

# SENATE BILL 128

F1

EMERGENCY BILL  
ENROLLED BILL

(9lr0906)

— Education, Health, and Environmental Affairs/Ways and Means —

Introduced by **Senators Pinsky and King**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~County Boards of Education – School Year – Start and End Dates~~  
3 Community Control of School Calendars Act

4 FOR the purpose of ~~repealing a provision of law that authorized a county board of education~~  
5 ~~to extend the length of the school year for a certain number of days without approval~~  
6 ~~from the State Board of Education; requiring each county board to set the start date~~  
7 ~~and end date of the school year for the public schools in the county each year; making~~  
8 ~~conforming changes; and generally relating to the start date and end date of the~~  
9 ~~school year and county boards of education~~ requiring county boards of education to  
10 annually set school year dates; removing a provision relating to extending the school  
11 year beyond June 15; requiring that a statement be mailed to voters under certain  
12 circumstances; making this Act an emergency measure; and generally relating to the  
13 school year.

14 BY repealing and reenacting, with amendments,

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### 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.

*Italics indicate opposite chamber/conference committee amendments.*



1 Article – Education  
 2 Section ~~7-103~~ 7-103(b)(1)(i)  
 3 Annotated Code of Maryland  
 4 (2018 Replacement Volume and 2018 Supplement)

5 BY repealing  
 6 Article – Education  
 7 Section 7-103(b)(3)  
 8 Annotated Code of Maryland  
 9 (2018 Replacement Volume and 2018 Supplement)

10 BY adding to  
 11 Article – Education  
 12 Section 7-103(g)  
 13 Annotated Code of Maryland  
 14 (2018 Replacement Volume and 2018 Supplement)

15 BY renumbering  
 16 Article – Education  
 17 Section 7-103(b)(4) and (5), respectively  
 18 to be Section 7-103(b)(3) and (4), respectively  
 19 Annotated Code of Maryland  
 20 (2018 Replacement Volume and 2018 Supplement)

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

23 **Article – Education**

24 7-103.

25 ~~(a) Except as provided in subsections (b), [(c)] (F), and [(f)] (G) of this section,~~  
 26 ~~each public school under the jurisdiction of a county board:~~

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

30 ~~(ii) If normal school attendance is prevented because of conditions~~  
 31 ~~described in subsection (b) of this section, shall be open for at least 1,080 hours during a~~  
 32 ~~10-month period;~~

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

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

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

4                           (i) ~~[The following adjustments:~~

5                                   1. ~~An increase]~~ ~~ADJUSTMENTS~~ ~~in the length of the school~~  
 6 ~~year [for more school days than the number of days extended by a county board under~~  
 7 ~~paragraph (3) of this subsection; or~~

8                                   2. ~~A decrease in the length of the school year];~~

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

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

12                           (iv) ~~Schools to be open on holidays.~~

13                   (2) ~~These adjustments may be granted only if normal school attendance is~~  
 14 ~~prevented because of:~~

15                           (i) ~~Natural disaster;~~

16                           (ii) ~~Civil disaster; or~~

17                           (iii) ~~Severe weather conditions.~~

18                   (3) ~~[A county board may extend the length of the school year for up to 5~~  
 19 ~~school days beyond June 15 without approval from the State Board.~~

20                   (4) ~~Education funding from State or local sources may not be reduced if~~  
 21 ~~there are less than 180 school days in any year because of an approved application under~~  
 22 ~~paragraph [(1)(i)2] (1)(1) of this subsection.~~

23                   (5) ~~(4) In case of emergency, the State Board may open schools on~~  
 24 ~~holidays.~~

25           (e) (1) ~~The following days are public school holidays:~~

26                           (i) ~~Thanksgiving Day and the day after;~~

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

28                           (iii) ~~Martin Luther King, Jr. Day;~~

- 1                   (iv) ~~Presidents' Day;~~  
 2                   (v) ~~The Friday before Easter and from then through the Monday~~  
 3 ~~after Easter;~~  
 4                   (vi) ~~Memorial Day; and~~  
 5                   (vii) ~~Primary and general election days.~~

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

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

- 11                   (i) ~~Washington's Birthday;~~  
 12                   (ii) ~~Lincoln's Birthday;~~  
 13                   (iii) ~~Veterans' Day;~~  
 14                   (iv) ~~Columbus Day;~~  
 15                   (v) ~~Arbor Day; and~~  
 16                   (vi) ~~Any other day of national significance.~~

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

- 20                   (i) ~~Calvert;~~  
 21                   (ii) ~~Caroline;~~  
 22                   (iii) ~~Dorchester;~~  
 23                   (iv) ~~Kent;~~  
 24                   (v) ~~Talbot; and~~  
 25                   (vi) ~~Worcester.~~

26                   (d) ~~Except as provided in subsection [(c)] (F) of this section, the State Board shall~~  
 27 ~~divide the school year into the terms it considers appropriate.~~

~~(E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND SUBJECT TO THE REQUIREMENTS OF THIS SECTION, EACH COUNTY BOARD SHALL SET THE START DATE AND END DATE OF THE SCHOOL YEAR FOR THE PUBLIC SCHOOLS IN THE COUNTY EACH YEAR.~~

~~[(c)] (F) (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)] (G) 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 shall take effect July 1, 2019.~~

*(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) The following adjustments:*

*1. An increase in the length of the school year [for more school days than the number of days extended by a county board under paragraph (3) of this subsection]; or*

*2. A decrease in the length of the school year;*

*[(3) A county board may extend the length of the school year for up to 5 school days beyond June 15 without approval from the State Board.]*

**(G) NOTWITHSTANDING ANY OTHER LAW AND SUBJECT ONLY TO THIS SECTION, EACH COUNTY BOARD ANNUALLY SHALL SET THE START AND END DATES OF THE SCHOOL YEAR FOR SCHOOLS IN THE COUNTY.**

*SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 7-103(b)(4) and (5), respectively, of Article – Education of the Annotated Code of Maryland be renumbered to be Section(s) 7-103(b)(3) and (4), respectively.*

*SECTION 3. AND BE IT FURTHER ENACTED, That if this Act is submitted to the qualified voters of the State at the next general election to be held in November 2020 for their*

1 approval or rejection in accordance with Article XVI of the Maryland Constitution, the  
 2 following statement shall appear in the specimen ballots that are mailed to registered voters  
 3 before the election under § 7-105 of the Election Law Article:

4 “This Act would allow a county board of education to set the start date and end date  
 5 of the school calendar for the public schools in that county. Public schools must be open for  
 6 at least 180 days and 1,080 school hours at elementary and middle schools and 1,170 hours  
 7 at high schools during a 10-month period. A county board may apply to the State Board of  
 8 Education for a waiver from these requirements if normal school attendance is prevented  
 9 because of natural disaster, civil disaster, or severe weather conditions.

10 This Act would return to a county board the sole authority to set the start and end  
 11 dates of the school calendar year. A county board would still be required to meet other  
 12 requirements, such as the minimum number of days and hours, when setting the school  
 13 calendar.”.

14 SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency  
 15 measure, is necessary for the immediate preservation of the public health or safety, has been  
 16 passed by a yea and nay vote supported by three-fifths of all the members elected to each of  
 17 the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.