

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
GREENBELT DIVISION

PATRICIA FLETCHER, *et al.*,

Plaintiffs,

v.

Civil Action No: 8:11-cv-03220-RWT

LINDA H. LAMONE, *et al.*,

Defendants.

* * * * *

AFFIDAVIT OF BERNARD J. SADUSKY
INTERIM STATE SUPERINTENDENT OF SCHOOLS

I, Bernard J. Sadusky, state as follows:

1. I am over 18 years of age, a resident of Maryland, competent to testify, and have personal knowledge of the facts and matters set forth herein.

2. I currently hold the position of Interim State Superintendent of Schools for the Maryland State Department of Education (“MSDE”).

3. I have also been a Superintendent in a local school system in Maryland.

4. I have been asked to explain the impact on school systems if the April 3rd date for Election Day were changed to later in the school year.

5. If the April 3rd date were changed, it is my view as Interim State Superintendent and as a former Superintendent in Queen Anne’s County Public School System, that rescheduling Election Day later in the school year, with the thought of using the schools as polling places, will be extremely difficult. As the school year progresses

from April through June, there are specific testing days set aside for State and local exams. While the dates for State testing are the same for all school systems (Ex. 1), dates for local exams vary depending on the local school system. I believe it would be difficult to find one day acceptable to all school systems. I explain my reasoning below.

6. The 24 school systems in Maryland establish their school year calendars often three years in advance. Those calendars are given to parents and the school community who plan their work schedules, day care needs, and vacations around the school calendar.

7. The school calendar must be put together to provide the legally mandated 180 days of school within a 10 month time period. Md. Educ. Code Ann. §7-103. That calendar includes all necessary days, plus days built in for severe weather or other natural disasters, and the days that schools will be closed, including holidays.

8. In 2012, one of the days that 22 of the 24 school systems (Kent and Talbot Counties excluded) will close is April 3, 2012, Election Day. (Ex. 2).

9. Those school systems are closed because Election Day is a legal school holiday, *See*, Md. Educ. Code Ann. §7-130(c)¹ and because some or all of the school buildings in the 22 systems are used as polling places. Of the 1641 polling places in Maryland, 1044 of them are in schools. (Ex. 3). Security concerns and student safety are also factors in closing the schools.

10. In thirteen (13) of the twenty-two school systems, April 3 falls in the middle of spring break. (Ex. 4). If Election Day were rescheduled, those schools would

¹ The law provides Kent and Talbot County school systems the option to remain open. Md. Educ. Code Ann. §7-103(c)(4).

still remain closed. There is no way to change the calendars and open schools on that day because of vacation and work plans already made by parents and staff.

11. In nine (9) of the twenty-two school systems, the April 3rd closure is built into the calendar because of Election Day. (Ex. 4). It is highly unlikely that those school systems will open on that day due to the impact that could have on parents of students and their work and day care schedules.

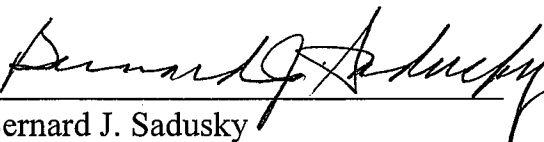
12. If a new date were found, the schools would need to be closed on that date also. Therefore, each of the 22 systems would need to add another day to their calendars at the end of the school year to meet the 180 day requirement. There will be additional costs and impacts associated with that change.

13. Thus, it is my view that changing the April 3rd Election Day date would have a negative impact on 22 of the 24 school systems in Maryland, the 800,000 students they serve, and the whole school community, including parents and employers.

I do solemnly declare and affirm under the penalties of perjury that the foregoing affidavit is true and correct to the best of my knowledge, information and belief.

12-12-11

Date



Bernard J. Sadusky

Interim State Superintendent of Schools

MARYLAND STATE DEPARTMENT OF EDUCATION
Student Testing Calendar School Years 2011-2012 through 2013-2014
 Official as of May 26, 2011

Updates to this test calendar are available by logging on to <https://docushare.msde.state.md.us>.

