

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 153 (Senator King, *et al.*)

Education, Health, and Environmental Affairs

Ways and Means

Public Schools - Length of School Year Adjustment - State of Emergency

This bill authorizes a local board of education to reduce the length of the school year by up to five school days, without applying to the State Board of Education for a waiver, if normal school attendance is prevented due to conditions that require the Governor to declare a state of emergency. Education funding from State or local sources may not be reduced if there are less than 180 school days in a year because of a state of emergency.

The bill takes effect July 1, 2017.

Fiscal Summary

State Effect: The Maryland State Department of Education (MSDE) can revise its regulations and guidance to local school systems using existing resources. Revenues are not affected.

Local Effect: The effect, beginning in FY 2018, on the number of school days offered by local school systems is estimated to be minimal, and, therefore, expenditure savings for school operation and maintenance, student transportation, and food services will be minimal, as will partially offsetting losses in federal food service revenues.

Small Business Effect: To the extent that the bill results in more school closures, some small businesses may be minimally affected.

Analysis

Current Law: The State has designated several days as public school holidays. Public schools must be open for at least 180 days and 1,080 school hours at elementary and middle

schools and 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. In response, the State Board of Education may permit adjustments in the length of the school year, 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.

Governor's Declaration of a State of Emergency

If the Governor finds that an emergency has developed or is impending, the Governor must declare a state of emergency by executive order or proclamation. The state of emergency continues until the Governor (1) finds that the threat or danger has passed, or the emergency has been dealt with such that emergency conditions no longer exist, and (2) declares the state of emergency terminated by executive order or proclamation. Unless renewed by the Governor, a state of emergency may not continue beyond 30 days. The General Assembly by joint resolution may terminate a state of emergency at any time. A declaration that initiates or terminates a state of emergency must indicate the nature of the emergency, the area threatened, and the conditions that have brought about the state of emergency or that make possible the termination of the state of emergency.

A proclamation of a state of emergency may be at the Governor's initiative or in response to the application of the Secretary of State Police or the chief executive or governing body of a county or municipality. The Governor may promulgate reasonable orders, rules, or regulations to protect life and property or to control and terminate the public emergency.

Background: Exhibit 1 shows information on states of emergency declared by the Governor since January 2009. Over this time period, the duration of a state of emergency has ranged from 3 days in length on several occasions to 30 days or longer on five occasions (three of which were related to an influenza outbreak). In most cases, a state of emergency is related to severe weather and has occurred during the school year.

Exhibit 1
State of Emergency Orders Issued by the Governor
Calendar 2009-2016

<u>Date Initiated</u>	<u>Executive Order</u>	<u>Reason</u>	<u>Days in Effect</u>
1/13/2009	01.01.2009.01	Presidential Inauguration	8
1/5/2009	01.01.2009.05	Influenza Outbreak	3
11/6/2009	01.01.2009.15	Influenza Outbreak	35
11/12/2009	01.01.2009.16	Tropical Storm Ida	6
12/11/2009	01.01.2009.19	Influenza Outbreak	30
12/19/2009	01.01.2009.21	Severe Winter Weather	3
1/8/2010	01.01.2010.01	Influenza Outbreak	30
2/5/2010	01.01.2010.03	Severe Winter Weather	30
9/1/2010	01.01.2010.17	Hurricane Earl	3
9/29/2010	01.01.2010.19	Tropical Storm Nicole	3
12/25/2010	01.01.2010.24	Severe Winter Weather	4
3/10/2011	01.01.2011.02	Flooding	3
8/25/2011	01.01.2011.14*	Hurricane Irene	23
6/30/2012	01.01.2012.12*	Severe Thunder Storms – Derecho	14
10/26/2012	01.01.2012.19	Hurricane Sandy	15
2/11/2014	01.01.2014.01	Significant Winter Weather	7
6/13/2014	01.01.2014.09**	Severe Weather	8
4/27/2015	01.01.2015.16*	Civil Unrest – Baltimore City	10
10/1/2015	01.01.2015.23	Hurricane Joaquin	4
1/22/2016	01.01.2016.01	Winter Storm Jonas	8
7/31/2016	01.01.2016.08	Weather/Flooding – Howard County	Ongoing
9/2/2016	01.01.2016.10	Tropical Storm Hermine	6

*For these state of emergency declarations, there were second executive orders that were rescinded on the same day as the initial executive order.

**Allegany and Washington counties only.

Source: Governor's Office

According to information provided by MSDE on waivers requested by and granted to local boards of education, many waivers were related to events that resulted in a declaration of a state of emergency. For the 2012-2013 school year, the State Board of Education allowed school systems to apply for waivers for up to 3 days from the 180-day requirement due to the Hurricane Sandy state of emergency; up to 5 days of waivers were allowed as a result of states of emergency during the 2013-2014 school year. Schools in Baltimore City received at least a 1-day waiver regarding civil unrest during the 2014-2015 school year,

for which a state of emergency was declared, and school systems statewide were allowed to apply for waivers of up to 3 days due to inclement weather, though not explicitly tied to a declared state of emergency.

Local Fiscal Effect: It is assumed that a local school board will not seek to reduce its school year with respect to a state of emergency that does not directly impact the particular school system (some states of emergency are limited in geographical scope) nor to reduce its school year for more days than the local school system (or a particular subset of schools) is impacted by a given state of emergency. Further, because the State Board of Education has tended to allow for waivers from the 180-day requirement for events that have, or might have been, associated with a state of emergency, and because the bill limits the discretion of local school boards to five days per year, it is assumed that the bill will not significantly alter the number of school days provided by any local school system.

Local school systems will be relieved from the process of applying for waivers under states of emergency; any associated cost saving is assumed to be negligible. Beginning in fiscal 2018, to the extent that local school systems close schools beyond the number of days that would, under current law, result in a waiver from the State Board of Education, local school systems will realize minimal decreases in expenditures for school operation and maintenance, student transportation, and food service. The reduction in expenditures will be partially offset by minimal reductions in federal food service revenues.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore City; Caroline and Montgomery counties; Maryland State Department of Education; Department of Legislative Services

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