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Harford County

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Joint Committees

Administrative, Executive,
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The Maryland House of Delegates

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SUPPORT FOR HB 1250

Many of you seated in this room knew Mrs. Kathryn Marie Carmello as a strong advocate for our schools and children, not only in Harford County, but across the State of Maryland. In her position on the School Board for Harford County, Mrs. Carmello often expressed concerns about redundancy in the process currently required to obtain a waiver of attendance in the event of a statewide declared State of Emergency issued by the Governor. This bill proposes changes to the current process by removing the redundancy for the school systems, thereby eliminating the tedious and burdensome requirements of filing paperwork with the State Superintendent in certain unique and infrequent occurrences.

By definition, a **State of Emergency** promulgated by the Governor is issued to expeditiously ameliorate the situation and inform the public (from the MEMA Website):

- Allows Maryland to coordinate and request emergency services and support and allows the Governor to access certain resources, like the National Guard, in order to increase the effectiveness of the State's response.
- Alerts residents to remain vigilant and follow officials' orders issued through news and weather reports in order to be fully informed.

In most cases, weather is the event that impacts our schools. Residents are advised to prepare for significant storm conditions. Motorists are warned to limit travel unless essential. This being the case, why would we even consider endangering our children by directing our school buses to transport them to school. While the burden of closing schools lies with the Superintendent for each school system, those that make the safe choice for children are currently required to request a waiver, provide proof that make-up days have been included in the school calendar, and then be required to make up the days/hours for an extraordinary occurrence that can only be addressed by closing schools. Once the Governor has declared that the situation poses a viable threat to life and well-being, that should be sufficient proof that the closures are unavoidable. If school systems are required to make-up days after being advised to curtail unnecessary travel, that appears to be punishment for following the government's advisory.

Thank you for your consideration of this request. Please enter a favorable report.

Title 13A

STATE BOARD OF EDUCATION

Subtitle 02 LOCAL SCHOOL ADMINISTRATION

Chapter 01 Local Boards of Education

.04 Length of the School Year.

A. Schools shall be open a minimum of 180 days per year. In implementing Education Article, §7-103, Annotated Code of Maryland, a waiver of the 180-day requirement will be granted by the State Board of Education to local school systems only when:

(1) They demonstrate that sufficient effort has been made through calendar planning and modification; and

(2) Natural or civil disasters or severe weather conditions are sufficiently significant to warrant waiver.

B. The closing of individual schools does not require a waiver by the State Board of Education but may be granted by permission of the State Superintendent of Schools upon request of the local superintendent of schools.

C. Whether or not a school system plans to apply for a waiver, it must provide notice to MSDE within 10 days of any school system closure of its plan to make-up the missed school day(s), including the date(s) of the make-up day(s).

[C]D. Application for Waiver.

(1) In the required written application for waiver of school days, it shall be demonstrated that:

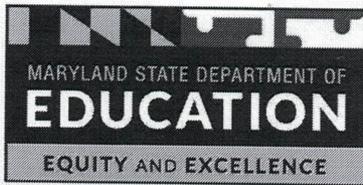
(a) The local school system developed a calendar which included days to be used to make up days lost. Depending upon past experience, this number could range from 3 to 10 days throughout the State. The local school system calendar shall have identified those potential make-up days which could have been used as student days when calendar modification becomes necessary; that is, make-up days, student vacation days, etc.

(b) The local school system has modified its calendar by scheduling school on the make-up days provided in the original calendar and by extending the school year 3 days beyond the previously scheduled closing date.

(2) In considering this application, the State Board of Education may waive:

(a) The final day needed to complete the 180-day schedule if that day falls on a Monday;

(b) Additional days beyond those specified in §C(1)(b) of this regulation that would have to be added to the calendar to complete a 180-day schedule.



Karen B. Salmon, Ph.D.
State Superintendent of Schools

TO: Members of the State Board of Education

FROM: Karen B. Salmon, Ph.D.

