

# HOUSE BILL 17

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7lr0803

(PRE-FILED)

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By: **Delegate Afzali**

Requested: October 6, 2016

Introduced and read first time: January 11, 2017

Assigned to: Ways and Means

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## A BILL ENTITLED

AN ACT concerning

### **Elementary and Secondary Education – Required Number of School Days – Repeal**

FOR the purpose of repealing the requirement that certain public schools be open for at least a certain number of days during a certain period of time; providing that certain funding for schools may not be reduced if there are less than a certain number of school hours rather than school days under certain circumstances; requiring the State Board of Education to grant a waiver from compliance with a certain school hours requirement for a county board of education that submits to the State Board certain evidence of a certain collective bargaining agreement; providing that a certain waiver is effective for a certain period of time; authorizing the public school employer of a certain county and a certain employee organization to mutually agree to negotiate amendments to a certain collective bargaining agreement under certain circumstances; making conforming changes; and generally relating to the required number of school days for elementary and secondary public schools.

BY repealing and reenacting, with amendments,  
Article – Education  
Section 7–103  
Annotated Code of Maryland  
(2014 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

### **Article – Education**

7–103.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(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 may be granted only if normal school attendance is prevented because of:

(i) Natural disaster;

(ii) Civil disaster; or

(iii) Severe weather conditions.

(3) Education funding from State or local sources may not be reduced if there are less than [180 school days] **1,080 SCHOOL HOURS** 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] **SCHOOL HOURS REQUIREMENT** under this section [are] **IS** 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.

**(G) (1) (I) THE STATE BOARD SHALL GRANT A WAIVER FROM COMPLIANCE WITH THE MINIMUM SCHOOL HOURS REQUIREMENT IN SUBSECTION (A) OF THIS SECTION FOR A COUNTY BOARD THAT SUBMITS TO THE STATE BOARD EVIDENCE OF A COLLECTIVE BARGAINING AGREEMENT UNDER TITLE 6, SUBTITLE 4 OR SUBTITLE 5 OF THIS ARTICLE THAT:**

**1. IS ALREADY IN EXISTENCE IN THE COUNTY BETWEEN THE LOCAL SCHOOL SYSTEM AND THE EXCLUSIVE EMPLOYEE REPRESENTATIVE AND IS IN EFFECT ON JULY 1, 2017; AND**

**2. USES THE FORMER MINIMUM NUMBER OF SCHOOL DAYS REQUIREMENT TO DETERMINE VARIOUS WORK REQUIREMENTS AND BENEFITS IN THE COLLECTIVE BARGAINING AGREEMENT.**

**(II) A WAIVER GRANTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IS EFFECTIVE ONLY FOR THE TERM OF THE COLLECTIVE BARGAINING AGREEMENT SUBMITTED TO THE STATE BOARD UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

**(2) IF A COLLECTIVE BARGAINING AGREEMENT UNDER TITLE 6, SUBTITLE 4 OR SUBTITLE 5 OF THIS ARTICLE IS ALREADY IN EXISTENCE IN A COUNTY AND IN EFFECT ON JULY 1, 2017, AND USES THE FORMER MINIMUM NUMBER OF SCHOOL DAYS REQUIREMENT TO DETERMINE VARIOUS WORK REQUIREMENTS AND BENEFITS, THE EMPLOYEE ORGANIZATION AND PUBLIC SCHOOL EMPLOYER MAY MUTUALLY AGREE TO NEGOTIATE AMENDMENTS TO THE EXISTING AGREEMENT TO ADDRESS THE NEEDS OF THE EMPLOYEE ORGANIZATION**

**AND PUBLIC SCHOOL EMPLOYER TO BRING THE WORK REQUIREMENTS AND BENEFITS IN THE AGREEMENT INTO COMPLIANCE WITH THE MINIMUM SCHOOL HOURS REQUIREMENT OF SUBSECTION (A) OF THIS SECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.