



*The Senate of Maryland*  
ANNAPOLIS, MARYLAND 21401-1991

**SB 338 - Primary and Secondary Education - Extended School Year Innovation Grant**

Testimony of Senate President Bill Ferguson

On February 22, 2023

Before the Education, Energy, and the Environment Committee

**Why This Bill Matters:**

Since well-before the COVID-19 pandemic, Maryland students' educational attainment began falling behind in reading and math. That reality is especially true for students of color and those living in poverty, further widening the disparities in educational outcomes that the Maryland General Assembly has been focused on addressing through legislation like the Blueprint for Maryland's Future. Although the issue predates the pandemic, the last three years have exacerbated the problem as students became increasingly disconnected from learning and educational interventions.

It is clear that we need to think innovatively about how we support Maryland students as we strive to prepare them to maximize their potential and compete in a 21st century economy. One of the most important strategies available to us is minimizing the documented summer learning loss that occurs when students are out of the classroom for extended periods of time without educational enrichment opportunities. Maryland should incentivize school communities that are interested in moving to an extended year model to do so, thereby determining if this approach reverses the aforementioned downward trends.

**What This Bill Does:**

Senate Bill 338 creates a \$25 million innovation grant fund to allow for interested schools around the State to move towards an extended school year model. Like other innovation grants currently in code, the fund would be administered by the Maryland State Department of Education (MSDE).

The grant is structured to support additional capital and operational expenses, like personnel costs, associated with an extended school year model. MSDE is empowered to determine the best methodology for application evaluation as they have the relevant expertise in building out programs to improve educational outcomes.

A reporting requirement is included to review trends regarding test scores, enrollment, attendance, and family engagement. Finally, parameters are set for MSDE as they evaluate applications so that, to the extent practicable, schools in rural, suburban, and urban communities receive funding. Further,

priority is given to primary schools and those with documented learning loss.

A sponsor amendment that was developed in consultation with MSDE and the DLS Library is included with this testimony. The amendment clarifies that:

1. The innovation grant funding may be used for capital costs;
2. MSDE is not required to spend more on this program than the \$25 million appropriation;
3. Schools must meet the existing 180-day or 1,080-hour requirement with priority given to applicants that add educational days to their school calendars;
4. Teachers must provide the same number of hours of instruction and that instruction must align with State standards; and
5. Adjusts reporting requirements in accordance with the way in which the DLS Library collects information.

An additional sponsor amendment will be submitted to the committee changing the language from “shall” to “may” regarding the appropriation so that it is no longer mandatory.

#### **Why You Should Vote For This Bill:**

It is vital that Maryland pursue any and all strategies that are likely to reverse the concerning downward trends around educational attainment. Extended school year models have proven effective in school districts around the country that have been incentivized to implement similar models with high-quality instruction throughout the additional time students are in the classroom.

Senate Bill 338 is the first step to determining if a similar approach will pay dividends in Maryland, and studies in which communities an extended school year model could be most effective in the event of broader adoption.

Thank you for your consideration of Senate Bill 338 and I urge the committee to move this bill with a favorable report.



SB0338/373324/1

AMENDMENTS  
PREPARED  
BY THE  
DEPT. OF LEGISLATIVE  
SERVICES  
  
20 FEB 23  
13:30:51

BY: Senator Ferguson  
(To be offered in the Education, Energy, and the Environment  
Committee and the Budget and Taxation Committee)

AMENDMENTS TO SENATE BILL 338  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, after line 7, insert “requiring a school implementing an extended school year scheduling model to meet certain scheduling and instructional standards; providing that nothing requires the Department to expend funds on the grant program beyond the amount annually appropriated to the Department for the Grant;”; and after line 8, insert:

“BY repealing and reenacting, with amendments,  
Article – Education  
Section 7–103  
Annotated Code of Maryland  
(2022 Replacement Volume)”.

AMENDMENT NO. 2

On page 1, after line 16, insert:

“7–103.

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

(1) (i) Shall be open for pupil attendance for at least 180 actual school days and a minimum of 1,080 school hours during a 10–month period in each school year; or

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

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

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

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

(i) The following adjustments:

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

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

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

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

(iv) Schools to be open on holidays.

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

(i) Natural disaster;

(ii) Civil disaster; or

(iii) Severe weather conditions.

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

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

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

(i) Thanksgiving Day and the day after;

(ii) Christmas Eve and from then through January 1;

(iii) Martin Luther King, Jr. Day;

(iv) Presidents' Day;

(v) The Friday before Easter and from then through the Monday after Easter;

(vi) Memorial Day; and

(vii) Primary and general election days.