DATE: May 22, 2018

SUBJECT: COMAR 13A.02.02.03-04
Emergency Plans
ADOPTION

PURPOSE:

The purpose of this item is to request permission to adopt the amended regulation for COMAR 13A.02.02.03-.04 – *Emergency Plans* - that relates to emergency evacuation plans. This regulation incorporates by reference, the Maryland State Department of Education (MSDE) Emergency Planning Guidelines for Local School Systems and Schools (April 2013). The Guidelines have been updated, necessitating that the reference to the Guidelines be updated in COMAR.

REGULATION PROMULGATION PROCESS:

Under Maryland law, a state agency, such as the State Board, may propose a new or amended regulation whenever the circumstances arise to do so. After the State Board votes to propose such a regulation, the proposed regulation is sent to the Administrative, Executive, and Legislative Review (AELR) Committee for a 15 day review period. If the AELR Committee does not hold up the proposed regulation for further review, it is published in the Maryland Register for a 30-day public comment period. At the end of the comment period, MSDE staff reviews and summarizes the public comments. Thereafter, the MSDE staff will present a recommendation to the State Board of Education to either: (1) adopt the regulation in the form it was proposed; or (2) revise the regulation and adopt it as final because the suggested revision is not a substantive change; or (3) revise the regulation and re-propose it because the suggested revision is a substantive change. At any time during this process, the AELR Committee may stop the promulgation process and hold a hearing. Thereafter, it may recommend to the Governor that the regulation not be adopted as a final regulation or the AELR Committee may release the regulation for final adoption.

BACKGROUND:

In 2017, the Maryland General Assembly enacted House Bill (HB) 1061 – Education - Emergency and Evacuation Plans – Individuals with Disabilities (Md. Educ. Art. § 7-435). The legislation required that the MSDE update the emergency planning guidelines for local school systems to accommodate students, staff, and visitors with disabilities on public school grounds in accordance with the federal American with Disabilities Act.

The MSDE convened a workgroup including representatives of local school systems, the Maryland Center for School Safety, and the disability advocacy community. The workgroup reviewed the current guidelines and the requirements of HB 1061. A revision of the MSDE Emergency Planning Guidelines for Local School Systems and Schools was approved by the State Board on October 24, 2017.

EXECUTIVE SUMMARY:

The proposed amendment to COMAR 13A.02.02.03-04 will change the reference to the MSDE Emergency Planning Guidelines for Local School Systems and Schools to its current revision, dated October 2017.

The State Board reviewed the regulations and granted permission to publish at the December 5, 2017 State Board Meeting. The Regulation was published in the Maryland Register from March 30, 2018 to April 30, 2018. The MSDE received no comments during the public comment period.

ACTION:

Request that the State Board adopt the amendment to COMAR 13A.02.02.03-.04 – *Emergency Plans*.

Title 13A STATE BOARD OF EDUCATION

Subtitle 02 LOCAL SCHOOL ADMINISTRATION

13A.02.02 Emergency Plans

Authority: Education Article, §§2-205, 7-435, and 8-702, Annotated Code of Maryland;
Federal Statutory Reference: 20 U.S.C. 7114 and 20 U.S.C. 7118

Notice of Proposed Action

[18-050-P-I]

The Maryland State Board of Education proposes to amend Regulations .03 and .04 under **COMAR 13A.02.02 Emergency Plans**. This action was considered by the State Board of Education at their meeting held on December 5, 2017.

Statement of Purpose

The purpose of this action is to update the Maryland State Department of Education Emergency Planning Guidelines for Local School Systems and Schools.

Comparison to Federal Standards

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Walter Sallee, Director, Student Services and Strategic Planning, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0417 (TTY 410-333-6442), or email to walter.sallee@maryland.gov, or fax to 410-333-0880. Comments will be accepted through April 30, 2018. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the State Board of Education during a public meeting to be held on May 22, 2018, at 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the Maryland State Department of Education Emergency Planning Guidelines for Local School Systems and Schools (October 2017) has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 45:1 Md. R. 8 (January 5, 2018), and is available online at www.dsd.state.md.us. The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.03 Incorporation by Reference.

The Maryland State Department of Education Emergency Planning Guidelines for Local School Systems and Schools [(April 2013)] (*October 2017*) is incorporated by reference.

.04 Emergency Plan.

