



**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.  
**DATE:** January 26, 2021  
**SUBJECT:** Request from the Montgomery County Public Schools for a Calendar Modification

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**PURPOSE:**

To consider the request to waive four days of student attendance for the Montgomery County Public Schools for the 2020-2021 school year.

**BACKGROUND/HISTORICAL PERSPECTIVE:**

Education Article §7-103 requires schools to be open for student attendance for 180 days. Subsection (b) (iv) provides the State Board of Education the authority to adjust the length of the school year by granting waivers of the 180-day requirement. Such adjustments may be granted if normal school attendance is prevented because of natural disaster, civil disaster, or severe weather conditions.

Code of Maryland Regulation (COMAR) 13A.02.01.04, further specifies the conditions for granting a waiver of the 180-day school year requirement and includes the following:

1. The school system demonstrates they have made sufficient effort in providing instruction through calendar planning and modifications; and
2. Natural disasters, civil disasters, or severe weather conditions are sufficiently significant to warrant a waiver of days.

The conditions required for waiver applications are specified in COMAR 13A.02.01.04 (C) and include the following:

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

**EXECUTIVE SUMMARY:**

The request submitted by Montgomery County Public Schools on January 21, 2021, asks for a four-day waiver of the instructional requirement. The basis of the request from the Montgomery County Public Schools is to complete final preparations prior to phasing in in-person instruction on March 15, 2021.

To be eligible for a waiver of the required number of days in a school year, a local board must demonstrate that the school system made efforts to comply with the 180-day instructional requirement which is detailed in the Maryland Code of Regulations (COMAR) 13A.02.01.04 (D), and was unable to do so. The school system has not used the make-up days included in its calendar and has not proposed to extend the school year beyond the originally scheduled end date in June.

**ACTION:**

It is being requested that the Maryland State Board of Education deny the request to waive four-days of the 180-day instructional requirement for the Montgomery County Public Schools for the 2020-2021 school year, due to noncompliance with the requirements detailed in the Maryland Code of Regulations (COMAR) 13A.02.01.04 (D). The implementation of in-person instruction should be accomplished without decreasing the required 180-days and reducing instruction for already struggling students.

Attachment: Waiver Request from Montgomery County Public Schools.

## MONTGOMERY COUNTY PUBLIC SCHOOLS

*Expanding Opportunity and Unleashing Potential*

OFFICE OF THE SUPERINTENDENT OF SCHOOLS

January 21, 2021

Karen B. Salmon, Ph.D.  
State Superintendent of Schools  
Maryland State Department of Education  
200 West Baltimore Street  
Baltimore, Maryland 21201

Dear Dr. Salmon:

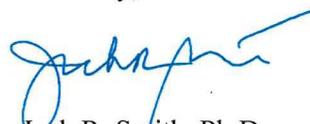
Greetings from Montgomery County. On December 21, 2020, I forwarded you a letter indicating that once Montgomery County Public Schools ((MCPS) is prepared to open school buildings, we would be requesting a waiver of school days to complete final preparations for in-person learning.

On January 12 2021, the board of education approved a plan to return to in person school experiences for those families who choose to participate. The plan, based on work that has been done between June 2020 and the present, calls for student groups to be phased in to in person experiences beginning on March 15, 2021.

Given that we will start with our youngest learners and students with the greatest need for learning support, some of whom have never navigated a school building before, we are requesting a waiver of four school days, March 9–12, 2021. Many MCPS staff currently are teaching from their classrooms as well as other staff providing essential services in school buildings and working to prepare the facilities for in-person return. In addition to these preparations, teachers and educational support staff will need time away from virtual instruction to set up classrooms, practice compliance with protocols, finalize student schedules and transportation, and address the myriad of other details that will have to be finalized. The waiver of four days will allow staff to complete this important work without requiring divided attention from virtual instruction and support for students.

This waiver of four school days is critical to success for opening school buildings and we sincerely appreciate your consideration.

Sincerely,



Jack R. Smith, Ph.D.  
Superintendent of Schools

Copy to:  
Members of the Board of Education