

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1270
Ways and Means

(Delegate Hornberger, *et al.*)

Education - Home-Based Instructional Days - Establishment

This bill authorizes a county board of education to develop a policy for public schools to use home-based instructional days, which are days on which school attendance is provided through remote instruction because normal school attendance is prevented by natural disaster, civil disaster, or severe weather conditions. A county board must submit the policy to the State Board of Education for approval. The State Board of Education must approve, deny, or return for modification a policy submitted by a county board; may adopt a model policy; and may issue guidance on best practices in the establishment of home-based instructional days. A county board may not apply for a waiver from requirements regarding the length of the school year or length of the school day for any days in which school attendance occurs through home-based instruction as authorized by the bill. The bill specifies that these home-based instructional days are exempted from compulsory attendance requirements. **The bill takes effect July 1, 2020.**

Fiscal Summary

State Effect: None. The State Board of Education can review county board policy submittals using existing resources.

Local Effect: None. The bill authorizes, but does not require development of a policy.

Small Business Effect: None. Though small businesses that supply and service technology that relates to remote instruction may benefit from the type of policies authorized under the bill, it is assumed that these policies may exist and be implemented under current law.

Analysis

Bill Summary: A home-based instructional day policy developed under the bill must include:

- procedures for initiating a home-based instructional day;
- an outline of staff and student responsibilities on these days;
- procedures for determining student attendance;
- accommodations for students and teachers who lack access to technology or the Internet;
- a method to solicit input from students, parents, and staff on planned procedures; and
- any other information required by the State Board of Education.

Current Law: The Maryland State Department of Education advises that it is not aware of any State or federal law prohibiting a local board of education from developing and implementing such a policy as the bill authorizes.

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.

A child age 5 to 17 must attend public school regularly unless the child is otherwise receiving regular, thorough instruction at an alternative setting (*i.e.*, a private or *regular* home school). An individual who has legal custody of a child age 5 to 17 and fails to see that the child attends school is guilty of a misdemeanor. Compulsory attendance does not apply to specified individuals, including an individual who is severely ill and requires home or hospital instruction.

Absences from school are classified as lawful or unlawful. The Code of Maryland Regulations (COMAR) specifies the conditions that constitute a lawful absence from school. In addition to reasons stated in COMAR, Chapter 729 of 2017 requires that a student's absence due to a student's pregnancy or parenting needs is a lawful absence as specified. COMAR also requires each local school system to develop a student attendance policy that includes rules, definitions, and procedures for policy implementation. Among other requirements, the policy must include reasons for lawful and unlawful absences and tardiness, including those reasons specified by COMAR and makeup work requirements.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

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

Fiscal Note History: First Reader - February 23, 2020
mr/rhh

Analysis by: Scott P. Gates

Direct Inquiries to:
(410) 946-5510
(301) 970-5510