A. In consultation with other health and safety officials in the local community, each local school system and the SEED School shall develop an emergency plan for all public school grounds to include maintenance, transportation, and central administration office under its jurisdiction that:

(1)—(2) (text unchanged)

(3) Aligns with the Maryland State Department of Education Emergency Planning Guidelines for Local School Systems and Schools [(April 2013)] (*October 2017*).

B. Each local school system and the SEED School shall ensure that:

(1) Each school facility under its jurisdiction has a school emergency plan that is aligned with the criteria outlined in the MSDE Emergency Planning Guidelines for Local School Systems and Schools [(April 2013)] (*October 2017*) and that a copy of each school emergency plan is on file at the central administration office.

(2) A central administration emergency plan that is aligned with the criteria outlined in the MSDE Emergency Planning Guidelines for Local School Systems and Schools [(April 2013)] (*October 2017*) is on file in each school grounds under its jurisdiction.

C. (text unchanged)

KAREN B. SALMON, Ph.D.
State Superintendent of Schools

Subtitle 05 SPECIAL INSTRUCTIONAL PROGRAMS

13A.05.02 Administration of Services for Students with Disabilities

Authority: Education Article, §§2-205, 8-301—8-319, 8-3A-01—8-3A-11, and 8-401—8-419; Human Services Article, §§8-401—8-409; Labor and Employment Article, §§11-801 and 11-901 et seq.; Annotated Code of Maryland

Federal Statutory Reference: 20 U.S.C. §§1408, 1412, 1413, and 1437;
Federal Regulatory References: 34 CFR 300 and 303

Notice of Proposed Action

[18-052-P]

The Maryland State Board of Education proposes to amend Regulation .04 under **COMAR 13A.05.02 Administration of Services for Students with Disabilities**. This action was considered by the State Board of Education at their meeting held on December 5, 2017.

Statement of Purpose

The purpose of this action is to define Maryland's methodology for identification of local school systems as having significant disproportionality under the Individuals with Disabilities Education Act (IDEA). Under the IDEA, significant disproportionality must be analyzed for the identification, placement, and disciplinary removal of students with disabilities based on race and ethnicity. As a result of revisions to the federal regulations, a risk ratio methodology is now standard across the country. Nevertheless, each State is required to select data standards to complete the methodology, and may also exercise flexibility options in the identification of local school systems. Maryland has completed its methodology, based on the advice of stakeholders, with a risk ratio threshold of 2.0, a minimum

To consider a local school system request for a waiver of the 180-day school year requirement

Annotated Code of Maryland Education Article

- Section 7-103(a) requires that schools be open for pupil attendance for at least 180 actual school days and a minimum of 1,080 school hours in a 10-month period;
- Section 7-103(b) provides the State Board the authority to make adjustments to the length of the school year. Such adjustments may be granted if normal school attendance is prevented due to natural disaster, civil disaster, or severe weather conditions;
- Section 7-103(b)(4) provides the State Board with the authority to open schools on holidays.

Code of Maryland Regulations (COMAR)

Public Schools

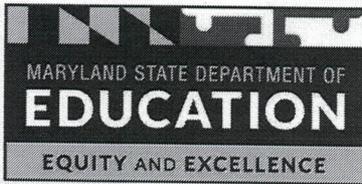
- COMAR 13A.03.02.12(A) provides that Maryland public high schools shall be open for at least 180 days and minimum of 1,170 school hours during a 10-month period in each school year;
- COMAR 13A.02.01.04(C) provides the provisions for waivers, including that school systems develop a calendar that includes between 3 to 10 days to be used to make up days lost;
- COMAR 13A.02.01.04(C)(2)(a) provides that the State Board of Education may waive the final day needed to complete the 180-day schedule if that day falls on a Monday.

