

HOUSE BILL 1270

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By: **Delegates Hornberger, Mautz, and McComas**

Introduced and read first time: February 7, 2020

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Home-Based Instructional Days – Establishment**

3 FOR the purpose of authorizing a county board of education to develop a policy for public
4 schools in the county to use home-based instructional days during the school year
5 under certain circumstances; requiring a home-based instructional day policy to
6 include certain procedures for instruction, attendance, and notification, an outline of
7 the responsibilities of students and staff, input, and other information required by
8 the State Board of Education; requiring a county board to submit a home-based
9 instructional day policy to the State Board for approval; authorizing the State Board
10 to adopt a certain model policy or issue certain guidance; requiring the State Board
11 to approve, deny, or return for modification a home-based instructional day policy
12 submitted by a county board; providing that a county board may not apply for a
13 certain adjustment to the school year for days in which school attendance occurs
14 through home-based instruction; providing that certain provisions relating to
15 attendance do not apply to a child under the age of 18 years who receives
16 home-based instruction; defining a certain term; and generally relating to
17 home-based instructional days.

18 BY repealing and reenacting, without amendments,
19 Article – Education
20 Section 7–103(a) and 7–301(a–1)(1)
21 Annotated Code of Maryland
22 (2018 Replacement Volume and 2019 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article – Education
25 Section 7–103(b) and 7–301(a)
26 Annotated Code of Maryland
27 (2018 Replacement Volume and 2019 Supplement)

28 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Education

Section 7–103.2

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That the Laws of Maryland read as follows:

Article – Education

7–103.

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

(1) (i) Shall be open for pupil attendance for at least 180 actual school days and a minimum of 1,080 school hours during a 10–month period in each school year; or

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

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

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

(b) (1) **[If] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, IF** a county board submits a written application to the State Board that describes a demonstrated effort by the county board to comply with subsection (a) of this section, the State Board may permit:

(i) The following adjustments:

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

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

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

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

(iv) Schools to be open on holidays.

(2) These adjustments may be granted only if normal school attendance is prevented because of:

(i) Natural disaster;

(ii) Civil disaster; or

(iii) Severe weather conditions.

(3) A COUNTY BOARD MAY NOT APPLY FOR AN ADJUSTMENT UNDER THIS SUBSECTION FOR ANY DAYS IN WHICH SCHOOL ATTENDANCE OCCURS THROUGH HOME-BASED INSTRUCTION, AS SPECIFIED UNDER § 7-103.2 OF THIS SUBTITLE.

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

~~[(4)]~~ (5) In case of emergency, the State Board may open schools on holidays.

7-103.2.

(A) IN THIS SECTION, "HOME-BASED INSTRUCTIONAL DAY" MEANS A DAY ON WHICH SCHOOL ATTENDANCE IS PROVIDED THROUGH REMOTE INSTRUCTION BECAUSE NORMAL SCHOOL ATTENDANCE IS PREVENTED BY:

(1) NATURAL DISASTER;

(2) CIVIL DISASTER; OR

(3) SEVERE WEATHER CONDITIONS.

(B) (1) A COUNTY BOARD MAY DEVELOP A POLICY FOR PUBLIC SCHOOLS IN THE COUNTY TO USE HOME-BASED INSTRUCTIONAL DAYS DURING THE SCHOOL YEAR.

(2) A HOME-BASED INSTRUCTIONAL DAY POLICY DEVELOPED UNDER THIS SUBSECTION SHALL INCLUDE:

(I) PROCEDURES FOR INITIATING A HOME-BASED INSTRUCTIONAL DAY, INCLUDING MODEL CLASS INSTRUCTION AND NOTIFICATION OF STUDENTS, PARENTS, AND SCHOOL EMPLOYEES;

(II) AN OUTLINE OF THE RESPONSIBILITIES OF SCHOOL STAFF

1 AND STUDENTS DURING THE HOME-BASED INSTRUCTIONAL DAY;

2 (III) PROCEDURES FOR IDENTIFYING STUDENT PARTICIPATION
3 FOR THE PURPOSE OF DETERMINING ATTENDANCE;

4 (IV) ACCOMMODATIONS FOR STUDENTS AND SCHOOL STAFF
5 WHO LACK ACCESS TO TECHNOLOGY OR THE INTERNET IN THEIR HOMES;

6 (V) A METHOD TO SOLICIT INPUT FROM STUDENTS, PARENTS,
7 AND STAFF ON PLANNED HOME-BASED INSTRUCTIONAL DAY PROCEDURES; AND

8 (VI) ANY OTHER INFORMATION REQUIRED BY THE STATE
9 BOARD.

10 (C) A COUNTY BOARD SHALL SUBMIT A HOME-BASED INSTRUCTIONAL DAY
11 POLICY TO THE STATE BOARD FOR APPROVAL.

12 (D) THE STATE BOARD:

13 (1) MAY ADOPT A MODEL POLICY FOR HOME-BASED INSTRUCTIONAL
14 DAYS;

15 (2) MAY ISSUE GUIDANCE ON BEST PRACTICES IN THE
16 ESTABLISHMENT OF HOME-BASED INSTRUCTIONAL DAYS; AND

17 (3) SHALL APPROVE, DENY, OR RETURN FOR MODIFICATION A
18 HOME-BASED INSTRUCTIONAL DAY POLICY SUBMITTED BY A COUNTY BOARD.

19 7-301.

20 (a) This section does not apply to a child under the age of 18 years who:

21 (1) Has obtained a Maryland high school diploma, an equivalent
22 out-of-state high school diploma, or a GED;

23 (2) Is a student with disabilities and has completed the requirements for a
24 Maryland high school certificate of completion;

25 (3) Is receiving regular, thorough instruction during the school year in the
26 studies usually taught in the public schools to children of the same age;

27 (4) Has completed an instruction program under item (3) of this subsection;

28 (5) Is severely ill and requires home or hospital instruction;

1 (6) Is married;

2 (7) Is in military service;

3 (8) Is committed by court order to an institution without an educational
4 program;

5 (9) Provides financial support to the child's family as documented by a local
6 department of social services;

7 (10) Subject to the approval of the county superintendent, has been expelled
8 under § 7–305 of this subtitle;

9 (11) Is pregnant or a parent and is enrolled in an alternative educational
10 program;

11 (12) Attends an alternative educational program;

12 (13) Subject to written parental consent and written agreement with the
13 county board, attends a public school on a part-time basis and attends a private career
14 school as defined under § 10–101 of this article; [or]

15 **(14) IS RECEIVING INSTRUCTION THROUGH A HOME-BASED**
16 **INSTRUCTIONAL DAY IN ACCORDANCE WITH A PLAN ADOPTED UNDER § 7–103.2 OF**
17 **THIS TITLE; OR**

18 **[(14)] (15)** Is waived from the provisions of this section by the State
19 Superintendent.

20 (a–1) (1) Except as otherwise provided in this section, each child who resides in
21 this State and is 5 years old or older and under 18 shall attend a public school regularly
22 during the entire school year.

23 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July**
24 **1, 2020.**