesting needs arise. Thus, with constant movement, many farming children are not given stable educational resources and schooling.<sup>59</sup> Creating year-round schooling would help to minimize child labor abuses and would create permanency and regulation of the migrant child community and their educational needs.<sup>60</sup>

## VI. OBSTACLES AND ARGUMENTS PREVENTING THE IMPLEMENTATION OF YEAR-ROUND SCHOOLING

### *A. The Economic Influence of Summer Vacation*

Proponents of year-round schooling will likely face opposition from industries that have invested in summer vacations and tourism.<sup>61</sup> Many amusement parks and summer vacation spots help local economies by providing jobs and bringing tourists (and their pocketbooks) to the area. For example, tourism is “the third-largest industry in New Jersey after pharmaceuticals and chemicals.”<sup>62</sup> Many argue that cutting tourism promotion or enacting programs that negatively impact tourism would be devastating to local economies.<sup>63</sup> Currently, “[r]esort owners and operators of theme parks in North Carolina, Pennsylvania, Indiana, and Texas have expressed that the shrinking summers are costing them

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<sup>59</sup> *Id.*

<sup>60</sup> Students cannot be denied public school education because of their legal status within the United States. *See generally* *Plyer v. Doe*, 457 U.S. 202 (1982). Thus, regardless of whether migrant children are legally present in the United States or not, school districts should seek to ensure that all students within their jurisdiction are receiving sufficient and challenging academic instruction. *See id.*

<sup>61</sup> *See, e.g.*, Margaret A. Peercy & Ken W. McCleary, *The Impact of the Year-Round School Calendar on the Family Vacation: An Exploratory Case Study*, 35 J. HOSPITALITY & TOURISM RESEARCH 147, 150 (2010).

<sup>62</sup> *N.J. Tourism Numbers Increase Slightly, But Are Still Down From Pre-Recession Figures*, NJ.COM (Mar. 24, 2011), [http://www.nj.com/news/index.ssf/2011/03/tourism\\_in\\_nj\\_was\\_a\\_355\\_billio.html](http://www.nj.com/news/index.ssf/2011/03/tourism_in_nj_was_a_355_billio.html).

<sup>63</sup> *Editorial: Killing tourism effort is wrong*, TODAY'S SUNBEAM (Mar. 7, 2012), [http://www.nj.com/sunbeam-voices/index.ssf/2012/03/editorial\\_killing\\_tourism\\_effo.html](http://www.nj.com/sunbeam-voices/index.ssf/2012/03/editorial_killing_tourism_effo.html) (“Tourism is a business. Big business. Estimates are that last year it amounted to around \$35 billion last year in New Jersey. Visitors come with money to spend whether on admissions, food, lodging and purchases. The spinoff for businesses can be substantial.”).

customers and employees.”<sup>64</sup> These owners and operators assert that “[a]s a result of these decreases, many theme parks have been forced to reduce hours or even close sections of the park. A domino effect causes an economic loss to other businesses and for the local and state economies.”<sup>65</sup> Acknowledging the economic implications of year-round schooling, states will likely be hesitant to enact school programs that could harm tourism, especially in the current fiscal climate.<sup>66</sup>

In addition to state interests in optimizing tourism, many major amusement parks and tourist attractions have influential lobbying power within state legislatures. For instance, “the statute that prevents Virginia schools from reconvening early in August is known as the Kings Dominion Law, in honor of an amusement park north of Richmond.”<sup>67</sup> Thus, it is very likely that major tourist industries could legislatively prohibit local districts from instituting year-round schooling.

### *B. Impact on Non-institutional Learning and Family Life*

Many people believe that summers are valuable times for students to grow and learn outside of the classroom environment. For some students, summer serves as a time in which they can engage in social learning, obtain an internship, optimize exposure to new cultures, and have the opportunity to gain job experience. Summer camps enable students to pursue their interests, whether in sports, the arts, or an academic field, such as space camp, through hands-on social learning environments.<sup>68</sup> Summer internships and jobs are

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<sup>64</sup> Peercy & McCleary, *supra* note 61, at 150. (“Some locations have reported as much as a 60% decline in attendance. The decline is evident the weeks after schools begin, usually starting around August 10. Weekend attendance also declines, and the decline continues into September and October.”).

<sup>65</sup> *See id.*

<sup>66</sup> *See id.* at 151.

<sup>67</sup> Von Drehle, *supra* note 1.