Non-Public Schools

- COMAR 13A.09.09.10(B)(2) and (4) provides that schools shall be open 170 days and the school calendar shall include 3 to 5 additional school days for inclement weather or emergencies. There is no waiver provision for these schools. (Privately Funded)
- COMAR 13A.09.10.14(B)(3-5) provides that schools shall be open for 180 days, 1,080 hours for elementary programs and 1,170 hours for secondary programs. There is a waiver provision for these schools. (Publically Funded/Special Education Programs)

Declaration of a State of Emergency (Executive Order 01.01.2016.01)

- Governor Hogan declared a State of Emergency on January 22, 2016;
- The Declaration, in part, was to waive certain regulations to facilitate emergency response and restoration activities, to activate certain emergency contracts and to facilitate the deployment of requisite resources. The use of resources of the Maryland National Guard may be required and an Executive Order to implement the emergency powers of the Governor is a prerequisite for potential federal emergency and disaster assistance.



Karen B. Salmon, Ph.D.
State Superintendent of Schools

TO: Members of the State Board of Education
FROM: Karen B. Salmon, Ph.D.
DATE: April 24, 2018
SUBJECT: COMAR 13A.02.01.04
Length of the School Year
PERMISSION TO PUBLISH

PURPOSE:

Request permission to publish proposed amendment to COMAR 13A.02.01.04 – *Length of the School Year*.

REGULATION PROMULGATION PROCESS:

Under Maryland law, a state agency, such as the State Board, may propose a new or amended regulation whenever the circumstances arise to do so. After the State Board votes to propose such a regulation, the proposed regulation is sent to the Administrative, Executive, and Legislative Review (AELR) Committee for a 15 day review period. If the AELR Committee does not hold up the proposed regulation for further review, it is published in the Maryland Register for a 30-day public comment period. At the end of the comment period, Maryland State Department of Education (MSDE) staff reviews and summarizes the public comments. Thereafter, MSDE staff will present a recommendation to the State Board of Education to either: (1) adopt the regulation in the form it was proposed; or (2) revise the regulation and adopt it as final because the suggested revision is not a substantive change; or (3) revise the regulation and re-propose it because the suggested revision is a substantive change. At any time during this process, the AELR Committee may stop the promulgation process and hold a hearing. Thereafter, it may recommend to the Governor that the regulation not be adopted as a final regulation or the AELR Committee may release the regulation for final adoption.

BACKGROUND:

The amendment to the regulation enables the Maryland State Department of Education to monitor local school systems closure make-up days. The additional information will be shared with the Maryland State Board of Education to provide adequate data when rendering decisions regarding waiver requests.

EXECUTIVE SUMMARY:

The existing regulation established the process by the State Board of Education to waive the 180-day instructional requirement to local school systems. The proposed regulation COMAR 13A02.01.04-*Length of the School Year* enables the Maryland State Department of Education to monitor local school systems' make-up recovery plans on a timely basis and update the Maryland State Board of Education on the make-recovery plans, if needed.

ACTION:

Request permission to publish COMAR 13A.02.01.04 – *Length of the School Year*.

Breaking News
Emergency News
Director's Messages
Events

What does a "State of Emergency" mean?

What does a "State of Emergency" mean?

In preparation for Hurricane Florence, Governor Larry Hogan has asked State agencies to launch a coordinated effort to keep Marylanders safe and informed in the upcoming days. Governor Hogan signed an Executive Order declaring a state of emergency in Maryland on Monday, September 10, 2018 at 3:30 p.m. EST. Here is information on what a state of emergency means.

Not all states of emergency are the same. Each state of emergency is different and can change depending on the severity of the event or emergency. Be sure to check with your local news and with MEMA for updated information related to states of emergency.

A state of emergency has been declared in order to allow Maryland to coordinate and request emergency resources and support. A state of emergency allows the Governor to access certain resources, like the National Guard, in order to increase the State's response.

A state of emergency is a good indicator that residents should remain alert and follow officials' orders, news stations, and weather forecasts in order to be informed of the situation.

Here is additional information about this state of emergency:

Will schools be closed?

States of Emergencies typically do not mandate school closures. It usually is the local school district's decision to

stay open or to close. Check with your school for up-to-date closure information.

Will stores and businesses be open?

This state of emergency does not require employers to close. We ask that all employers consider employee safety at all times.

Can I drive on the roads?

