



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

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**TO:** Members of the State Board of Education  
**FROM:** Karen B. Salmon, Ph.D. *KBS*  
**DATE:** December 5, 2016  
**SUBJECT:** Waiver Application for Post-Labor Day School Start Date and/or  
June 15 School End Date

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**PURPOSE:**

The purpose of this agenda item is to obtain approval from the State Board of Education on the application and timeline for local boards of education to submit a waiver request for the requirements in Executive Order 01.01.2016.13.

**BACKGROUND/HISTORICAL PERSPECTIVE:**

On August 31, 2016, Governor Larry Hogan issued Executive Order 01.01.2016.09 which requires all Maryland kindergarten through grade 12 public schools to open for pupil attendance no earlier than the Tuesday immediately following the nationally observed Labor Day holiday. The school year for every public school in Maryland shall adjourn no later than June 15. Local boards of education have the option to apply for a waiver of the requirements set forth in the Executive Order.

On October 12, 2016, Governor Hogan amended the original Executive Order to establish parameters for school boards to apply for waivers. To be eligible for a waiver, the local board must demonstrate that the school system has met all requirements for at least one compelling justification and has conducted at least one public meeting at which the waiver application was considered and approved. Compelling justification includes:

1. The adoption of an innovative school schedule for low-performing, at-risk, or charter schools. Any waiver granted by the State Board of Education for an innovative school schedule shall *only* apply to those schools where innovative school schedules are offered.
2. The school system has closed ten days per year during any two of the last five years because of natural disasters, civil disasters, or severe weather conditions.

Pursuant to the amended Executive Order 01.01.2016.13, the State Board of Education has been charged with establishing a timeline for waiver applications; identifying additional information needed from local school boards to comply with the requirements of the Executive Order; and rendering decisions on submitted waiver applications. Any waiver granted by the State Board of Education shall be for only one school year. Local boards of education may apply annually for a waiver of the requirements in the Executive Order.

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**EXECUTIVE SUMMARY:**

The Maryland State Department of Education has developed a waiver application based on the parameters established in Executive Order 01.01.2016.13. Local boards of education may use the application to request a waiver of the post-Labor Day school start date and/or June 15 school end date for the 2017-2018 school year.

The application establishes a timeline for submission of waiver requests. Waiver applications will be accepted on a rolling basis. Decisions regarding waiver requests will be made at the State Board meeting immediately following receipt of the application. For example, if a waiver application is received on January 27, 2017 then the State Board will review and render a decision at the February 28, 2017 meeting. The final date for local school boards to submit an application for a waiver of requirements in Executive Order 01.01.2016.13 for the 2017-2018 school year is March 31, 2017.

**ACTION:**

It is being requested that the State Board of Education approve the waiver application and timeline for submission of waiver requests for Executive Order 01.01.2016.13 for the 2017-2018 school year.

Attachment: Executive Order 01.01.2016.13 Waiver Application

### Overview:

Executive Order 01.01.2016.13 requires all kindergarten through grade 12 public schools in Maryland to be open for pupil attendance no earlier than the Tuesday immediately following the nationally observed Labor Day holiday. The school year for each public school in Maryland shall adjourn no later than June 15. Local boards of education retain the full responsibility for establishing annual academic calendars within the parameters of the Executive Order. The Executive Order does not apply to the operation of year-round schools. The entire Executive Order may be found on the following webpage: <https://governor.maryland.gov/wp-content/uploads/2016/10/EO.01.01.2016.13.pdf>

### Waiver Applications:

Local boards of education may apply for waivers of the requirements set forth in the Executive Order. To be eligible for a waiver, the local board must demonstrate that it has met all requirements for at least one compelling justification and has conducted at least one public meeting at which the waiver application was considered and approved. Compelling justification includes:

1. The adoption of an innovative school schedule for low-performing, at-risk, or charter schools. Any waiver granted by the State Board of Education for an innovative school schedule shall *only* apply to those schools where innovative school schedules are offered.
2. The school system has closed ten days per year during any two of the last five years because of natural disasters, civil disasters, or severe weather conditions.

Any waiver granted by the State Board of Education using this waiver application shall be for the 2017-2018 school year only. Local boards of education may apply annually for a waiver of the requirements in Executive Order 01.01.2016.13.

### Timeline for Submission of Waiver Application:

Waiver applications will be accepted on a rolling basis. Decisions regarding waiver requests will be made at the State Board Meeting immediately following receipt of the application. For example, if a waiver application is received on January 27, 2017 then the State Board will render a decision at the February 28, 2017 meeting. A list of State Board meeting dates may be found on the following webpage: <http://www.marylandpublicschools.org/stateboard/Pages/Meetings-2017.aspx>. The local Superintendent or Chief Executive Officer and Board President will be notified in writing of the State Board's decision. The final date to submit an application for a waiver of requirements in Executive Order 01.01.2016.13 for the 2017-2018 school year is **March 31, 2017**.

