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## Law-based arguments and messages to advocate for later school start time policies in the United States<sup>☆</sup>

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## ABSTRACT

The increasing scientific evidence that early school start times are harmful to the health and safety of teenagers has generated much recent debate about changing school start times policies for adolescent students. Although efforts to promote and implement such changes have proliferated in the United States in recent years, they have rarely been supported by law-based arguments and messages that leverage the existing legal infrastructure regulating public education and child welfare in the United States. Furthermore, the legal bases to support or resist such changes have not been explored in detail to date.

This article provides an overview of how law-based arguments and messages can be constructed and applied to advocate for later school start time policies in US public secondary schools. The legal infrastructure impacting school start time policies in the United States is briefly reviewed, including descriptions of how government regulates education, what legal obligations school officials have concerning their students' welfare, and what laws and public policies currently exist that address adolescent sleep health and safety. On the basis of this legal infrastructure, some hypothetical examples of law-based arguments and messages that could be applied to various types of advocacy activities (eg, litigation, legislative and administrative advocacy, media and public outreach) to promote later school start times are discussed. Particular consideration is given to hypothetical arguments and messages aimed at emphasizing the consistency of later school start time policies with existing child welfare law and practices, legal responsibilities of school officials and governmental authorities, and societal values and norms.

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<sup>☆</sup> Authors' Note: The contents of this article should not be construed as legal advice in any way and should be used strictly for informational purposes only. Please consult with appropriate legal counsel for formal legal advice.

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## Introduction

The mounting scientific evidence of the adverse health, safety, behavioral, and academic impacts that early daily school start times have on American teenagers<sup>1–7</sup> has inspired recent advocacy efforts to promote the implementation of later daily start time policies in public secondary schools across the United States.<sup>8,9</sup> These efforts have relied primarily on arguments and messages relating to the positive health, safety, behavioral, academic, economic, and budgetary impacts of such policies on students, schools, and communities.<sup>10,11</sup> To date, however, law-based arguments and messages rarely have been incorporated into advocacy efforts to promote later school start time policies.

Law-based arguments and messages are developed from legal authorities, precedents, and principles set forth in sources of law such as constitutions, legislation and statutes, agency rules and regulations, executive orders and actions, court decisions, legal instruments, and official policies and procedures. Litigation, whether via private lawsuit or class action, is the most obvious advocacy activity that applies law-based arguments and messages to influence governmental action and public policy at the local, state, and federal levels. Law-based arguments and messages also can be applied to other advocacy activities, however, such as testimony at public meetings of governmental bodies, private meetings and correspondence with individual decision makers, and public outreach with the media and community stakeholders.

This article provides an overview of how law-based arguments and messages can be constructed and applied to advocate for later start time policies in US public secondary schools. After briefly reviewing the history of later school start time policies and advocacy efforts in the United States, an argument is made for incorporating law-based arguments and messages into future advocacy efforts ([Advocating for later school start times in the United States](#)). Next, the legal infrastructure impacting school start time policies in the United States is discussed, including governmental regulation of education, the legal obligations school officials have concerning their students' welfare, and existing laws and public policies addressing adolescent sleep health and safety ([Legal infrastructure impacting school start times policies](#)). On the basis of this legal infrastructure, some hypothetical examples of law-based arguments and messages that could be applied to various types of advocacy activities (eg, litigation, legislative and administrative advocacy, media and public outreach) to promote later school start times are discussed ([Law-based arguments and messages to advocate for later school start times](#)). Finally, some concluding remarks about using law-based arguments and messages to advocate for later school start time policies are provided ([Conclusions](#)).<sup>i</sup>

<sup>i</sup> The contents of this article should not be construed as legal advice in any way and should be used strictly for informational purposes only. Readers should consult with their legal counsel for formal legal advice. Furthermore, the views and opinions expressed in this article are entirely those of the authors and do not represent the official positions of the authors' respective affiliated institutions.

## Advocating for later school start times in the United States

In 1913, educational psychologist Lewis Terman and Adeline Hocking observed that US students slept 60 to 90 minutes longer than did children and adolescents in earlier starting European schools.<sup>12,13</sup> Recognizing the association between school hours and sleep sufficiency, Terman and Hocking counseled:

The European custom of beginning school at 7 to 8 o'clock in the morning works great hardship, often causing the pupil to rush away to school in nervous haste and without breakfast. The American practice of beginning at 9 o'clock is far wiser, and should never be changed unless for very special reasons.<sup>13(p271)</sup>

As American school districts grew in size and complexity and as public schools evolved to provide care for the children of working and middle class laborers over the next century, however, the “wiser” 9 AM start time gradually yielded to earlier starting hours.<sup>14–18</sup>

Recent advances in knowledge about adolescent sleep health<sup>19–22</sup> suggest that the early daily school start time policies currently prevalent throughout the United States may have profound deleterious impacts on adolescent students.<sup>1,2,4,23–31</sup> In brief, adolescents naturally experience on average a 2- to 3-hour delay of their internal circadian (24-hour) clock,<sup>32</sup> which in turn delays when they can fall asleep and obtain good quality sleep to a later time of night. Furthermore, the brain mechanisms regulating the accumulation of homeostatic sleep “pressure” (ie, the threshold at which sleep can occur) become slower in adolescence so that adolescents require a longer wake episode before reaching their threshold for sleep.<sup>32</sup> Consequently, teenagers cannot fall asleep early enough to obtain the 8 to 10 hours of sleep per night recommended by the American Academy of Sleep Medicine<sup>33</sup> before waking up for school in the morning, causing them systematic sleep loss.<sup>23–30</sup> In addition to the immediate safety concerns associated with increased sleepiness,<sup>28–30</sup> chronic sleep loss has significant negative impacts over time on the overall welfare of adolescent students, including on their risk-taking behavior,<sup>31</sup> brain development,<sup>34</sup> and risk of depression.<sup>1,35</sup>

Growing recognition of the adverse consequences arising from the lack of synchronization between the daily school start times and circadian rhythms of adolescent students has spurred efforts around the world to implement or advocate for later school start times for adolescent students.<sup>36</sup> In the United States, these efforts have ranged from school scheduling decisions of local school districts to proposed legislation at the state and national levels addressing secondary school start times.<sup>37</sup> The medical and public health communities have endorsed these policy efforts to promote good sleep health and academic performance in adolescent students,<sup>5–7</sup> and advocates promoting these policies have included health care and public health professionals, scientists, educators, students, community organizations, lawmakers, and the media.<sup>38</sup>

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