



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

TO: Members of the Maryland State Board of Education

FROM: Karen B. Salmon, Ph.D.

DATE: April 28, 2020

SUBJECT: Request for Waiver of Instructional Days for Nonpublic Schools Approved under COMAR 13A.09.09

PURPOSE:

To provide the State Superintendent the authority to waive up to five days of student attendance for nonpublic schools approved under Code of Maryland Regulation (COMAR) 13A.09.09 for the 2019-2020 school year, upon the request of the nonpublic school.

BACKGROUND/HISTORICAL PERSPECTIVE:

There does not exist a regulatory provision for the Department to grant a waiver of instructional days for nonpublic schools approved under COMAR 13A.09.09. Although not in regulation, the Maryland State Board of Education (SBOE) has previously approved waiver days for nonpublic schools approved under COMAR 13A.09.09 due to severe weather conditions.

In calendar year 2009-2010, the State of Maryland experienced unprecedented weather conditions. Never before had the State been impacted by two historic snow/ice storms in one school year. On March 23, 2010, the SBOE allowed nonpublic schools approved under COMAR 13A.09.09 the opportunity to receive waiver days consistent with what was granted to Maryland public schools, due to “extraordinary weather conditions.” Upon request, all approved nonpublic schools could have received a maximum of five waiver days.

Again in calendar year 2013-2014, similar weather circumstances occurred subjecting Marylanders to snow, ice, and extremely frigid temperatures. On March 25, 2014, the SBOE granted the State Superintendent of Schools authority to issue a waiver up to two school days to nonpublic schools approved under COMAR 13A.09.09 upon their request.

EXECUTIVE SUMMARY:

The purpose of this item is to request waiver days for nonpublic schools approved under COMAR 13A.09.09, consistent with the decision of the Maryland State Board of Education on

April 14, 2020, to waive up to five days of student attendance for Maryland public schools. Nonpublic schools approved under COMAR 13A.09.09 have a 170-day school year statutory requirement [COMAR 13A.09.09.10B.(2)]. Given the parameters of current calendars, most nonpublic schools approved under COMAR 13A.09.09 will not be able to meet the minimum number of days as specified in regulation.

ACTION:

Request that the Maryland State Board of Education authorize the State Superintendent, pursuant to the jurisdiction of the State Board, to waive up to five days of student attendance for Maryland nonpublic schools approved under COMAR 13A.09.09 for the 2019-2020 school year, upon the request of a nonpublic school.