

SENATE BILL 455
EMERGENCY BILL

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SB 735/03 - EHE

2004 Regular Session
4r0955

By: **Senators Brinkley, Colburn, Dyson, Hafer, Jacobs, and Lawlah**

Introduced and read first time: February 5, 2004

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Required Number of School Days - State of Emergency**

3 FOR the purpose of specifying that a day on which schools are closed during a state of
4 emergency shall be credited against the required number of school days; making
5 this Act an emergency measure; and generally relating to crediting the required
6 number of school days against schools closed during a state of emergency.

7 BY repealing and reenacting, with amendments,

8 Article - Education

9 Section 7-103

10 Annotated Code of Maryland

11 (2001 Replacement Volume and 2003 Supplement)

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

14 **Article - Education**

15 7-103.

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

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

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

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

26 (3) May not be open on Saturdays, Sundays, or holidays in order to meet
27 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
2 that describes a demonstrated effort by the county board to comply with subsection
3 (a) of this section, the State Board may permit:

- 4 (i) Adjustments in the length of the school year;
- 5 (ii) Exceptions from the requirement that the school year be
6 completed within a 10-month period;
- 7 (iii) Adjustments in the length of the school day; and
- 8 (iv) Schools to be open on holidays.

9 (2) These adjustments may be granted only if normal school attendance
10 is prevented because of:

- 11 (i) Natural disaster;
- 12 (ii) Civil disaster; or
- 13 (iii) Severe weather conditions.

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

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

18 (5) A DAY ON WHICH THE PUBLIC SCHOOLS OF A COUNTY ARE CLOSED
19 DURING A STATE OF EMERGENCY DECLARED BY THE GOVERNOR SHALL BE
20 CREDITED AGAINST THE 180-DAY REQUIREMENT IN SUBSECTION (A) OF THIS
21 SECTION, AND THE NUMBER OF REQUIRED SCHOOL DAYS FOR THAT COUNTY SHALL
22 BE REDUCED ACCORDINGLY.

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

- 24 (i) Thanksgiving Day and the day after;
- 25 (ii) Christmas Eve and from then through January 1;
- 26 (iii) Martin Luther King, Jr. Day;
- 27 (iv) Presidents' Day;
- 28 (v) The Friday before Easter and from then through the Monday
29 after Easter;
- 30 (vi) Memorial Day; and
- 31 (vii) Primary and general election days.

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

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

- 6 (i) Washington's Birthday;
- 7 (ii) Lincoln's Birthday;
- 8 (iii) Veterans' Day;
- 9 (iv) Columbus Day;
- 10 (v) Arbor Day; and
- 11 (vi) Any other day of national significance.

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

- 15 (i) Calvert;
- 16 (ii) Caroline;
- 17 (iii) Dorchester;
- 18 (iv) Kent;
- 19 (v) Talbot; and
- 20 (vi) Worcester.

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

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

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

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

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