*Note: Testing in Special Placement (Non-public) Schools is governed by the
 Special Placement Schools State Testing Calendar Edition, available on Docushare*

The Student Testing Calendar for the school years 2011-2012 through 2013-2014 includes the following Maryland State assessments:

High School Assessments (HSA)

- End-of-course Tests: English*, Algebra/Data Analysis*, and Biology*

Modified High School Assessments (Mod-HSA)

- End-of-course Tests: Mod-English*, Mod-Algebra/Data Analysis*, and Mod-Biology*

Maryland School Assessment (MSA)

- Grades 3 – 8 in reading and mathematics
- End-of-course tests in English*, Algebra/Data Analysis*, and Biology*
- Grades 5 and 8 in science

Modified Maryland School Assessment (Mod-MSA)

- Grades 3 – 8 in mod-reading and mod-mathematics
- End-of-course tests in Mod-English*, Mod-Algebra/Data Analysis*, and Mod-Biology*

Alternate Maryland School Assessment (Alt-MSA)

- Grades 3 – 8 and grade 10 in reading and mathematics, and grades 5, 8, and 10 in science for students with significant cognitive disabilities who are unable to participate in the Maryland School Assessment, even with accommodations

English Language Proficiency Test (ELPT)

- Test of English language proficiency administered to all English language learners

Statewide Primary Test Administrations Are Not Scheduled on These Religious Holidays**			
Holiday	2011-2012	2012-2013	2013-2014
Rosh Hashanah	Sept. 29-30, 2011	Sept. 17-18, 2012	Sept. 5-6, 2013
Yom Kippur	Oct. 8, 2011	Sept. 26, 2012	Sept. 14, 2013
Ramadan***	Aug. 1, 2011 July 21, 2012	July 21, 2012 July 9, 2013	July 9, 2013 June 28, 2014
Eid Al-Fitr***	Aug. 30, 2011 Aug 19, 2012	Aug. 19, 2012 Aug. 8, 2013	Aug. 8, 2013 July 28, 2014
Eid Al-Adha***	Nov. 6, 2011	Oct. 26, 2012	Oct. 15, 2013
Passover	April 6-7, 2012	March 25-26, 2013	April 15-16, 2014
Good Friday - Western	April 6, 2012	March 29, 2013	April 18, 2014
Good Friday - Orthodox	April 13, 2012	May 3, 2013	April 18, 2014
Shavuot	May 27, 2012	May 15, 2013	June 4, 2014

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*The end-of-course tests in English, Algebra/Data Analysis, and Biology are part of both the High School Assessment program and the Maryland School Assessment Education accountability program.
 **Make-up test administrations may be scheduled on religious holidays, as long as another make-up testing date is available for students who were unable to test due to a religious observance.
 ***Actual dates may differ locally as determined by authoritative religious leaders. Students who observe holidays and miss school on alternative holiday dates should be allowed to use local make-up dates.