<sup>68</sup> *See Value of Summer Camp*, CAMP GROUP, [http://www.campgroup.com/advantage\\_value.htm](http://www.campgroup.com/advantage_value.htm) (last visited Apr. 10, 2013) (“Camp remains one of the few institutions where young people can experience and satisfy their need for physical activity, creative expression and true participation in a safe community environment. The atmosphere is one in which children learn about living, working, and playing together and making positive contributions to their community. In addition, campers typically learn a healthy respect for nature. Camp also teaches the

useful learning opportunities for students in which they gain valuable experience,<sup>69</sup> have the opportunity to assess whether they will one day like to go into a particular field, and can demonstrate their work ethic for college and employment applications.

With full-year schooling, students will have decreased opportunities to fully submerge themselves in non-institutional learning and thus will find it more difficult to differentiate their job and college applications from other students' applications. Therefore, it is likely that many parents and communities would object to schooling that would negatively impact student ability to engage in non-institutional learning. This is particularly the case for affluent communities where students are economically able to attend camps and obtain prestigious internships or jobs.

Polls have consistently shown that public opinion does not support year-round schooling, with the majority of adults favoring the current system.<sup>70</sup> While a variety of factors likely contribute to the public's general opposition to year-round schooling, many advocates for maintaining the status quo assert that year-round schooling will harm familial relationships by not providing ample opportunity for families to vacation and spend quality time together.<sup>71</sup>

### *C. Lack of Funding*

In the current difficult fiscal times, many states have cut back on educational funding.<sup>72</sup> Many argue that implementing year-round schooling would be too costly, as it would lead to increased spending on teacher and staff salaries, facility

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socialization skills needed to cope in the real world.”)

<sup>69</sup> See Del Jones, *CEOs Value Lessons From Teen Jobs*, USA TODAY (June 6, 2008), [http://www.usatoday.com/money/companies/management/2008-06-05-summer-jobs-ceos\\_N.htm](http://www.usatoday.com/money/companies/management/2008-06-05-summer-jobs-ceos_N.htm) (explaining that unfavorable summer jobs are valuable learning opportunities and valued assets).

<sup>70</sup> M. Alex Johnson, *Year-Round School Gains Ground*, MSNBC.COM (Oct. 27, 2010), [http://www.msnbc.msn.com/id/39748458/ns/us\\_news-life/#.T4s9nyOnncE](http://www.msnbc.msn.com/id/39748458/ns/us_news-life/#.T4s9nyOnncE).

<sup>71</sup> Percy & McCleary, *supra* note 61.

<sup>72</sup> See, e.g., Kimberly Hefling, *School Budget Cuts: Educators Fear Deepest Cuts Are Ahead*, HUFFINGTON POST (Oct. 24, 2011), [http://www.huffingtonpost.com/2011/10/24/schools-fear-worst-budget-cuts\\_n\\_1028054.html](http://www.huffingtonpost.com/2011/10/24/schools-fear-worst-budget-cuts_n_1028054.html) (“Already, an estimated 294,000 jobs in the education sector have been lost since 2008, including those in higher education.”).

utilities and upkeep, and air conditioning unit installations and maintenance.<sup>73</sup> Furthermore, opponents argue that current school budgets cannot accommodate the needs of year-round schooling, and thus, it is unrealistic to expect schools to modify their current schedules.<sup>74</sup> In implementing year-round programs, states and districts need to consider not only changes to teacher contracts and pay, but also the financial impact of year-round schooling on office staff, transportation staff, substitute teachers, and administration. The additional financial costs of year-round schooling and the requirement that employment contracts be reformulated to accommodate longer and more continuous school years have likely deterred school districts from abandoning the traditional school year.

## VII. RECOMMENDATIONS AND CONCLUSIONS

With research showing that the average United States student loses academic knowledge over the summer, it is essential that year-round programs be available to communities and children. Though there is a great amount of educational and social value in participating in summer camps, internships, or jobs, such opportunities are not available to all children, and thus, many children spend their summers bored and in front of the television instead of actively pursuing their interests and experiencing new academic areas. Year-round schooling would provide children with shortened periods away from academic settings and, therefore, would limit unproductive time and learning loss, greatly advancing the United States' ability to produce a globally competitive workforce.

All low-performing districts, particularly in urban areas, should be mandated to have a year-round educational program

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<sup>73</sup> Werner, *supra* note 29 (“One issue is money, and although the president said that lengthening school years would be ‘money well spent,’ that doesn’t mean cash-strapped states and districts can afford it.”).

