

SENATE BILL 1049

F1

EMERGENCY BILL

4lr3267

By: ~~Senator Getty~~ Senators Getty, Conway, Dyson, Jennings, Montgomery, Reilly, Simonaire, and Young

Introduced and read first time: February 17, 2014

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, February 27, 2014

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 17, 2014

CHAPTER _____

1 AN ACT concerning

2 **Education – Required Number of School Days – Exception**

3 FOR the purpose of ~~specifying that a day on which public schools are closed during a~~
4 ~~certain state of emergency shall be credited against the required minimum~~
5 ~~number of days that public schools shall be open~~ requiring the State Board of
6 Education to grant certain county boards of education certain adjustments and
7 exceptions for certain school attendance if attendance is prevented on a day that
8 the Governor declares a state of emergency; and making this Act an emergency
9 measure.

10 BY repealing and reenacting, with amendments,

11 Article – Education

12 Section 7–103

13 Annotated Code of Maryland

14 (2008 Replacement Volume and 2013 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That ~~a day on which the public schools of a county are closed during a~~
17 ~~state of emergency declared by the Governor shall be credited against the 180 day~~
18 ~~requirement in § 7–103(a) of the Education Article, and the number of required school~~
19 ~~days for that county shall be reduced accordingly.~~ the Laws of Maryland read as
20 follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1

Article – Education2 7–103.

3 (a) Except as provided in subsections (b), (e), and (f) of this section, each
4 public school under the jurisdiction of a county board:

5 (1) (i) Shall be open for pupil attendance for at least 180 actual
6 school days and a minimum of 1,080 school hours during a 10–month period in each
7 school year; or

8 (ii) If normal school attendance is prevented because of
9 conditions described in subsection (b) of this section, shall be open for at least 1,080
10 hours during a 10–month period;

11 (2) Shall be open for pupil attendance a minimum of 3 hours during
12 each school day; and

13 (3) May not be open on Saturdays, Sundays, or holidays in order to
14 meet the 180–day or 1,080–hour requirement of this subsection.

15 (b) (1) If a county board submits a written application to the State Board
16 that describes a demonstrated effort by the county board to comply with subsection (a)
17 of this section, the State Board may permit:

18 (i) Adjustments in the length of the school year;

19 (ii) Exceptions from the requirement that the school year be
20 completed within a 10–month period;

21 (iii) Adjustments in the length of the school day; and

22 (iv) Schools to be open on holidays.

23 (2) These adjustments:

24 (I) [may] MAY be granted only if normal school attendance is
25 prevented because of:

26 [(i)] 1. Natural disaster;

27 [(ii)] 2. Civil disaster; or

28 [(iii)] 3. Severe weather conditions; AND

1 (ii) BEGINNING WITH THE 2013–2014 SCHOOL YEAR, SHALL
2 BE GRANTED FOR EACH DAY THAT NORMAL SCHOOL ATTENDANCE IS
3 PREVENTED ON A DAY THAT THE GOVERNOR DECLARES A STATE OF
4 EMERGENCY UNDER § 14–303 OF THE PUBLIC SAFETY ARTICLE.

5 (3) Education funding from State or local sources may not be reduced
6 if there are less than 180 school days in any year because of an approved application
7 under this subsection.

8 (4) In case of emergency, the State Board may open schools on
9 holidays.

10 (c) (1) The following days are public school holidays:

11 (i) Thanksgiving Day and the day after;

12 (ii) Christmas Eve and from then through January 1;

13 (iii) Martin Luther King, Jr. Day;

14 (iv) Presidents' Day;

15 (v) The Friday before Easter and from then through the
16 Monday after Easter;

17 (vi) Memorial Day; and

18 (vii) Primary and general election days.

19 (2) If the federal and State observances of a holiday are on different
20 days, the board of education of each county shall determine which date shall be the
21 date of observance for the public schools within the county.

22 (3) The public schools shall devote a part of the day to appropriate
23 exercises for the following days:

24 (i) Washington's Birthday;

25 (ii) Lincoln's Birthday;

26 (iii) Veterans' Day;

27 (iv) Columbus Day;

28 (v) Arbor Day; and

29 (vi) Any other day of national significance.

1 (4) Notwithstanding any other provisions of this article, the public
2 schools, in the following counties, may remain open and in session on primary and
3 general election days:

4 (i) Calvert;

5 (ii) Caroline;

6 (iii) Dorchester;

7 (iv) Kent;

8 (v) Talbot; and

9 (vi) Worcester.

10 (d) Except as provided in subsection (e) of this section, the State Board shall
11 divide the school year into the terms it considers appropriate.

12 (e) (1) The county boards of Allegany, Anne Arundel, Calvert, Howard,
13 Montgomery, and Prince George's counties, and the Board of School Commissioners of
14 Baltimore City, may elect to operate one or more schools within the county or
15 Baltimore City on a year-round basis, provided that the 180-day and the minimum
16 hour requirements under this section are met.

17 (2) Nothing in this section precludes a county board from conducting a
18 year-round pilot study or program that is funded by the county board.

19 (f) Publicly funded prekindergarten programs are not subject to the
20 requirements of subsection (a) of this section.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
22 measure, is necessary for the immediate preservation of the public health or safety,
23 has been passed by a ye and nay vote supported by three-fifths of all the members
24 elected to each of the two Houses of the General Assembly, and shall take effect from
25 the date it is enacted.