

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

Senate Bill 128

(Senators Pinsky and King)

Education, Health, and Environmental Affairs

Ways and Means

Community Control of School Calendars Act

This emergency bill requires each local board of education to set start and end dates each year for public schools in the county. The bill effectively repeals any law prohibiting a local board from beginning or ending its school year before or after a certain date. The bill also specifies language that, if the bill is submitted to Maryland voters during the November 2020 general election, must appear in specimen ballots mailed to registered voters before the election.

Fiscal Summary

State Effect: Maryland State Department of Education finances are not affected. The net impact on Maryland's economy and, therefore, State revenues is assumed to be minimal. No impact on State election costs as explained below.

Local Effect: Local school systems can exercise this increased authority over the annual school year with existing resources. No impact on local election costs.

Small Business Effect: Potential meaningful. Small businesses that rely upon early- and late-summer tourism and employ school-aged individuals may be affected.

Analysis

Bill Summary: The bill negates the executive order restrictions on local boards when setting the school calendar regarding how early the school year may begin and how late the school year may end. Accordingly, the bill repeals references under Chapters 34 and 35 of 2018 to extending the school year beyond June 15.

Current Law: 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 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 of Education 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 5 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.

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.

Background: On April 24, 2018 – after Chapters 34 and 35 of 2018 were signed into law – the State board considered waiver requests from eight school systems with respect to school year day and hour minimum requirements for the 2017-2018 school year. Each of the requests cited school calendar issues related to severe weather-related school closures.

The State board approved requests from Kent and St. Mary's counties for one-day waivers from the 180-day school year requirement and a request from Baltimore County for a waiver of eight hours from the instructional requirement for high schools only, on the condition that high school hours in Baltimore County be increased in the school year calendar in all subsequent school years.

The State board denied requests from Caroline, Howard, Somerset, and Queen Anne's counties for two-day waivers and a request from Cecil County for a one-day waiver. The ability of school systems to extend the school year for up to five school days beyond June 15 was among the factors considered by the board when denying these requests. (On March 20, 2018, the State board also denied a request from Baltimore City Public Schools for a one-day waiver to the 180-day requirement.)

For two public school systems in the State, the last day of the 2018-2019 school year calendar falls after June 15; the last scheduled day is June 17 for Howard County and June 21 for Frederick County.

The State board approved waivers allowing pupil attendance prior to Labor Day for the 2017-2018 and 2018-2019 school years for the public school systems in Allegany and Garrett counties, and for specified schools in Baltimore City and St. Mary's County. Prince George's County Public Schools has scheduled orientation days for certain grades prior to Labor Day.

State Fiscal Effect: A report by the Maryland Comptroller and the Board of Revenue Estimates (BRE) dated August 14, 2013, analyzed the impact on the State economy if schools were required to start after Labor Day. BRE projected that a post-Labor Day start date would result in an additional \$74.3 million in direct economic activity and an additional \$7.7 million in new State and local government revenue. The report estimated that 8.5% of the 514,680 Maryland families with school-age children would go on a new day trip or overnight trip in the State, 5.2% would go on a new out-of-state trip, and the remaining families would spend at least one additional day engaging in family activities.

However, the Department of Legislative Services notes that much of the report's estimated direct economic activity – while likely to occur due to the post-Labor Day start date – is unlikely to be *additional* economic activity from the State's perspective. In the report, "local family recreational activities" are responsible for \$52.1 million (70%) in direct economic activity and \$4.1 million (53%) in new State and local government revenue. Family recreational activities are generally defined as close-to-home activities that a family can do over the course of a day, such as going to the movies, hosting a cookout, or attending a baseball game. In the broader context of the State economy and consumer budget constraints, increased recreational spending in August is largely offset by reduced spending during other times and/or on other goods and services. Therefore, it is anticipated that the elimination of restrictions on local school system authority over setting the start and end dates of the local school year is expected to be minimal.

While the bill specifies language that must be used in specimen ballots *if* the bill is subject to a referendum during the 2020 general election, the bill does not require a referendum. Therefore, it is assumed that the bill does not impact State (or local) election costs.

Additional Information

Prior Introductions: None.

Cross File: HB 437 (Delegate Ebersole, *et al.*) - Ways and Means.

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

Fiscal Note History: First Reader - January 28, 2019
sb/rhh Third Reader - February 13, 2019
Enrolled - May 9, 2019
Revised - Amendment(s) - May 9, 2019

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