



Karen B. Salmon, Ph.D.
State Superintendent of Schools

TO: Members of the State Board of Education

FROM: Karen B. Salmon, Ph.D.

DATE: April 24, 2018

SUBJECT: COMAR 13A.02.01.04
Length of the School Year
PERMISSION TO PUBLISH

PURPOSE:

Request permission to publish proposed amendment to COMAR 13A.02.01.04 – *Length of the School Year*.

REGULATION PROMULGATION PROCESS:

Under Maryland law, a state agency, such as the State Board, may propose a new or amended regulation whenever the circumstances arise to do so. After the State Board votes to propose such a regulation, the proposed regulation is sent to the Administrative, Executive, and Legislative Review (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, Maryland State Department of Education (MSDE) staff reviews and summarizes the public comments. Thereafter, MSDE staff will present a recommendation to the State Board of Education to either: (1) adopt the regulation in the form it was proposed; or (2) revise the regulation and adopt it as final because the suggested revision is not a substantive change; or (3) revise the regulation and re-propose it because the suggested revision is 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:

The amendment to the regulation enables the Maryland State Department of Education to monitor local school systems closure make-up days. The additional information will be shared with the Maryland State Board of Education to provide adequate data when rendering decisions regarding waiver requests.

EXECUTIVE SUMMARY:

The existing regulation established the process by the State Board of Education to waive the 180-day instructional requirement to local school systems. The proposed regulation COMAR 13A02.01.04- *Length of the School Year* enables the Maryland State Department of Education to monitor local school systems' make-up recovery plans on a timely basis and update the Maryland State Board of Education on the make-recovery plans, if needed.

ACTION:

Request permission to publish COMAR 13A.02.01.04 – *Length of the School Year*.

Title 13A

STATE BOARD OF EDUCATION

Subtitle 02 LOCAL SCHOOL ADMINISTRATION

Chapter 01 Local Boards of Education

.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 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. Whether or not a school system plans to apply for a waiver, it must provide notice to MSDE within 10 days of any school system closure of its plan to make-up the missed school day(s), including the date(s) of the make-up day(s).

[C]D. 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; that 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 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 a 180-day schedule.