SENATE BILL 1049

F1 EMERGENCY BILL 4lr3267

By: ~~Senator Getty~~ **Senators Getty, Conway, Dyson, Jennings, Montgomery, Reilly, Simonaire, and Young**

Introduced and read first time: February 17, 2014
Assigned to: Rules
Re–referred to: Education, Health, and Environmental Affairs, February 27, 2014

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 17, 2014

CHAPTER _____

AN ACT concerning

Education – Required Number of School Days – Exception

FOR the purpose of ~~specifying that a day on which public schools are closed during a certain state of emergency shall be credited against the required minimum number of days that public schools shall be open~~ requiring the State Board of Education to grant certain county boards of education certain adjustments and exceptions for certain school attendance if attendance is prevented on a day that the Governor declares a state of emergency; and making this Act an emergency measure.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–103
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That ~~a day on which the public schools of a county are closed during a state of emergency declared by the Governor shall be credited against the 180–day requirement in § 7–103(a) of the Education Article, and the number of required school days for that county shall be reduced accordingly.~~ the Laws of Maryland read as follows:

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.
Underlining indicates amendments to bill.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Article – Education

7–103.

(a) Except as provided in subsections (b), (e), and (f) of this section, each public school under the jurisdiction of a county board:

(1) (i) Shall be open for pupil attendance for at least 180 actual school days and a minimum of 1,080 school hours during a 10–month period in each school year; or

(ii) If normal school attendance is prevented because of conditions described in subsection (b) of this section, shall be open for at least 1,080 hours during a 10–month period;

(2) Shall be open for pupil attendance a minimum of 3 hours during each school day; and

(3) May not be open on Saturdays, Sundays, or holidays in order to meet the 180–day or 1,080–hour requirement of this subsection.

(b) (1) If a county board submits a written application to the State Board that describes a demonstrated effort by the county board to comply with subsection (a) of this section, the State Board may permit:

(i) Adjustments in the length of the school year;

(ii) Exceptions from the requirement that the school year be completed within a 10–month period;

(iii) Adjustments in the length of the school day; and

(iv) Schools to be open on holidays.

(2) These adjustments**:**

(I) **[**may**]** **MAY** be granted only if normal school attendance is prevented because of:

[(i)**]** **1.** Natural disaster;

[(ii)**]** **2.** Civil disaster; or

[(iii)**]** **3.** Severe weather conditions**; AND**

(II) BEGINNING WITH THE 2013–2014 SCHOOL YEAR, SHALL BE GRANTED FOR EACH DAY THAT NORMAL SCHOOL ATTENDANCE IS PREVENTED ON A DAY THAT THE GOVERNOR DECLARES A STATE OF EMERGENCY UNDER § 14–303 OF THE PUBLIC SAFETY ARTICLE.

(3) Education funding from State or local sources may not be reduced if there are less than 180 school days in any year because of an approved application under this subsection.

(4) In case of emergency, the State Board may open schools on holidays.

(c) (1) The following days are public school holidays:

(i) Thanksgiving Day and the day after;

(ii) Christmas Eve and from then through January 1;

(iii) Martin Luther King, Jr. Day;

(iv) Presidents' Day;

(v) The Friday before Easter and from then through the Monday after Easter;

(vi) Memorial Day; and

(vii) Primary and general election days.

(2) If the federal and State observances of a holiday are on different days, the board of education of each county shall determine which date shall be the date of observance for the public schools within the county.

(3) The public schools shall devote a part of the day to appropriate exercises for the following days:

(i) Washington's Birthday;

(ii) Lincoln's Birthday;

(iii) Veterans' Day;

(iv) Columbus Day;

(v) Arbor Day; and

(vi) Any other day of national significance.

(4) Notwithstanding any other provisions of this article, the public schools, in the following counties, may remain open and in session on primary and general election days:

(i) Calvert;

(ii) Caroline;

(iii) Dorchester;

(iv) Kent;

(v) Talbot; and

(vi) Worcester.

(d) Except as provided in subsection (e) of this section, the State Board shall divide the school year into the terms it considers appropriate.

(e) (1) The county boards of Allegany, Anne Arundel, Calvert, Howard, Montgomery, and Prince George's counties, and the Board of School Commissioners of Baltimore City, may elect to operate one or more schools within the county or Baltimore City on a year–round basis, provided that the 180–day and the minimum hour requirements under this section are met.

(2) Nothing in this section precludes a county board from conducting a year–round pilot study or program that is funded by the county board.

(f) Publicly funded prekindergarten programs are not subject to the requirements of subsection (a) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.