


THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
OFFICE OF THE GENERAL COUNSEL


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MEMORANDUM

TO: School Board Members

FROM: Marilyn Batista, Esq. 
Deputy General Counsel

VIA: Barbara J. Myrick, Esq. 
General Counsel

DATE: November 5, 2019

**SUBJECT: Memorandum on Religious Holidays
W-102219-01**

The School Board Members made inquiry at a recent Workshop regarding criteria for determining the dates a school district can take as holidays or “days off”. There are no Florida laws that prescribe the exact dates a school district should have as days off. The existing statutes provide some parameters, for example district school boards may authorize a maximum of six paid legal holidays which shall apply to the total annual number of required days of service adopted by the board. There must be a term of 180 actual teaching days each school year. *Fla. Stat.* 1011.60 (2), (3)(d). Other laws exist which designate certain days as official Federal and State holidays, however, they serve as guidelines and do not have to be followed by district school boards.

As it relates to Federal laws, the starting point for deciding if and when public schools should close on a religious holiday is the First Amendment. Under the Establishment clause, schools may not close for religious reasons or to accommodate the religious requirements of any faith. A school district may add a religious holiday as a day off if there is a legitimate secular purpose consistent with the business operation of the school district. For purposes of the Broward County Public Schools, Policy 6001, the utilization of the Superintendent’s School Calendar Committee offers a secular approach to the recommendation of days off which may include days that coincide with religious holidays. The Committee is representative, through its membership, of the requests of the majority of stake holders in the District. The recommendation for the 2020-2021 school year is for Calendar 2A. This recommendation, if approved by the Board, provides the district with a neutral approach to the selection of days off.

If you have any questions or need clarification, contact this office.