

# The State of Maryland

## Executive Department

EXECUTIVE ORDER  
01.01.2016.13  
(Amends Executive Order 01.01.2016.09)

### Starting the Public School Year After Labor Day

- WHEREAS, The Labor Day holiday weekend is an exclusively American institution that has served, both symbolically and practically, as our nation's traditional end of summer;
- WHEREAS, Generations of American workers and families have celebrated this rite of seasonal passage, and the days that precede it, with vacations, day trips, or other preferred opportunities to relax and enjoy time with family and friends;
- WHEREAS, The policy of constructing the public school (Kindergarten through 12<sup>th</sup> grade) calendars so that classes begin prior to the Labor Day holiday has imperiled this venerable tradition;
- WHEREAS, This policy has placed a significant competitive burden on Maryland's economy and many of its leading sectors, from agriculture to tourism and hospitality;
- WHEREAS, This policy imposes an unacceptable public health and safety risk upon those students, teachers, and education employees who are required to report, in the second hottest month of the calendar year, to schools that lack air conditioning;
- WHEREAS, The State has a particularly compelling interest in safeguarding the physical and psychological well being of minors;
- WHEREAS, Section 6-408(c)(3) of the Education Article of the Maryland Code provides that a public school employer may not negotiate the school calendar with employee organizations;
- WHEREAS, A Task Force was convened by the Maryland General Assembly to conduct a thorough examination of the academic, administrative and economic implications associated with a post-Labor Day start to the academic year;

WHEREAS, This Task Force, which was led by the Maryland State Department of Education and included teachers, administrators, and business and civic leaders, (1) recognized the substantial economic benefits of a post-Labor Day start, (2) found neither adverse academic consequences nor intractable administrative barriers to the adoption of such a policy, and (3) voted overwhelmingly to endorse this reform to Maryland's public school calendars by moving the school start date to post-Labor Day;

WHEREAS, A study that was conducted by the Maryland Bureau of Revenue Estimates determined that adoption of a post-Labor Day starting date would result in an additional \$74.3 million in direct economic activity, including \$3.7 million in new wages and \$7.7 million in State and local tax revenue that could be reinvested in classrooms throughout the State of Maryland; and

WHEREAS, Starting school after Labor Day will provide public health benefits by reducing the local ozone generation numbers due to fewer buses operating on the roadways during the heart of the ozone season.

NOW THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER SHALL TAKE EFFECT IMMEDIATELY, SHALL FIRST APPLY TO THE 2017-2018 SCHOOL YEAR, AND SHALL REPLACE AND SUPERSEDE EXECUTIVE ORDER 01.01.2016.09:

A. That all Kindergarten through 12th grade public schools in the State of Maryland (Public Schools), through the local Boards of Education, shall open for [all] pupil attendance no earlier than the Tuesday immediately following the nationally-observed Labor Day holiday.

B. That classes shall conclude and the school year for every Public School in Maryland shall adjourn no later than June 15, with the exception being summer school classes offered by school districts throughout the State.

C. That each local Board of Education shall retain full responsibility for establishing its annual academic calendar and, therefore, shall have the necessary latitude to determine how best to comply with the provisions of this Executive Order along with

State and local laws.

D. That the requirements of this Executive Order do not apply to the operation of year-round schools as allowed under Section 7-103(e) of the Education Article of the Maryland Code.

E. That the requirements of this Executive Order do not apply to the timing of sports seasons as set forth in COMAR 13A.06.03.03.

[F. A local Board of Education may apply to the State Board of Education annually for a waiver of the requirements of this Executive Order. A waiver may be granted at the sole discretion of the State Board of Education, as set forth in rules and regulations adopted by the State Board of Education, including:

- (1) Procedures for filing an application for a waiver;
- (2) Standards to receive a waiver based on compelling justification, which waiver is good for one school year only; and
- (3) Procedures and standards for special waivers for school districts and individual schools proposing non-traditional schedules.]

**F. STUDENTS WITH DISABILITIES, SUBJECT TO AN EXISTING INDIVIDUALIZED EDUCATION PROGRAM THAT HAS IDENTIFIED THE STUDENT'S FINAL YEAR OF SCHOOL AS THE 2017-2018 SCHOOL YEAR, SHALL REMAIN ELIGIBLE FOR THE 2017-2018 SCHOOL YEAR IF THEIR 20TH BIRTHDAY OCCURED ON OR AFTER THE FIRST DAY OF THE ACADEMIC CALENDAR IN THEIR JURISDICTION FOR THE 2016-2017 SCHOOL YEAR.**

**G. THAT A LOCAL BOARD OF EDUCATION MAY APPLY TO THE STATE BOARD OF EDUCATION ANNUALLY FOR A WAIVER OF THE REQUIREMENTS OF THIS EXECUTIVE ORDER. A WAIVER SHALL ONLY BE GRANTED AFTER THE LOCAL BOARD OF EDUCATION SATISFIES THE PROCEDURAL REQUIREMENTS SET FORTH IN SECTION 1.B BELOW AND CLEARLY ESTABLISHES ALL OF THE ELEMENTS OF ONE OF THE COMPELLING JUSTIFICATIONS SET FORTH IN SECTION 2 BELOW.**

