

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 562 (Senator Gallion, *et al.*)
Education, Health, and Environmental Affairs

Public Schools - Flexible Instructional Days - Policy Requirements

This bill authorizes a local board of education to develop a policy to (1) require all public schools in the county to initiate flexible instructional days at the direction of the local board or (2) authorize public schools in the county to individually initiate flexible instructional days as determined by the school. The policy must include specified elements and be for up to five days of flexible instruction. A local board may not implement a flexible instructional day policy unless it is approved by the State Board of Education. To assist local boards, the State Board of Education must adopt guidelines and a model policy as specified. A flexible instruction day must count toward the minimum school days required. **The bill takes effect July 1, 2020.**

Fiscal Summary

State Effect: The State Board of Education can approve or deny local board of education applications for flexible instruction using existing resources. Further, the guidelines and a model policy can be developed and adopted using existing resources. Revenues are not affected.

Local Effect: The bill is authorizing in nature; any fiscal or operational impact depends on whether a local school system chooses to develop a flexible instructional day policy. Any costs or savings depend on the policies developed by local school systems and cannot be reliably estimated.

Small Business Effect: None.

Analysis

Bill Summary: Under the bill “flexible instruction day” is defined as a day on which a public school provides remote academic instruction to students because the school is prevented from opening due to (1) natural disaster; (2) civil disaster; or (3) severe weather conditions.

A flexible instruction day policy may be for up to five days a school year and must include:

- procedures for initiating a flexible instructional day, including model class instruction during a flexible instructional day;
- the responsibilities of school staff and students during the flexible instructional day;
- procedures for identifying student participation for the purpose of determining attendance;
- whether the use of technology will be required to implement flexible instructional days, including information regarding accommodations for students and school staff without access to technology for Internet access at home;
- the method for providing notice to students, parents, and school employees regarding the details of the policy; and
- any other information required by the State board.

A local board may apply to the State board for approval to implement during a school year a flexible instructional day policy. A local board may not implement a flexible instructional day policy unless approved by the State board.

The State board must adopt guidelines and a model policy to assist a local board with the development of a policy, including model class instruction during a flexible instructional day. The State board must approve or deny a local board’s application.

Current Law: Public schools must be open for at least 180 days *and* 1,080 school hours at elementary and middle schools or 1,170 hours at high schools during a 10-month period. However, a local board of education may apply to the State Board of Education for a waiver from these provisions of State law; the application must describe a demonstrated effort by the local board to comply with State law and that the school system calendar included from 3 to 10 days to be used to make up days lost. In response, the State board may permit:

- increases or decreases in the length of the school year (in addition to any adjustment made under the authority of local boards to extend the school year for up to five school days beyond June 15);
- exceptions from the 10-month period requirement;

- adjustments in the length of the school day; and
- schools to be open on holidays.

These adjustments may be granted only if normal school attendance is prevented because of natural disaster, civil disaster, or severe weather conditions. After any school system closure, the local school system must notify the State board, within 10 days of reopening, of its plan to make up the missed school days, including the dates of the make-up days. Education funding from the State or local sources may not be reduced if there are fewer than 180 school days in any year because of an approved application to the State Board of Education for a decrease in the length of the school year.

On August 31, 2016, the Governor issued Executive Order 01.01.2016.09 (later amended by Executive Order 01.01.2016.13) requiring, with few exceptions, the local boards of education to open schools for student attendance no earlier than the Tuesday following the Labor Day holiday and to conclude the school year no later than June 15, beginning in the 2017-2018 school year. Under Chapters 34 and 35 of 2018, a local board of education is authorized to extend the school year for up to five school days beyond June 15 without approval from the State board. Chapter 13 of 2019 requires each local board of education to set start and end dates each year for public schools in the county.

The local school boards for Baltimore City and Allegany, Anne Arundel, Calvert, Howard, Montgomery, and Prince George's counties may elect to operate one or more schools on a year-round basis if the 180-day *and* minimum hour requirements are met. Again, State and local education funding may not be reduced if there are fewer than 180 days in any year and a State board waiver was granted allowing for a decrease in the length of the school year.

Background: In 2019, Pennsylvania began a similar flexible instructional days program. The Pennsylvania program allows districts to have up to five flexible instructional days per school year. According to the guidance for Pennsylvania's program, local school systems must consider the following when developing a program: training, contingency plans for unexpected situations, professional development, and meeting free and appropriate public education requirements for students with individual education plans.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland State Department of Education; Baltimore City Public Schools; Montgomery County Public Schools; Pennsylvania Department of Education; Department of Legislative Services

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