

HOUSE BILL 1306

F3

2lr0568

By: **Howard County Delegation**

Introduced and read first time: February 11, 2022

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Howard County – Public Schools – Alternative Instruction Model Policy**

3 **Ho. Co. 09–22**

4 FOR the purpose of providing that the use of an alternative instruction model constitutes
5 a certain public school being open for pupil attendance for the purposes of meeting
6 certain school day and hour requirements; authorizing the Howard County Board of
7 Education to adopt a policy allowing a public school in the county to use an
8 alternative instruction model under certain circumstances; and generally relating to
9 an alternative instruction model policy in Howard County public schools.

10 BY repealing and reenacting, with amendments,
11 Article – Education
12 Section 7–103
13 Annotated Code of Maryland
14 (2018 Replacement Volume and 2021 Supplement)

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

17 **Article – Education**

18 7–103.

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

21 (1) (i) Shall be open for pupil attendance, **INCLUDING THROUGH THE**
22 **USE OF AN ALTERNATIVE INSTRUCTION MODEL UNDER SUBSECTION (H) OF THIS**
23 **SECTION**, for at least 180 actual school days and a minimum of 1,080 school hours during

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 a 10-month period in each school year; or

2 (ii) If normal school attendance is prevented because of conditions
3 described in subsection (b) of this section, shall be open for at least 1,080 hours during a
4 10-month period;

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

7 (3) May not be open on Saturdays, Sundays, or holidays in order to meet
8 the 180-day or 1,080-hour requirement of this subsection.

9 (b) (1) If a county board submits a written application to the State Board that
10 describes a demonstrated effort by the county board to comply with subsection (a) of this
11 section, the State Board may permit:

12 (i) The following adjustments:

13 1. An increase in the length of the school year; or

14 2. A decrease in the length of the school year;

15 (ii) Exceptions from the requirement that the school year be
16 completed within a 10-month period;

17 (iii) Adjustments in the length of the school day; and

18 (iv) Schools to be open on holidays.

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

21 (i) Natural disaster;

22 (ii) Civil disaster; or

23 (iii) Severe weather conditions.

24 (3) Education funding from State or local sources may not be reduced if
25 there are less than 180 school days in any year because of an approved application under
26 paragraph (1)(i)2 of this subsection.

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

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

29 (i) Thanksgiving Day and the day after;

- 1 (ii) Christmas Eve and from then through January 1;
2 (iii) Martin Luther King, Jr. Day;
3 (iv) Presidents' Day;
4 (v) The Friday before Easter and from then through the Monday
5 after Easter;
6 (vi) Memorial Day; and
7 (vii) Primary and general election days.

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

11 (3) The public schools shall devote a part of at least one day to appropriate
12 exercises for each of the following:

- 13 (i) Washington's Birthday;
14 (ii) Lincoln's Birthday;
15 (iii) Veterans' Day;
16 (iv) Columbus Day;
17 (v) Arbor Day;
18 (vi) Black History Month, with an emphasis on Harriet Tubman and
19 Frederick Douglass and the contributions they made in the fight against slavery; and
20 (vii) Any other day of national significance.

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

- 24 (i) Calvert;
25 (ii) Caroline;
26 (iii) Dorchester;
27 (iv) Kent;

1 (v) Talbot; and

2 (vi) Worcester.

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

5 (e) (1) The county boards of Allegany, Anne Arundel, Calvert, Howard,
6 Montgomery, and Prince George's counties, and the Board of School Commissioners of
7 Baltimore City, may elect to operate one or more schools within the county or Baltimore
8 City on a year-round basis, provided that the 180-day and the minimum hour
9 requirements under this section are met.

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

12 (f) Publicly funded half-day prekindergarten programs are not subject to the
13 requirements of subsection (a) of this section.

14 (g) Notwithstanding any other law and subject only to this section, each county
15 board annually shall set the start and end dates of the school year for schools in the county.

16 **(H) (1) IN THIS SUBSECTION, "ALTERNATIVE INSTRUCTION MODEL"**
17 **MEANS SYNCHRONOUS INSTRUCTION OR ASYNCHRONOUS INSTRUCTION DELIVERED**
18 **OUTSIDE OF A SCHOOL CLASSROOM THROUGH LEARNING EXPERIENCES THAT DO**
19 **NOT PROVIDE IN-PERSON INSTRUCTION.**

20 **(2) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE HOWARD**
21 **COUNTY BOARD OF EDUCATION MAY ADOPT A POLICY TO ALLOW A PUBLIC SCHOOL**
22 **IN THE COUNTY TO USE AN ALTERNATIVE INSTRUCTION MODEL TO PROVIDE**
23 **STUDENT INSTRUCTION WHEN STUDENTS CANNOT RECEIVE INSTRUCTION IN THE**
24 **SCHOOL BUILDING DUE TO:**

25 **(I) A DISEASE EPIDEMIC;**

26 **(II) HAZARDOUS WEATHER CONDITIONS;**

27 **(III) A CIVIL DISASTER;**

28 **(IV) DAMAGE TO THE SCHOOL BUILDING;**

29 **(V) A LAW ENFORCEMENT EMERGENCY;**

30 **(VI) A POWER OUTAGE OR THE FAILURE OF SCHOOL UTILITIES**

1 OR OTHER EQUIPMENT NECESSARY FOR SCHOOL OPERATION; OR

2 (VII) OTHER CIRCUMSTANCES AS DETERMINED BY THE COUNTY
3 SUPERINTENDENT AND PROVIDED FOR IN THE POLICY.

4 (3) A POLICY ADOPTED UNDER THIS SUBSECTION SHALL REQUIRE:

5 (I) A PUBLIC SCHOOL THAT USES AN ALTERNATIVE
6 INSTRUCTION MODEL THAT REQUIRES INTERNET ACCESS FOR CERTAIN
7 COMPONENTS TO INCLUDE ALTERNATIVE METHODS THAT PROVIDE COMPARABLE
8 INSTRUCTION FOR STUDENTS OR TEACHERS WHO DO NOT HAVE ACCESS TO THE
9 INTERNET; AND

10 (II) A LIMITATION ON THE USE OF AN ALTERNATIVE
11 INSTRUCTION MODEL FOR INDIVIDUAL SCHOOLS TO THE SHORTEST TIME PERIOD
12 POSSIBLE UNTIL IN-PERSON INSTRUCTION CAN BE RESUMED.

13 (4) THE HOWARD COUNTY BOARD OF EDUCATION MAY ADOPT A
14 POLICY UNDER PARAGRAPH (2) OF THIS SUBSECTION ONLY IF THE COUNTY BOARD
15 AND THE EXCLUSIVE BARGAINING UNITS FOR THE LOCAL SCHOOL SYSTEM
16 NEGOTIATE THE TERMS OF IMPLEMENTING AND USING AN ALTERNATIVE
17 INSTRUCTION MODEL.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
19 1, 2022.