Test or Action	2011 - 2012	2012 -2013	2013 -2014
Alt-MSA: Opening of Test Administration Window	Sept. 1	Sept. 4	Sept. 3
Local Accountability Coordination Meeting	Sept. 13	Sept. 11	Sept. 10
HSA & Mod-HSA October Administration - Paper Note: October HSA and Mod-HSA (Paper) have <u>one make-up day</u> used for all contents	Oct. 3-6 10/03— English 10/04— Biology 10/05— Alg/DA 10/6— Make-up for all contents	Oct. 1-4 10/01—Alg/DA 10/02—English 10/03— Biology 10/4— Make-up for all contents	Sept. 30 - Oct.3 09/30—Biology 10/01— Alg/DA 10/02— English 10/3— Make-up for all contents
HSA & Mod-HSA October Administration- Online	Oct. 3-14	Oct. 1-12	Sept. 30 – Oct.11
Local Accountability Coordination Meeting Meeting to be held at MAG Conference	Nov.17	Nov. 15	Nov, 21
Local Accountability Coordination Meeting Test Administration Training – MSA/Mod-HSA	Jan. 4	Jan. 3	Jan. 7
HSA & Mod-HSA January Administration - Paper	Jan. 9-11 1/09—English 1/10— Biology 1/11— Alg/DA	Jan. 7-9 1/07— Alg./DA 1/08— English 1/09— Biology	Jan. 6-8 1/06—Biology 1/07— Alg./DA 1/08— English
HSA & Mod-HSA January Make-up Testing - Paper Note: January HSA and Mod-HSA (Paper) have <u>one make-up week</u>	Jan. 17-19 1/17—English 1/18— Biology 1/19—Alg/DA	Jan. 15-17 1/15—Alg./DA 1/16— English 1/17— Biology	Jan. 14-16 1/14—Biology 1/15—Alg./DA 1/16—English

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Test or Action	2011 - 2012	2012 -2013	2013 -2014
HSA & Mod-HSA January Administration - Online	Jan. 9-20 (No testing Jan 16)	Jan.7-18	Jan. 6-17
Local Accountability Coordination Meeting Test Administration Training – MSA/Science	March 6	Mar. 5	Mar. 4
MSA Reading and Mathematics Test Administration: Grades 3 – 8 in reading and mathematics	March 12 – March 21	March 11 – March 20	March 5 – March 14
MSA Reading and Mathematics Make-up Testing	March 22 – March 28	March 21 – March 28 No testing March 25-26	March 17 – March 20
Mod-MSA Reading and Mathematics Test Administration (Paper)	March 12 – March 21	March 11 – March 20	March 10 – March 19
Mod-MSA Reading and Mathematics Make-up Testing (Paper)	March 22 – March 28	March 21 – March 28 No testing March 25-26	March 20 – March 27
Mod-MSA Reading and Mathematics Test Administration (Online)	March 12 – March 28	March 11 – March 28	March 10 – March 27
Alt-MSA: Last date for Portfolio Construction	March 2	March 5	March 4
ELPT Administration Window	March 19 – May 4	March 27– April 26	March 26 – April 25
MSA, Mod-MSA and Alt-MSA: Deadline for LACs to submit Post-test files	April 2	April 4	April 1
HSA & Mod-HSA Senior Administration - Paper Note: Senior HSA and Mod-HSA (Paper) have <u>one make-up day</u> used for all contents	Apr. 16-19 04/16—English 04/17—Biology 04/18— Alg/DA 04/19— Make-up for all contents	Apr. 15-18 04/15—Alg/DA 04/16—English 04/17— Biology 04/18—Make-up for all contents	Apr. 7-10 04/07—Biology 04/08— Alg/DA 04/09— English 04/10—Make-up for all contents

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Test or Action	2011 - 2012	2012 -2013	2013 -2014
HSA & Mod-HSA Senior Administration - Online	Apr. 16 – 20	Apr. 15 – 19	Apr. 7 – 11
MSA Science Test Administration – Online and Paper Science testing in Grades 5 and 8	April 16 – May 4	April 8 – April 26	March 24 – April 11
HSA & Mod-HSA May Administration - Paper	May 21 - May 23	May 20 - 22	May 19 - 21
	5/21— English 5/22— Biology 5/23— Alg/DA	5/20— Alg./DA 5/21— English 5/22— Biology	5/19— Biology 5/20— Alg./DA 5/21— English
HSA & Mod-HSA May Make-up Testing - Paper Note: May HSA & Mod-HSA (Paper) have two make-up weeks	May 29–31 & June 4–6	May 28–30 & June 3–5	May 27–29 & June 2–5
	5/29— English 5/30— Biology 5/31— Alg/DA	5/28— Alg./DA 5/29— English 5/30— Biology	5/27— Biology 5/28— Alg./DA 5/29— English
	6/04— English 6/05— Biology 6/06— Alg/DA	6/03— Alg./DA 6/04— English 6/05— Biology	6/02— Biology 6/03— Alg./DA 6/05— English (No testing June 4)
HSA and Mod-HSA May Administration - Online	May 21 – June 6 (No testing May 28)	May 20 – June 5 (No testing May 27)	May 19 – June 5 (No testing May 26 and June 4)

