

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1250
Ways and Means

(Delegate McComas, *et al.*)

Education – Length of the School Year – Declared State of Emergency
(Kathryn Marie Carmello’s Law)

This bill authorizes a local board of education to decrease the length of the school year for each school day affected by a declared state of emergency for any public schools located in the area threatened by the emergency, without approval of the State Board of Education. The bill also repeals the authority of the State Board to open schools on holidays in the case of emergency. **The bill takes effect July 1, 2020.**

Fiscal Summary

State Effect: Expenditures for the State Board of Education and Maryland State Department of Education are not affected. Revenues are not affected.

Local Effect: Due to the limited occurrence and duration of declared states of emergency, the bill likely has no material effect on local school system finances. Although some states of emergency are of extended duration, they generally have only limited effects on school closures.

Small Business Effect: Minimal.

Analysis

Current Law: Under Chapter 13 of 2019, each local board of education sets the start and end dates each year for public schools in the county. Chapter 13 effectively repealed any law prohibiting a local board from beginning or ending its school year before or after a certain date. On August 31, 2016, the Governor issued Executive Order 01.01.2016.09 (later amended by Executive Order 01.01.2016.13) requiring, with few exceptions, the

local boards of education to open schools for student attendance no earlier than the Tuesday following the Labor Day holiday and to conclude the school year no later than June 15, beginning in the 2017-2018 school year. Chapters 34 and 35 of 2018 authorized a local board of education to extend the school year for up to five school days beyond June 15, without approval from the State board; this provision was rendered moot and repealed by Chapter 13.

Public schools must be open for at least 180 days *and* 1,080 school hours at elementary and middle schools or 1,170 hours at high schools during a 10-month period. However, a local board of education may apply to the State Board of Education for a waiver from these provisions of State law; the application must describe a demonstrated effort by the local board to comply with State law and that the school system calendar included from 3 to 10 days to be used to make up days lost. In response, the State board may permit:

- increases or decreases in the length of the school year (in addition to any adjustment made under the authority of local boards to extend the school year for up to 5 school days beyond June 15);
- exceptions from the 10-month period requirement;
- adjustments in the length of the school day; and
- schools to be open on holidays.

These adjustments may be granted only if normal school attendance is prevented because of natural disaster, civil disaster, or severe weather conditions. After any school system closure, the local school system must notify the State board, within 10 days of reopening, of its plan to make up the missed school days, including the dates of the make-up days. Education funding from the State or local sources may not be reduced if there are fewer than 180 school days in any year because of an approved application to the State Board of Education for a decrease in the length of the school year.

The local school boards for Baltimore City and Allegany, Anne Arundel, Calvert, Howard, Montgomery, and Prince George's counties may elect to operate one or more schools on a year-round basis if the 180-day *and* minimum hour requirements are met. Again, State and local education funding may not be reduced if there are fewer than 180 days in any year and a State board waiver was granted allowing for a decrease in the length of the school year.

Governor's Declaration of a State of Emergency

If the Governor finds that an emergency has developed or is impending, the Governor must declare a state of emergency by executive order or proclamation. The state of emergency continues until the Governor (1) finds that the threat or danger has passed, or the emergency

has been dealt with such that emergency conditions no longer exist, and (2) declares the state of emergency terminated by executive order or proclamation. Unless renewed by the Governor, a state of emergency may not continue beyond 30 days. The General Assembly by joint resolution may terminate a state of emergency at any time. A declaration that initiates or terminates a state of emergency must indicate the nature of the emergency, the area threatened, and the conditions that have brought about the state of emergency or that make possible the termination of the state of emergency.

A proclamation of a state of emergency may be at the Governor's initiative or in response to the application of the Secretary of State Police or the chief executive or governing body of a county or municipality. The Governor may promulgate reasonable orders, rules, or regulations to protect life and property or to control and terminate the public emergency.

Background: An analysis of states of emergency declared by the Governor from January 2009 to September of 2016, reveals that, over this time period, the duration of a state of emergency ranged from 3 days in length on several occasions to 30 days or longer on five occasions (three of which were related to an influenza outbreak). In most cases, a state of emergency was related to severe weather and has occurred during the school year.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Montgomery County Public Schools; Maryland State Department of Education; Department of Legislative Services

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