Waiver applications and supporting documents may be emailed to Charlene Necessary at [Charlene.necessary@maryland.gov](mailto:Charlene.necessary@maryland.gov) or mailed to:

Maryland State Board of Education  
Attention: Charlene Necessary  
200 West Baltimore Street  
Baltimore, Maryland 21201



**Directions:** There are five sections to the waiver application. All sections of the application must be complete for waiver requests to be considered by the State Board of Education. Include any required supporting documentation when submitting this application.

**1. Select the name of the school system represented in the waiver request.**

- |   |                                     |  |
|---|-------------------------------------|--|
| <input type="checkbox"/> Allegany       | <input type="checkbox"/> Charles    | <input type="checkbox"/> Prince George's |
| <input type="checkbox"/> Anne Arundel   | <input type="checkbox"/> Dorchester | <input type="checkbox"/> Queen Anne's    |
| <input type="checkbox"/> Baltimore City | <input type="checkbox"/> Frederick  | <input type="checkbox"/> St. Mary's      |
| <input type="checkbox"/> Baltimore      | <input type="checkbox"/> Garrett    | <input type="checkbox"/> Somerset        |
| <input type="checkbox"/> Calvert        | <input type="checkbox"/> Harford    | <input type="checkbox"/> Talbot          |
| <input type="checkbox"/> Caroline       | <input type="checkbox"/> Howard     | <input type="checkbox"/> Washington      |
| <input type="checkbox"/> Carroll        | <input type="checkbox"/> Kent       | <input type="checkbox"/> Wicomico        |
| <input type="checkbox"/> Cecil          | <input type="checkbox"/> Montgomery | <input type="checkbox"/> Worcester       |

**2. Select the type of waiver being requested by the local school board.**

- Request to waive the post-Labor Day school start date.
- Request to waive the June 15 school end date.
- Request to waive both the post-Labor Day school start date and June 15 school end date.

**3. Select the compelling justification for the waiver request.**

Compelling justification includes adoption of an innovative school schedule (3a) or emergency school closing (3b). At least one compelling justification category must be selected.

**3a. Compelling Justification: Adoption of an Innovative School Schedule.**

Any waiver granted by the State Board of Education for an innovative school schedule shall *only* apply to those schools where the innovative school schedules are offered. Education Article §7.103.1 defines innovative school schedules to include, "...*extended year, year-round schooling, or other school scheduling models that do not allow for prolonged lapses in instructional time...*" Qualifying schools are those designated as low-performing, at-risk, or charter. A summary of the innovative school schedule must be attached to application.

Identify the low-performing, at-risk, and/or charter schools for a waiver request on the next page.

**Adoption of an Innovative School Schedule for Low-Performing Schools**

Low-performing schools, or Maryland's Priority Schools, are the 5% of all Title I schools that are the lowest achieving on state assessments; and/or have graduation rates below 67%; or receive Title I school improvement funds under Section 1003g. A list of qualifying schools can be found on the following webpage:

<http://marylandpublicschools.org/about/Documents/DSFSS/TitleI/PriorityFocusSchools20162017.pdf>

Identify the names of qualifying schools to be considered for a waiver below. Attach a summary of the innovative school schedule to this application.

**Adoption of an Innovative School Schedule for At-Risk Public Schools**

At-risk public schools, or Maryland's Focus Schools, are those in the top 10% of Title I schools that have the largest within-school gaps between the highest-achieving subgroup and the lowest-achieving subgroup; and Title I high schools with less than 60% graduation rates over a number of years. A list of qualifying schools can be found on the following webpage:

<http://marylandpublicschools.org/about/Documents/DSFSS/TitleI/PriorityFocusSchools20162017.pdf>

Identify the names of qualifying schools to be considered for a waiver below. Attach a summary of the innovative school schedule to this application.



**Adoption of an Innovative School Schedule for Charter Schools**

A list of charter schools may be found on the following webpage:  
<http://www.marylandpublicschools.org/programs/Pages/Charter-Schools/index.aspx>

Identify the names of qualifying schools to be considered for a waiver below.  
 Attach a summary of the innovative school schedule to this application.

**3b. Compelling Justification: Emergency School Closing.**

Eligible local school systems are those that have closed ten days per year during any two of the last five years because of natural disasters, civil disasters, or severe weather conditions. Select the qualifying school system below.

- |  |   |
|--|---|
| <input type="checkbox"/> Allegany County   | <input type="checkbox"/> Garrett County |
| <input type="checkbox"/> Caroline County   | <input type="checkbox"/> Harford County |
| <input type="checkbox"/> Carroll County    | <input type="checkbox"/> Talbot County  |
| <input type="checkbox"/> Dorchester County |   |

4. Local school boards are required to conduct *at least one public meeting* to consider and approve the waiver application. In the table below, identify all public meeting dates, times, and locations where the waiver application was considered and approved. Attach the meeting minutes for each date identified.

Date of Public Meeting	Time of Public Meeting	Location of Public Meeting



- 5. Signatures of Superintendent or Chief Executive Officer and Board President.**  
Signing below indicates that the local board of education has reviewed and approved all sections in this waiver application.

\_\_\_\_\_  
Signature of Superintendent or  
Chief Executive Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of School Board President

\_\_\_\_\_  
Date