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Test or Action	2011-2012	2012-2013	2013-2014
Local Accountability Coordination Meeting (This full-day meeting includes training for Alt-MSA Administration for next testing year for LACs and Alt-MSA Facilitators)	June 12	June 11	June 10
HSA & Mod-HSA Summer Administration - Paper First Testing Week Note: First Summer HSA and Mod-HSA (Paper) testing week has <u>one make-up day</u> used for all contents.	July 23 - 26 7/23—English 7/24—Biology 7/25—Alg/DA 7/26—Make-up for all contents	July 22 - 25 7/22—Alg./DA 7/23—English 7/24—Biology 7/25—Make-up for all contents	July 29 – August 1 7/29-Biology 7/30-Alg./DA 7/31-English 8/01-Make-up for all contents
HSA & Mod-HSA Summer Administration - Online First Testing Week	July 23 -- 27	July 22 -- 26	July 29 -- August 1
HSA & Mod-HSA Summer Administration - Paper Second Testing Week Note: Second Summer HSA and Mod-HSA (Paper) testing week have <u>one make-up day</u> used for all contents	July 30 – August 2 7/30—English 7/31—Biology 8/01—Alg/DA 8/02—Make-up for all contents	July 29 – August 1 7/29—Alg./DA 7/30—English 7/31—Biology 8/01—Make-up for all contents	August 4 -- 7 8/04-Biology 8/05-Alg./DA 8/06-English 8/07-Make-u for all contents
HSA & Mod-HSA Summer Administration - Online Second Testing Week	July 30 – August 3	July 29 – August 2	August 4 -- 8

Use of School Buildings for Primary Election Day, April 3, 2012.

Allegany	Schools are used for elections. Schools/offices are closed on April 3.
Anne Arundel	Schools are used for elections. Schools/offices are closed on April 3.
Baltimore City	Schools are used for elections. Schools are closed on April 3.
Baltimore County	Schools are used for elections. Schools/offices are closed on April 3.
Calvert	Schools are used for elections. Schools are closed on April 3.
Caroline	Schools are used for elections. Schools closed for students on April 3. Teachers have an in-service at the schools.
Carroll	Schools are used for elections. Schools/offices are closed on April 3.
Cecil	Schools are used for elections. Schools are closed on April 3.
Charles	Schools are used for elections. Schools are closed on April 3.
Dorchester	Schools are used for elections. Schools are closed on April 3.
Frederick	Schools are used for elections. Schools are closed on April 3.
Garrett	Schools are used for elections. Schools are closed on April 3.
Harford	Schools are used for elections. Schools are closed on April 3.
Howard	Schools are used for elections. Schools are closed on April 3.
Kent	One school may be used. Students WILL attend school on April 3.
Montgomery	Schools are used for elections. Schools are closed on April 3.
Prince George's	Schools are used for elections. Schools/offices are closed on April 3.
Queen Anne's	Schools are used for elections. Schools are closed on April 3.
St. Mary's	Schools are used for elections. Schools are closed on April 3.
Somerset	Schools are used for elections. Schools are closed on April 3.
Talbot	Schools will NOT be used for elections. Students WILL attend school on April 3.
Washington	Schools are used for elections. Schools are closed on April 3.
Wicomico	Schools are used for elections. Schools are closed on April 3.
Worcester	Schools are used for elections. Schools are closed on April 3.