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

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

(i) Washington's Birthday;

(ii) Lincoln's Birthday;

(iii) Veterans' Day;

(iv) Columbus Day;

(v) Arbor Day;

(vi) Black History Month, with an emphasis on Harriet Tubman and Frederick Douglass and the contributions they made in the fight against slavery; and

(vii) Any other day of national significance.

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

(i) Calvert;

(ii) Caroline;

(iii) Dorchester;

(iv) Kent;

(v) Talbot; and

(vi) Worcester.

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

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

(2) Nothing in this section precludes:

(I) [a] A county board from conducting a year-round pilot study or program that is funded by the county board; OR

(II) A PUBLIC PRIMARY OR SECONDARY SCHOOL FROM RECEIVING AN EXTENDED SCHOOL YEAR INNOVATION GRANT AND IMPLEMENTING AN EXTENDED SCHOOL YEAR SCHEDULING MODEL.

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

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

On page 2, in line 18, after “MODEL” insert “AND THE ANTICIPATED USE OF GRANT FUNDS”; in line 20, strike “OR CAPITAL”; in line 21, after “2.” insert “CAPITAL COSTS;

3.”;

in line 22, strike “3.” and substitute “4.”; in line 25, strike “(3)” and substitute:

“(D) (1) A SCHOOL IMPLEMENTING AN EXTENDED SCHOOL YEAR SCHEDULING MODEL:

(I) SHALL BE OPEN FOR PUPIL ATTENDANCE FOR AT LEAST 180 ACTUAL SCHOOL DAYS AND A MINIMUM OF 1,080 SCHOOL HOURS IN EACH SCHOOL YEAR;

(II) SHALL BE OPEN FOR PUPIL ATTENDANCE A MINIMUM OF 3 HOURS DURING EACH SCHOOL DAY; AND

(III) MAY NOT BE OPEN ON SATURDAYS, SUNDAYS, OR HOLIDAYS IN ORDER TO MEET THE 180-DAY OR 1,080-HOUR REQUIREMENT OF THIS PARAGRAPH.

(Over)

(2) A SCHOOL IMPLEMENTING AN EXTENDED SCHOOL YEAR SCHEDULING MODEL MAY MEET THE REQUIREMENTS UNDER PARAGRAPH (1) OF THIS SUBSECTION THROUGH:

(I) AN INCREASE IN THE LENGTH OF THE SCHOOL YEAR; OR

(II) AN INCREASE IN THE LENGTH OF THE SCHOOL DAY.

(3) A SCHOOL IMPLEMENTING AN EXTENDED SCHOOL YEAR SCHEDULING MODEL AND RECEIVING GRANT FUNDS SHALL:

(I) REQUIRE A CERTIFIED TEACHER TO PROVIDE THE SAME NUMBER OF INSTRUCTIONAL HOURS THAT THE TEACHER WOULD PROVIDE DURING A 180-DAY OR 1,080-HOUR SCHOOL YEAR; AND

(II) PROVIDE INSTRUCTION USING A CURRICULUM THAT IS ALIGNED WITH STATE STANDARDS AND IS EVIDENCE-BASED, RESEARCHED, AND HIGH-QUALITY.

(E) (1)";

and in line 27, strike "(4)" and substitute "(2)".

On page 3, in line 1, strike "(5)" and substitute "(3)"; in line 3, strike "AND"; in line 4, after "LOSS" insert "; AND

3. SCHOOLS THAT MEET THE 180-DAY OR 1,080-HOUR REQUIREMENTS OF THIS SECTION BY EXTENDING THE NUMBER OF SCHOOL DAYS";



in line 10, strike “(D)” and substitute “(F)”; strike beginning with the first comma in line 13 down through “ASSEMBLY” in line 14; after line 23, insert:

**“(3) ON OR BEFORE JULY 1, 2024, AND EACH JULY 1 THEREAFTER, THE DEPARTMENT SHALL:**

**(I) COMPILE A CONSOLIDATED REPORT ON PARTICIPATING PRIMARY AND SECONDARY SCHOOLS IN THE STATE IMPLEMENTING AN EXTENDED SCHOOL YEAR SCHEDULING MODEL THAT INCLUDES THE INFORMATION REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION; AND**

**(II) SUBMIT THE REPORT TO THE GOVERNOR, AND, SUBJECT TO § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.”;**

in line 24, strike “(E)” and substitute “(G)”; after line 26, insert:

**“SECTION 2. AND BE IT FURTHER ENACTED, That nothing in this Act shall be construed to require the State Department of Education to expend funds beyond the amount appropriated in accordance with Section 1 of this Act on administering, providing grants for, or implementing an extended school year scheduling model in public primary and secondary schools in the State.”;**

and in line 27, strike “2.” and substitute “3.”.