

Department of Legislative Services  
Maryland General Assembly  
2014 Session

**FISCAL AND POLICY NOTE**  
**Revised**

Senate Bill 1049

(Senator Getty, *et al.*)

Education, Health, and Environmental Affairs

Ways and Means

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**Education - Required Number of School Days - Exception**

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This emergency bill requires that, beginning with the 2013-2014 school year, if a local school system applies for a certain adjustment, the State Board of Education must grant the adjustment for each day that normal school attendance is prevented on a day that the Governor declares as a state of emergency. The adjustment granted relates to requirements regarding the number of school days in a school year, the length of school day, and/or when schools may be open during the year.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** Beginning in FY 2014, local school systems that choose to reduce the number of school days in a year, by applying for adjustments as authorized by the bill, will realize minimal decreases in expenditures for school operation and maintenance, student transportation, and food services. The reduction in expenditures will be partially offset by minimal reductions in federal food service revenues.

**Small Business Effect:** Small businesses that employ school-aged employees may benefit marginally.

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**Analysis**

**Current Law:** Public schools must be open for at least 180 days and 1,080 school hours during a 10-month period. However, under certain conditions (a natural disaster, civil disaster, and severe weather conditions), the State Board of Education may permit a local board of education to make adjustments to the length of the school year and exceptions to

the 10-month period limit. In case of emergency, the State Board of Education may open schools on holidays. Local school systems have authority over opening and closing hours for public schools.

### *Governor's Proclamation of a State of Emergency*

During a public emergency in the State, the Governor may proclaim a state of emergency and designate the emergency area if public safety is endangered or there is reasonable apprehension of immediate danger to public safety. The proclamation 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. A state of emergency terminates when the Governor declares that it no longer exists.

**Background:** During the current (2013-2014) school year, the Governor has declared a state of emergency on one occasion, lasting seven calendar days. The state of emergency, due to severe winter weather, was declared February 11, 2014 (Tuesday) and rescinded February 17 (Monday). February 17 was Presidents' Day, one of several statewide public school holidays during each school year. On February 13 and 14 (Thursday and Friday) all public schools in every Maryland county were closed. Therefore, under the bill, two school days would be credited against the required 180-day minimum. Since December 9, 2013, there have been five other occasions during which all or most counties have closed their schools due to inclement weather for between one and four days. Recently, all schools were closed on March 3 and schools in most counties were closed on March 4 but no state of emergency was in effect at that time.

The Maryland State Board of Education voted on March 25, 2014, to allow local school systems to apply for waivers of up to five days from the 180 day minimum requirement and authorized the State Superintendent of Schools to make the waiver decisions on a case-by-case basis. All 24 school systems have exceeded the number of inclement weather days that had been built into their calendars. At least 15 school systems have requested waivers. In addition, several school systems have been approved to open classrooms on holidays to make up for lost instructional time.

**Exhibit 1** shows information on states of emergency declared by the Governor since January of 2009. Over this time period, the duration of a state of emergency has ranged from 3 days in length on several occasions to 30 days or longer on four occasions (three of which were related to an influenza outbreak). In most cases, a state of emergency is related to severe weather and has occurred during the school year.

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**Exhibit 1**  
**State of Emergency Orders Issued by the Governor**  
**Calendar 2009-2014**

| <u>Date Initiated</u> | <u>Executive Order</u> | <u>Reason</u>                   | <u>Days in Effect</u> |
|-----------------------|------------------------|---------------------------------|-----------------------|
| 1/13/2009             | 01.01.2009.01          | Presidential Inauguration       | 8                     |
| 1/5/2009              | 01.01.2009.05          | Influenza Outbreak              | 3                     |
| 11/6/2009             | 01.01.2009.15          | Influenza Outbreak              | 35                    |
| 11/12/2009            | 01.01.2009.16          | Tropical Storm Ida              | 6                     |
| 12/11/2009            | 01.01.2009.19          | Influenza Outbreak              | 30                    |
| 12/19/2009            | 01.01.2009.21          | Severe Winter Weather           | 3                     |
| 1/8/2010              | 01.01.2010.01          | Influenza Outbreak              | 30                    |
| 2/5/2010              | 01.01.2010.03          | Severe Winter Weather           | 30                    |
| 9/1/2010              | 01.01.2010.17          | Hurricane Earl                  | 3                     |
| 9/29/2010             | 01.01.2010.19          | Tropical Storm Nicole           | 3                     |
| 12/25/2010            | 01.01.2010.24          | Severe Winter Weather           | 4                     |
| 3/10/2011             | 01.01.2011.02          | Flooding                        | 3                     |
| 8/25/2011             | 01.01.2011.14 *        | Hurricane Irene                 | 23                    |
| 6/30/2012             | 01.01.2012.12 *        | Severe Thunder Storms – Derecho | 14                    |
| 10/26/2012            | 01.01.2012.19          | Hurricane Sandy                 | 15                    |
| 2/11/2014             | 01.01.2014.01          | Significant Winter Weather      | 7                     |

\* For both Hurricane Irene and the Derecho Thunder Storms there were second executive orders which were rescinded on the same day as the initial executive order.

Source: Governor's Office

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According to data provided by MSDE, nearly all public schools were closed on the third and final day of the state of emergency declared on December 19, 2009, and over the course of six days during the state of emergency declared on February 5, 2010, nearly all schools were closed for five days, and several were closed for a sixth day. Also, schools in several counties were closed for one or more days during the August 29 to September 1, 2011 period (concurrent with the Hurricane Irene state of emergency) and during the October 29 to November 2, 2012 period (concurrent with the Hurricane Sandy state of emergency).

The bill does not alter the required minimum of 1,080 school hours during a 10-month period. Therefore, under the bill, school systems will continue to have a practical minimum number of school days regardless of the number of school day closures during a state of emergency. For example, a 2013 Anne Arundel County Public Schools report indicates that the length of the elementary school instructional day was 6 hours and

25 minutes (less than the length of the instructional day for middle and high schools). Given that school day length, just over 168 school days are required to meet the 1,080-hour minimum requirement.

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### **Additional Information**

**Prior Introductions:** HB 372 of 2000, a similar bill, received an unfavorable report from the House Ways and Means Committee. HB 1050 of 1996, also a similar bill, passed the House but received an unfavorable report from the Senate Economic and Environmental Affairs Committee.

**Cross File:** None.

**Information Source(s):** Governor's Office, Maryland State Department of Education, Department of Legislative Services

**Fiscal Note History:** First Reader - March 18, 2014  
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