Polling Place Characteristics

County	Polling Places	Early / Not Early	Public / Private	Parking / No Parking	Building Types				
					School	Fire	Community	Church	Other
Allegany County	37	1 / 36	37 / 0	37 / 0	15	9	2	6	5
Anne Arundel County	164	5 / 159	161 / 3	154 / 10	100	7	10	31	16
Baltimore City	219	5 / 214	208 / 11	202 / 17	115	14	25	26	39
Baltimore County	193	5 / 188	192 / 1	192 / 1	131	12	9	24	17
Calvert County	24	1 / 23	24 / 0	24 / 0	14	5	2	0	3
Caroline County	9	1 / 8	9 / 0	9 / 0	6	1	0	0	2
Carroll County	33	1 / 32	33 / 0	33 / 0	29	0	2	2	0
Cecil County	18	1 / 17	18 / 0	17 / 1	14	3	0	0	1
Charles County	44	1 / 43	44 / 0	43 / 1	28	3	3	5	5
Dorchester County	21	1 / 20	21 / 0	20 / 1	8	8	0	4	1
Frederick County	62	1 / 61	61 / 1	60 / 2	43	0	4	11	4
Garrett County	19	1 / 18	19 / 0	18 / 1	6	6	4	2	1
Harford County	67	1 / 66	66 / 1	67 / 0	54	4	1	5	3
Howard County	84	3 / 81	80 / 4	78 / 6	66	2	6	3	7
Kent County	10	1 / 9	10 / 0	9 / 1	1	4	2	0	3
Montgomery County	244	5 / 239	243 / 1	243 / 1	172	2	25	22	23
Prince George's County	221	5 / 216	215 / 6	215 / 6	154	2	19	27	19
Queen Anne's County	17	1 / 16	17 / 0	16 / 1	8	3	1	2	3
St. Mary's County	30	1 / 29	29 / 1	29 / 1	19	8	1	1	1
Somerset County	13	1 / 12	10 / 3	13 / 0	8	3	0	1	1
Talbot County	13	1 / 12	13 / 0	12 / 1	1	5	2	3	2
Washington County	49	1 / 48	44 / 5	40 / 9	29	3	6	5	6
Wicomico County	31	1 / 30	31 / 0	30 / 1	15	1	2	10	3
Worcester County	19	1 / 18	19 / 0	18 / 1	8	5	1	1	4
Totals:	1641	46 / 15	04 / 37	579 / 62	1044	110	127	191	169

