



TO: Members of the State Board of Education

FROM: Karen B. Salmon, Ph.D.

DATE: August 22, 2017

SUBJECT: COMAR 13A.02.01.04  
*Length of School Year*  
**ADOPTION**

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**PURPOSE:**

The purpose of this agenda item is to request approval to adopt COMAR 13A.02.01.04, *Length of School Year*, to reduce from five to three the number of days by which school systems must extend their calendars in order to obtain a waiver of the 180-day school year requirement when necessary.

**REGULATION PROMULGATION PROCESS:**

Under Maryland law, a state agency, such as the State Board, may propose an amendment to a regulation whenever the circumstances arise to do so. After the State Board votes to propose an amendment, the proposed regulation is sent to the 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, MSDE staff will present a recommendation to the State Board to either: (1) adopt the regulation in the form it was proposed; or (2) revise the regulation and adopt it as final because suggested revision is not 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:**

When the Executive Order established the school calendar to be from the Tuesday after Labor Day to June 15, school system calendar planning committees anticipated the difficulty school systems would

have in meeting the June 15 closing date and also, the regulatory requirement to demonstrate in any 180-day waiver application that the school system had “modified its calendar by scheduling school on the make-up days provided in the original calendar and *by extending the school year five days beyond the previously scheduled closing date.*” COMAR 13A.02.01.04(C)(1)(b) (emphasis added). Local superintendents have requested that the number of days be reduced from five to three days. This amendment will be particularly important in those years in which Labor Day falls on September 7 or 8.

**EXECUTIVE SUMMARY:**

The amendment request for COMAR 13A.02.01.04, *Length of School Year*, was presented before the State Board on March 28, 2017 requesting permission to publish. The regulation was published in the Maryland Register from June 9, 2017 through July 10, 2017. Only one comment was received during this period which was a letter from Mr. Michael Durso, President of the Montgomery County Board of Education. Mr. Durso’s letter, on behalf of the Montgomery County Board of Education, was in strong support of the amendment to the regulation. The letter is attached for your review.

**ACTION:**

Request approval to adopt this amended regulation COMAR 13A.02.01.04, *Length of School Year*.

**Title 13A**  
**STATE BOARD OF EDUCATION**

**Subtitle 02 LOCAL SCHOOL ADMINISTRATION**  
**Chapter 01 Local Boards of Education**

**.01-.03 – No change**

**.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 a 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. 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; this 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 [5] 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 the 180-day schedule.

# Title 13A STATE BOARD OF EDUCATION

## Subtitle 02 LOCAL SCHOOL ADMINISTRATION

### 13A.02.01 Local Boards of Education

Authority: Education Article, §§2-205, 4-101, 4-105, 4-106, 5-101, 5-109, and 7-103, Annotated Code of Maryland

#### Notice of Proposed Action [17-149-P]

The Maryland State Board of Education proposes to amend Regulation .04 under **COMAR 13A.02.01 Local Boards of Education**.

#### Statement of Purpose

The purpose of this action is to reduce from 5 to 3 the number of days by which school systems must extend their calendars in order to obtain a waiver of the 180-day school year requirement when necessary.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

**I. Summary of Economic Impact.** The economic impact of this regulation is a positive one as it may increase local school system revenue.

#### II. Types of Economic Impact.

	Revenue (R+/R-)	
Expenditure (E+/E-)		Magnitude
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:		
Local school systems	(R+)	Unknown
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

#### III. Assumptions. (Identified by Impact Letter and Number from Section II.)

C. This regulation reduces the number of days a school system must add to its calendar from 5 to 3 to be eligible for a waiver for the 180-day school year requirement. The economic impact will depend on the school system and the severity of the weather in any given year. The economic impact, if it occurs, will be positive on the revenue side because the school system will not incur the expense of opening those 2 extra days.

#### 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 Elizabeth M. Kameen, Assistant Attorney General, Office of the Attorney General/Maryland State Department of Education, 200 St. Paul Place, 19th Floor, Baltimore, Maryland 21202, or call 410-576-6465 (TTY 410-333-6442), or email to ekameen@oag.state.md.us, or fax to 410-576-6309. Comments will be accepted through July 10, 2017. 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 August 22, 2017, 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

#### .04 Length of the School Year.

A.—B. (text unchanged)

C. Application for Waiver.

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

(a) (text unchanged)

(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 [5] 3 days beyond the previously scheduled closing date.

(2) (text unchanged)

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

## Subtitle 12 CERTIFICATION

### 13A.12.02 Teachers

Authority: Education Article, §§2-205, 2-303(g), [6-121.] 6-701—6-705, and [8-408] 8-3A-03, Annotated Code of Maryland

#### Notice of Proposed Action [17-148-P]

The Professional Standards and Teacher Education Board proposes to amend Regulation .21 under **COMAR 13A.12.02 Teachers**. This action was considered by the Professional Standards and Teacher Education Board at their meeting on December 1, 2016.

#### Statement of Purpose

The purpose of this action is to update language in the regulation, remove the special education certification requirement, and identify content-specific course work required of applicants.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### 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.