Most of the time, motorists are not prohibited from driving. However, this depends on the situation and the limitations set in each particular State of Emergency. Each State of Emergency is different. If you are a motorist and must drive and cannot change your plans, you should drive carefully and use common sense. You should also:

- Allow extra time to get to your destinations.
- Let family or/and friends know what roads you plan to take and expected arrival times.
- Contact family/friends after you arrive to your destination.

What you need to know about Hurricane Florence:

- Preparing for this weather event **now** is key.
- We are tracking this storm moment-by-moment, and we won't know the exact direction it will take until it makes landfall, but we must ensure we are prepared for all possible impacts to our state.
- As of 11:00 a.m. Monday, September 10, 2018, we are anticipating that the biggest threat to lives and property from this storm will be life-threatening flooding due to torrential rains, and tidal flooding/storm surge.
- The earliest we can expect tropical storm force winds is Thursday evening, particularly in southern and southwestern Maryland.
- Weather forecasters have alerted us that there is the potential for life-threatening conditions, including catastrophic flooding as well as high winds and dangerous conditions in our waterways.

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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401
HARFORD COUNTY DELEGATION

February 27, 2020

The Honorable Anne R. Kaiser
Chair
House Ways and Means Committee
Room 131
Lowe House Office Building
Annapolis, MD 21401

RE: HB1250 Education – Length of the School Year – Declared State of Emergency (Kathryn Marie Carmello’s Law)

Dear Chair Kaiser:

HB1250 Education – Length of the School Year – Declared State of Emergency (Kathryn Marie Carmello’s Law) is supported by the Harford County Delegation. We respectfully ask for a favorable report from the Ways and Means Committee.

Sincerely,

A handwritten signature in black ink, appearing to read "Teresa E. Reilly", written over a horizontal line.

Teresa E. Reilly
Chair
Harford County House Delegation

Harford County Delegation

Voting Record – 2020 Session

Bill/Issue: Letter of Support HB1250

Vote Date: 2/27/20

Final Action: Passed

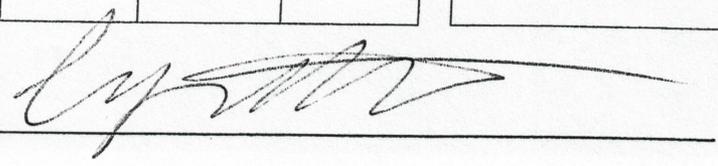
Motion: To write a Letter of Support for HB 1250.

1st Del. Arian

2nd Del. Johnson

- Favorable
 Favorable with Amendment
 Unfavorable
 Withdrawn

Name	Yes	No	Abstain	Excused	Absent	Amendment Numbers, Notes, Other
Reilly, T., Chair	X					
McComas, S. Vice Chair	X					
Arian, L.	X					
Griffith, M.	X					
Impallaria, R.				X		
Johnson, S.	X					
Lisanti, M..	X					
Szeliga, K.	X					
Totals	7			1		

Delegation Secretary 

Madam Chair and Esteemed Committee Members

I am here to seek your support for HB1250

Length of the School Year- Declared State of Emergency (Kathryn Marie Carmello's Law)

For 17 years Kathy was a Ways and Means fixture for the Harford County School System. She worked with the other counties' representatives to advocate for the kids. After her retirement from the Harford County system, she ran for the Harford County School Board and was elected to represent District C. On December 30, 2019 she died. She loved her work, adored her grandchildren, and left her husband of 42 years.

This bill was Kathy's idea. She believed that if the Governor issues a statewide emergency the school systems should not need to file waivers for school attendance.

There is a significant amount of paper work involved and it is redundant if the reason for the school closure is because of a statewide emergency declared by the Governor..

I have provided you with a written statement from Sonya Karwacki, Harford County School Board member from District F. She wrote her statement because she worked for the Baltimore County School System and worked for the Superintendent and was instrumental in Baltimore County's waivers.

In addition I have provided the COMAR rules and regulations for requesting a waiver. As you can tell by the number of papers this is NOT a guaranteed or simple process.

I have a letter supporting the Bill from the General Counsel to the Harford County School Board as well as a letter of support that is given to Chairwoman Kaiser.

Thank you for your time and consideration and please pass HB1250

Sonia
Constituent