<sup>74</sup> See James Haug, *Majority of Year-Round School Programs Will Return To Nine-Month*, LAS VEGAS REV. J. (Apr. 9, 2010), available at <http://www.lvrj.com/news/vast-majority-of-year-round-schools-to-return-to-nine-month-schedule-90321322.html>. See also Henry J. Walters III, *Year-Round School, We Won’t Pay For It*, COLUMBIA TRIB. (Nov. 14, 2009), <http://www.columbiatribune.com/news/2009/nov/14/year-round-school/> (arguing that school budgets are not designed to encompass year-round schooling and that year-round schooling is not realistic where tax-payers are unwilling to increase educational budgets).

available to students. In order to decrease the achievement gap, it is essential that underperforming students have consistent access to academic programs and resources. Year-round schooling is vital for under-privileged students because their families are, in most cases, unable to privately provide academic enrichment opportunities over the summer. By mandating year-round education for underachieving students, our country can begin to combat the current academic achievement and employment gap. While summer school is currently offered in most schools for children who need remedial study, it is important that schools implement summer enrichment programs that further academic growth while also exposing students to new areas of study (such as creative writing, skills training, out of class trips, etc). Summer academic programs cannot focus only on failing students, but must attempt, as a whole, to set up academically challenging and exciting coursework that encourages all students to continue learning throughout the summer.

In the case of a large amount of push-back from summer camps and vacation destinations, states can create an opt-out summer program in which students would be exempt from compulsory year-round education if the parent can show that the child will be engaged in a comparable academic program. In essence, states can treat the summer portion of year-round schooling as a separate term during which parents can send their children to a privatized program or engage in home schooling. Through the opt-out program, families will have the freedom to spend time together, students will have the ability to engage in non-formalized learning, and states can ensure that students are not falling prey to summer learning loss. While there is a risk that the opt-out summer plan will only continue to stigmatize economically low students from middle-class and upper-class students (similar to how many middle- and upper-class students opt to attend private school rather than public school), if schools districts are careful to offer an array of summer programs, many of which are unique to the curriculum of the “regular” school year, parents may be motivated to keep their students in the public school system throughout the summer months. Furthermore, if school districts focus on providing academically focused summer programs while advertising the financial advantages of

utilizing such programs, districts can ensure that a large percentage of the students remain under district supervision over the summer months.

Even in higher-achieving and more affluent areas, academic summer programs are essential to continual academic progress. In today's society, there are a large number of single-parent working households and households where both parents work. Thus, the majority of families must find summer vacation child care, much of which is non-academic based. Districts and states should consider creating educational enrichment camps that would be available during vacation times (whether long summer vacation or the modified shorter vacations). Educational enrichment camps could serve to provide remedial review or time for experimentation and creative thinking and operate as a social platform for student interaction. The further that schools and districts go to provide consistent and constantly available educational options, the more efficient our educational system will become.

Because funding is by far the largest obstacle in any form of educational reform, it is essential that legislators, taxpayers, and districts keep in mind that more efficient and effective educating will result in a more competitive and economically marketable workforce. In order to address the many concerns about the United States' ability to compete globally, the nation must focus its attention on improving the education and career preparation of students. Some research has shown that in the long run, year-round schooling will greatly improve American test scores, and thus reap great financial benefits.<sup>75</sup> Specifically, the Organization for Economic Cooperation and Development estimates that in "boosting our scores for reading, math and science by 25 points over the next 20 years, the United States would gain \$41 trillion over the lifetime of the generation born in 2010."<sup>76</sup> Policymakers should not be shortsighted when assessing the financial costs and benefits of year-round schooling. While there is no clear solution to the short-term funding problems, it is evident that summer academic opportunities are essential to creating a productive educational

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<sup>75</sup> Granderson, *supra* note 33.

<sup>76</sup> *Id.*

system, and thus, policy makers must find a way to implement year-round educational programs. Though there are a variety of sources and programs in need of tax funding, education should be one of the highest funding priorities of federal and state legislatures. Keeping in mind the economic benefits that improved education can provide the United States, it is essential that, despite the current economic recession, educational funding and reform are not cast aside for other short-sighted policies.

Though there are a variety of obstacles and factors deterring states and school districts from implementing year-round schooling, it is imperative that in today's globalized world, the United States strongly consider reformatting the school year so that it more closely reflects the working, financial, and educational needs of the United States. Recognizing that education is one of the most important governmental functions, it is important that school districts and states do not sacrifice education merely to preserve traditional norms. Local government agencies should undergo a careful re-evaluation of the school year system and strategically craft a schedule that ensures that (1) low socio-economic districts have ample time to educate students, (2) low-achieving students have educational schedules that promote continuous learning, and (3) our country has a student population that is prepared to compete in today's globally competitive workforce.

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