TO: Members of the State Board of Education

FROM: Karen B. Salmon, Ph.D.

DATE: April 14, 2020

SUBJECT: Request for Waiver of Instructional Days for Maryland Public Schools

PURPOSE:

To provide the State Superintendent the authority to waive up to five days of student attendance for Maryland public schools for the 2019-2020 school year, upon the request of a local school system.

BACKGROUND/HISTORICAL PERSPECTIVE:

Education Article §7-103 requires that schools be open for student attendance for 180 days. Subsection (b) (iv) provides the State Board of Education the authority to adjust the length of the school year by granting waivers of the 180-day requirement. Such adjustments may be granted if normal school attendance is prevented because of natural disaster, civil disaster, or severe weather conditions.

Code of Maryland Regulation (COMAR) 13A.02.01.04, further specifies the conditions for granting a waiver of the 180-day school year requirement and include the following:

1. The school system demonstrates they have made sufficient effort in providing instruction through calendar planning and modifications; and
2. Natural disasters, civil disasters, or severe weather conditions are sufficiently significant to warrant a waiver of days.

The conditions required for waiver applications are specified in COMAR 13A.02.01.04 (C) and include the following:

1. 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; and
2. The local school system has modified its calendar by scheduling school on make-up days provided in the original calendar and by extending the school year 3 days beyond the previously scheduled closing date.
EXECUTIVE SUMMARY:

The closure of schools starting on March 16, 2020 to slow the spread of the Novel Coronavirus (COVID-19) in school communities around the State creates challenges for local school systems to meet the 180-day school year statutory requirement. Initially, all schools were closed from Monday, March 16 through Friday, March 27, 2020. Beginning Monday, March 30, school systems began to implement their continuity of learning plans. As school systems deliberate the best ways to make up the lost instructional time during the period from Monday, March 16 through Friday, March 27, 2020, it is becoming clear many will be unable to make up the entire ten days within the parameters of their current school calendars and in accordance with the COMAR requirements, above. The number of make-up days available varies among local school system calendars. Therefore, each local school system request will need to be considered on an individual basis. Pursuant to COMAR 13A.01.01.02-1, the State Board is authorized to waive regulations under its jurisdiction.

ACTION:

It is being requested that the Maryland State Board of Education assign duties to the State Superintendent, pursuant to the jurisdiction of the State Board, to waive up to five days of student attendance for Maryland public schools for the 2019-2020 school year, upon the request of a local superintendent of schools on behalf of a school system.