**(1) APPLICATION FOR WAIVER.**

**(A) A LOCAL BOARD OF EDUCATION MAY SUBMIT A WRITTEN APPLICATION FOR A WAIVER FROM THE REQUIREMENT TO BEGIN CLASSES NO SOONER THAN THE TUESDAY FOLLOWING THE NATIONALLY-OBSERVED LABOR DAY HOLIDAY OR ENDING CLASSES NO LATER THAN JUNE 15TH BASED UPON A COMPELLING JUSTIFICATION AS DEFINED HEREIN.**

**(B) A WAIVER APPLICATION SHALL INCLUDE:**

**(I) A DETAILED PETITION AND SUPPORTING DOCUMENTATION CLEARLY ESTABLISHING THAT ALL OF THE ELEMENTS OF ONE OF THE BELOW COMPELLING JUSTIFICATIONS FOR STARTING THE SCHOOL YEAR PRIOR TO LABOR DAY OR ENDING CLASSES AFTER JUNE 15TH HAVE BEEN MET;**

**(II) A CERTIFICATION THAT THE LOCAL SCHOOL BOARD HAS CONDUCTED AT LEAST ONE PUBLIC MEETING AT WHICH THE WAIVER APPLICATION WAS CONSIDERED AND APPROVED, TOGETHER WITH MINUTES OF ALL SUCH MEETINGS; AND**

**(III) ANY ADDITIONAL INFORMATION THAT THE STATE BOARD OF EDUCATION REQUESTS IN ORDER TO COMPLY WITH THE REQUIREMENTS OF THIS EXECUTIVE ORDER.**

**(C) THE TIMELINES FOR APPLICATIONS FOR A WAIVER SHALL BE ESTABLISHED BY THE STATE BOARD OF EDUCATION.**

**(2) FOR THE PURPOSE OF THIS EXECUTIVE ORDER, "COMPELLING JUSTIFICATION" MEANS ONLY:**

**(A) ADOPTION OF INNOVATIVE SCHOOL SCHEDULE. A LOCAL BOARD OF EDUCATION PROPOSES AN INNOVATIVE SCHOOL**

**SCHEDULE FOR CERTAIN LOW-PERFORMING OR AT RISK PUBLIC SCHOOLS, AS ENCOURAGED IN SECTION 7-103.1 OF THE EDUCATION ARTICLE OF THE MARYLAND CODE, WHICH REQUIRES AN OPENING DATE BEFORE LABOR DAY OR ENDING CLASSES AFTER JUNE 15TH;**

**(B) CHARTER SCHOOLS. A LOCAL BOARD OF EDUCATION PROPOSES AN INNOVATIVE SCHOOL SCHEDULE FOR A CHARTER SCHOOL THAT REQUIRES AN OPENING DATE BEFORE LABOR DAY OR ENDING CLASSES AFTER JUNE 15TH; OR**

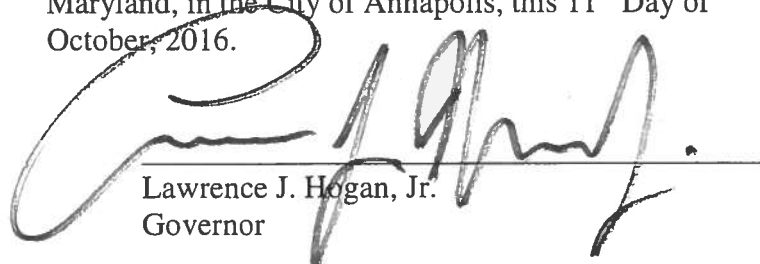
**(C) EMERGENCY SCHOOL CLOSINGS. LOCAL SCHOOL DISTRICTS HAVE CLOSED 10 DAYS PER YEAR DURING ANY 2 OF THE LAST 5 YEARS BECAUSE OF NATURAL DISASTERS, CIVIL DISASTERS, OR SEVERE WEATHER CONDITIONS.**

**(3) ANY WAIVER GRANTED BY THE STATE BOARD OF EDUCATION PURSUANT TO SECTIONS 2.A OR 2.B SHALL ONLY APPLY TO THOSE SCHOOLS WHERE SUCH INNOVATIVE SCHOOL SCHEDULES ARE OFFERED.**

**(4) ANY WAIVER GRANTED BY THE STATE BOARD OF EDUCATION SHALL BE FOR ONLY ONE SCHOOL YEAR.**

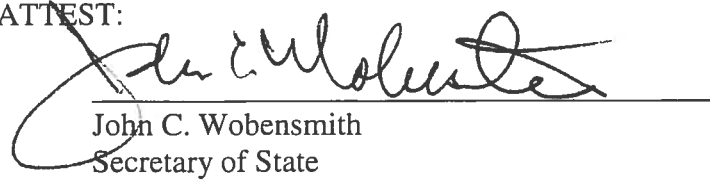
**[G.] H. That this Executive Order applies to future school years, including and after 2017-2018.**

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 11<sup>th</sup> Day of October, 2016.



Lawrence J. Hogan, Jr.  
Governor

ATTEST:



John C. Wobensmith  
Secretary of State

