

Bill No.: _____
Requested: _____
Committee: _____

Drafted by: Lemieux
Typed by: Elise
Stored – 11/08/21
Proofread by _____
Checked by _____

By: **Delegate Watson**

A BILL ENTITLED

1 AN ACT concerning

2 **Howard County – Public Schools – Alternative Instruction Model Policy**

3 **Ho. Co. 09–22**

4 FOR the purpose of providing that the use of an alternative instruction model constitutes
5 a certain public school being open for pupil attendance for the purposes of meeting
6 certain school day and hour requirements; authorizing the Howard County Board of
7 Education to adopt a policy allowing a public school in the county to use an
8 alternative instruction model under certain circumstances; and generally relating to
9 an alternative instruction model policy in Howard County public schools.

10 BY repealing and reenacting, with amendments,
11 Article – Education
12 Section 7–103
13 Annotated Code of Maryland
14 (2018 Replacement Volume and 2021 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
16 That the Laws of Maryland read as follows:

17 **Article – Education**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 7–103.

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

4 (1) (i) Shall be open for pupil attendance, **INCLUDING THROUGH THE**
5 **USE OF AN ALTERNATIVE INSTRUCTION MODEL UNDER SUBSECTION (H) OF THIS**
6 **SECTION**, for at least 180 actual school days and a minimum of 1,080 school hours during
7 a 10–month period in each school year; or

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

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

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

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

18 (i) The following adjustments:

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

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

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

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

24 (iv) Schools to be open on holidays.

25 (2) These adjustments may be granted only if normal school attendance is

1 prevented because of:

2 (i) Natural disaster;

3 (ii) Civil disaster; or

4 (iii) Severe weather conditions.

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

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

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

10 (i) Thanksgiving Day and the day after;

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

12 (iii) Martin Luther King, Jr. Day;

13 (iv) Presidents' Day;

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

16 (vi) Memorial Day; and

17 (vii) Primary and general election days.

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

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

- 1 (i) Washington’s Birthday;
- 2 (ii) Lincoln’s Birthday;
- 3 (iii) Veterans’ Day;
- 4 (iv) Columbus Day;
- 5 (v) Arbor Day;
- 6 (vi) Black History Month, with an emphasis on Harriet Tubman and
7 Frederick Douglass and the contributions they made in the fight against slavery; and
- 8 (vii) Any other day of national significance.

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

- 12 (i) Calvert;
- 13 (ii) Caroline;
- 14 (iii) Dorchester;
- 15 (iv) Kent;
- 16 (v) Talbot; and
- 17 (vi) Worcester.

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

20 (e) (1) The county boards of Allegany, Anne Arundel, Calvert, Howard,
21 Montgomery, and Prince George’s counties, and the Board of School Commissioners of
22 Baltimore City, may elect to operate one or more schools within the county or Baltimore
23 City on a year-round basis, provided that the 180-day and the minimum hour

1 requirements under this section are met.

2 (2) Nothing in this section precludes a county board from conducting a
3 year-round pilot study or program that is funded by the county board.

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

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

8 **(H) (1) IN THIS SUBSECTION, "ALTERNATIVE INSTRUCTION MODEL"**
9 **MEANS SYNCHRONOUS INSTRUCTION OR ASYNCHRONOUS INSTRUCTION DELIVERED**
10 **OUTSIDE OF A SCHOOL CLASSROOM, INCLUDING THROUGH VIRTUAL CLASSROOMS,**
11 **PAPER PACKETS, OR OTHER LEARNING EXPERIENCES THAT DO NOT PROVIDE**
12 **IN-PERSON INSTRUCTION.**

13 **(2) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE HOWARD**
14 **COUNTY BOARD OF EDUCATION MAY ADOPT A POLICY TO ALLOW A PUBLIC SCHOOL**
15 **IN THE COUNTY TO USE AN ALTERNATIVE INSTRUCTION MODEL TO PROVIDE**
16 **STUDENT INSTRUCTION WHEN STUDENTS CANNOT RECEIVE INSTRUCTION IN THE**
17 **SCHOOL BUILDING DUE TO:**

18 **(I) A DISEASE EPIDEMIC;**

19 **(II) HAZARDOUS WEATHER CONDITIONS;**

20 **(III) A CIVIL DISASTER;**

21 **(IV) DAMAGE TO THE SCHOOL BUILDING;**

22 **(V) A LAW ENFORCEMENT EMERGENCY;**

23 **(VI) A POWER OUTAGE OR THE FAILURE OF SCHOOL UTILITIES**
24 **OR OTHER EQUIPMENT NECESSARY FOR SCHOOL OPERATION; OR**

25 **(VII) OTHER CIRCUMSTANCES AS DETERMINED BY THE COUNTY**
26 **SUPERINTENDENT AND PROVIDED FOR IN THE POLICY.**

1 **(3) A POLICY ADOPTED UNDER THIS SUBSECTION SHALL REQUIRE A**
2 **PUBLIC SCHOOL THAT USES AN ALTERNATIVE INSTRUCTION MODEL THAT REQUIRES**
3 **INTERNET ACCESS FOR CERTAIN COMPONENTS TO INCLUDE ALTERNATIVE**
4 **METHODS THAT PROVIDE COMPARABLE INSTRUCTION FOR STUDENTS OR**
5 **TEACHERS WHO DO NOT HAVE ACCESS TO THE INTERNET.**

6 **(4) THE HOWARD COUNTY BOARD OF EDUCATION MAY ADOPT A**
7 **POLICY UNDER PARAGRAPH (2) OF THIS SUBSECTION ONLY IF THE COUNTY BOARD**
8 **AND THE EXCLUSIVE BARGAINING REPRESENTATIVE FOR TEACHERS IN THE**
9 **COUNTY NEGOTIATE THE TERMS OF IMPLEMENTING AND USING AN ALTERNATIVE**
10 **INSTRUCTION MODEL.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
12 1, 2022.