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**TO:** Members of the State Board of Education

**FROM:** Karen B. Salmon, Ph.D.

**DATE:** March 28, 2017

**SUBJECT:** COMAR 13A.02.01.04  
*Length of School Year*

**PERMISSION TO PUBLISH**

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**PURPOSE:**

The purpose of this agenda item is to request permission to amend COMAR 13A.02.01.04, *Length of School Year*, to reduce from 5 to 3 the number of days by which school systems must extend their calendars in order to obtain a waiver of the 180-day school year requirement when necessary.

**REGULATION PROMULGATION PROCESS:**

Under Maryland law, a state agency, such as the State Board, may propose an amendment to a regulation whenever the circumstances arise to do so. After the State Board votes to propose an amendment, the proposed regulation is sent to the AELR Committee for a 15-day review period. If the AELR Committee does not hold up the proposed regulation for further review, it is published in the Maryland Register for a 30-day public comment period. At the end of the comment period, MSDE staff reviews and summarizes the public comments. Thereafter, MSDE staff will present a recommendation to the State Board to either: (1) adopt the regulation in the form it was proposed; or (2) revise the regulation and adopt it as final because suggested revision is not a substantive change. At any time during this process, the AELR Committee may stop the promulgation process and hold a hearing. Thereafter, it may recommend to the Governor that the regulation not be adopted as a final regulation or the AELR Committee may release the regulation for final adoption.

**BACKGROUND:**

When the Executive Order established the school calendar to be from the Tuesday after Labor Day to June 15, school system calendar planning committees anticipated the difficulty school systems would have in meeting the June 15 closing date and also, the regulatory requirement to

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demonstrate in any 180-day waiver application that the school system had “modified its calendar by scheduling school on the make-up days provided in the original calendar and *by extending the school year 5 days beyond the previously scheduled closing date.*” COMAR 13A.02.01.04(C)(1)(b) (emphasis added). Local superintendents have requested that the number of days be reduced from 5 to 3 days. This amendment will be particularly important in those years in which Labor Day falls on September 7 or 8. The amendment is attached here.

**ACTION:**

Request permission to publish this amended regulation COMAR 13A.02.01.04, *Length of School Year*, as proposed for public comment.

**Title 13A**  
**STATE BOARD OF EDUCATION**

**Subtitle 02 LOCAL SCHOOL ADMINISTRATION**  
**Chapter 01 Local Boards of Education**

**.01-.03 – No change**

**.04 Length of the School Year**

A. Schools shall be open a minimum of 180 days per year. In implementing Education Article, §7-103, Annotated Code of Maryland, a waiver of the 180-day requirement will be granted by the State Board of Education to local school systems only when:

- (1) They demonstrate that sufficient effort has been made through calendar planning and modification; and
- (2) Natural or civil disasters or severe weather conditions are sufficiently significant to warrant a waiver.

B. The closing of individual schools does not require a waiver by the State Board of Education but may be granted by permission of the State Superintendent of Schools upon request of the local superintendent of schools.

C. Application for Waiver.

- (1) In the required written application for waiver of school days, it shall be demonstrated that:

- (a) The local school system developed a calendar which included days to be used to make up days lost. Depending upon past experience, this number could range from 3 to 10 days throughout the State. The local school system calendar shall have identified those potential make-up days which could have been used as student days when calendar modification becomes necessary; this is, make-up days, student vacation days, etc.

- (b) The local school system has modified its calendar by scheduling school on the make-up days provided in the original calendar and by extending the school year [5] 3 days beyond the previously scheduled closing date.

- (2) In considering this application, the State Board of Education may waive:

- (a) The final day needed to complete the 180-day schedule if that day falls on a Monday;

- (b) Additional days beyond those specified in §C(1)(b) of this regulation that would have to be added to the calendar to complete the 180-day schedule.