



Lillian M. Lowery, Ed.D.
State Superintendent of Schools

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TO: Members of the State Board of Education
FROM: Lillian M. Lowery, Ed.D. *Lillian M. Lowery*
DATE: March 25, 2014
SUBJECT: Modification of the School Year Calendar for Private Nonpublic Schools

PURPOSE:

- 1) To consider up to a two-day (2) waiver of the 170-day school year requirement for all private nonpublic schools approved under COMAR 13A.09.09 due to the extraordinary inclement weather that affected the State of Maryland from December 2013 through March 2014;
- 2) To request that the State Board grant authorization to the State Superintendent of Schools to issue a waiver of up to two (2) days for these schools due to continuous weather conditions.

HISTORICAL BACKGROUND:

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. In March 2010, the State Superintendent asked the State Board to consider waiver requests for private nonpublic schools approved under COMAR 13A.09.09. The State Board approved the State Superintendent's requests after considerable discussion. (Up to 5 days)

Similar weather circumstances occurred this school year. The amount of time school systems were closed this school year is similar to the amount of time systems were closed in 2009-2010.

COMAR 13A.09.09.10B(2) requires that private nonpublic schools be open for student attendance 170 days. The regulations governing the private nonpublic schools do not contain any waiver provision. The State Board, however, has the general power to waive a regulation (COMAR 13A.01.01.02-1).

To date, the Department has received numerous phone calls regarding the provision for a waiver of the 170-day school year requirement. The Department has also received emails requesting a waiver of the 170-day school year requirement. Attached are two emails from nonpublic schools as examples of the types of request that have been received.

I am requesting authority to grant a waiver of up to two school days. This two-day request is consistent with the two days that the Governor deemed it necessary to close state offices because the inclement weather was predicted to have a statewide effect. Should the Board take action to grant the State Superintendent authority to issue a waiver of up to two days, each private nonpublic school would be required to submit a written statement to the Department indicating the following:

- The specific date(s) that the school was closed due to severe weather conditions;
- A copy of the school's 2013-2014 calendar;
- The specific make-up dates identified dates the school's original calendar (COMAR 13A.09.09.10B(4) requires an additional 3-5 days be included);
- The number of days for which a waiver is requested; and
- How the school plans to make up the remaining days.

This information will be maintained in the school's history file located in the Nonpublic School Approval Branch. Because the private nonpublic schools must answer directly to the parents and students who pay tuition, we expect that accountability will affect the number of days for which a school will request a waiver.

EXECUTIVE SUMMARY:

Weather conditions this school year have been continuous. The State of Maryland has been impacted by snow, ice and extremely frigid temperatures. Although nonpublic schools have scheduled additional days for inclement weather, as required by COMAR 13A.09.09.10B(4), most if not all of the schools have exceeded the days in their calendar to be used as make up days.

Administrative Heads of the private nonpublic schools are sensitive to the amount of instructional time that has been lost due to these weather challenges. Merely extending the school year into late June, however, without calendar modifications, will likely create other hardships for students and staff.

ACTION:

I am requesting the State Board of Education to approve up to a two day waiver for private nonpublic schools; and

I am requesting the State Board of Education to grant me the authority to issue a waiver up to two school days for students in those private nonpublic schools that submit an approvable written waiver request as required.

Attachments

.10 Administrative Practices.

A. Schedule of the School Day.

(1) A school shall have a written schedule that states the beginning and end of the school day and the specific time periods during the school day when the required areas of instruction are implemented.

(2) A school shall give annually to parents or legal guardians of prospective and enrolled students the written schedule of its school day.

B. Calendar of the School Year.

(1) A school shall have a written calendar that states the specific days and the total number of days for the implementation of its educational program.

(2) The calendar for a kindergarten, elementary school, or secondary school shall provide for at least 170 days for the implementation of the educational program.

(3) When a student enrolls and annually thereafter, a school shall give its written school year calendar to parents or legal guardians of each student.

(4) A school shall include 3 to 5 additional school days, based on local weather patterns, in its school year calendar to ensure that the 170-day school year requirement is met.

C. Admissions.

(1) A school shall have a written policy regarding the criteria for admission to the school that at a minimum shall be consistent with §C (3) of this regulation, as applicable.

(2) A school shall give to parents or legal guardians of prospective students its written policy regarding the criteria for admission to the school.

(3) Kindergarten.

(a) A child shall be 5 years old on or before September 1 of a school year to be age-eligible for admission during that school year to a kindergarten program approved under this chapter.

(b) A school may adopt policies and procedures permitting a 4-year-old child to be admitted to kindergarten, upon request by the parent or guardian, if the school determines that the child demonstrates capabilities warranting early admission.

D. Public Relations Information. The public relations information of a school, by whatever means provided, shall be accurate and may not be erroneous or misleading, either by actual statement, omission, or reasonable inference.

Sarah Spross

From: Front Office [office@cambridgeschool.org]
Sent: Friday, February 21, 2014 2:13 PM
To: Sarah Spross
Subject: COMAR Regulations for Non-public schools

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sarah Spross:

Per COMAR regulations for Maryland Nonpublic schools, Cambridge School (#3721) created a calendar of 173 days to allow for school closures related to weather emergencies. As of now, Cambridge School has cancelled 6 days because of snow/ice and in response to Governor O'Malley's State of Emergency warnings. The dates we have closed include:

December 10
January 21
January 22
February 5
February 13
February 14

Thus, we are at a deficit of 3 days of meeting the 170 day requirement. In the past, the school has been forgiven a small amount of days because of the unusual winter pattern and/or the nature of the state of emergency. We would like to be forgiven these 3 days in light of this unusual winter. Thank you for considering our request. Please let us know how we should proceed.

Best,
Heather Strube
Administrative Assistant
410-486-3686
office@cambridgeschool.org

(2) The calendar for a kindergarten, elementary school, or secondary school shall provide for at least 170 days for the implementation of the educational program.

(4) A school shall include 3 to 5 additional school days, based on local weather patterns, in its school year calendar to ensure that the 170-day school year requirement is met.

Sarah Spross

From: Christine Szymanski [c.szymanski1@verizon.net]
Sent: Tuesday, March 04, 2014 4:39 PM
To: Sarah Spross
Subject: Forgiveness of snow days

Follow Up Flag: Follow up
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Dear Ms. Spross,

I hope you can help me find the right person to inquire about forgiveness of snow days. Like all schools, we are facing difficulty with finding enough days in the year to make up snow days. I am relatively new to my job as Head of School, and I want to make the best decisions for our school.

I understand that the state requirement for non-public schools is 170 days. Is this correct?

Can we apply for forgiveness of days with State of Emergency? (Feb. 13/14?)

Is adding time on to the end of a day a viable option that can still meet the 170 days?

I appreciate your time. If I have reached you in error, can you please direct me to the right office or person?

Thank you!

Christine Szymanski
Head of School
The Tome School
410-287-2050