SCHOOL YEAR 2011-2012

MARYLAND STATE DEPARTMENT OF EDUCATION
PUBLIC SCHOOL OPENINGS AND CLOSINGS

Revised 11/11/2011

SCHOOL SYSTEM	FIRST DAY	MSEA CONVENTION	THANKSGIVING HOLIDAY	WINTER BREAK	SPRING BREAK	OTHER CLOSINGS AND HOLIDAYS	LAST DAY
Allegany	Aug 24		Nov 24-28	Dec 23-Jan 3	Apr 2-9	9/5, 9/29, 1/16, 2/1, 2/20, 2/21, 5/28	June 1
Anne Arundel	Aug 23**	Oct 21	Nov 23-25	Dec 23-Jan 2	Apr 2-9	9/5, 9/29, 11/21, 11/22, 1/16, 1/23, 1/24, 2/20, 5/28	June 12
Baltimore City	Aug 29		Nov 24-25	Dec 23-Jan 2	Apr 2-9	9/5, 9/13, 10/20, 10/21, 11/8, 1/16, 1/26, 1/27, 2/20, 4/10, 5/28	June 18
Baltimore	Aug 29	Oct 21	Nov 24-25	Dec 26-Jan 2	Apr 2-9	9/5, 9/29, 11/4, 1/16, 1/23, 2/20, 5/28	June 14
Calvert	Aug 24	Oct 21	Nov 23-25	Dec 23-Jan 2	Apr 2-9	9/5, 9/30, 10/10, 11/11, 1/13, 1/16, 2/1, 2/14, 2/20, 5/28	June 14
Caroline	Aug 24	Oct 21	Nov 23-25	Dec 22-30	Apr 6-10	9/5, 9/14, 11/11, 1/2, 1/16, 1/23, 2/20, 4/3, 4/20, 5/28	June 8
Carroll	Aug 30	Oct 21	Nov 23-25	Dec 26-Jan 2	Apr 2-10	9/5, 9/29, 1/16, 1/27, 2/20, 2/21, 5/28	June 14
Cecil	Aug 24	Oct 21	Nov 23-25	Dec 23-Jan 2	Apr 4-9	9/5, 11/3, 11/4, 12/22, 1/16, 1/20, 1/23, 2/20, 3/2, 4/2, 4/3, 5/25, 5/28	June 8
Charles	Aug 29	Oct 21	Nov 23-25	Dec 22-30	Apr 2-9	9/5, 9/16, 11/2, 11/11, 1/16, 1/24, 2/8, 2/20, 5/28	June 15
Dorchester	Aug 22+	Oct 21	Nov 23-25	Dec 21-30	Apr 5-9	9/5, 9/15, 9/27, 11/7, 12/6, 1/2, 1/16, 2/20, 2/23, 4/3, 5/28	June 11
Frederick	Aug 29	Oct 21	Nov 24-25	Dec 23-30	Apr 2-9	9/5, 9/23, 9/29, 1/2, 1/16, 1/23, 2/20, 3/26, 5/28	June 15
Garrett	Aug 24		Nov 24-25	Dec 23-30	Apr 6-9	9/5, 10/14, 11/28, 1/2, 1/16, 2/20, 4/2, 4/3, 4/6, 4/9, 5/28	May 30
Harford	Aug 29	Oct 21	Nov 24-25	Dec 23-Jan 2	Apr 4-9	9/5, 9/29, 11/3, 11/4, 1/16, 1/23, 1/24, 2/20, 4/2, 4/3, 5/28	June 8
Howard	Aug 29	Oct 21	Nov 24-25	Dec 26-30	Apr 2-6	9/5, 9/29, 11/4, 11/23, 1/16, 1/23, 2/17, 2/20, 4/9, 4/26, 5/18, 5/28	June 8
Kent	Aug 29#	Oct 21	Nov 23-25	Dec 23-Jan 2	Apr 5-10	9/2, 9/5, 10/19, 10/20, 1/16, 1/23, 2/20, 4/20, 5/28	June 14
Montgomery	Aug 29	Oct 21	Nov 24-25	Dec 26-Jan 2	Apr 2-9	9/5, 9/29, 10/31, 1/16, 1/23, 2/20, 3/30, 5/28	June 12
Prince George's	Aug 22	Oct 21	Nov 23-25	Dec 22-Jan 2	Apr 2-9	9/5, 9/29, 9/30, 10/31, 11/11, 1/16, 1/23, 2/13, 2/20, 3/30, 5/28	June 8
Queen Anne's	Aug 29++	Oct 21	Nov 23-25	Dec 19-Jan 1	Apr 6-9	9/2, 9/5, 10/20, 1/16, 1/26, 2/20, 4/3, 4/20, 5/28	June 15
St. Mary's	Aug 24		Nov 24-25	Dec 19-30	Apr 2-6	9/5, 9/23, 11/11, 11/23, 1/16, 2/20, 4/9, 5/28	June 15
Somerset	Aug 22	Oct 21	Nov 24-25	Dec 19-31	Apr 2-9	9/2, 9/5, 9/26, 10/24, 11/23, 1/16, 1/20, 2/20, 4/20, 5/28	June 12
Talbot	Aug 23	Oct 21	Nov 23-25	Dec 19-30	Apr 5-10	9/5, 10/20, 11/10, 11/11, 1/2, 1/16, 1/25, 2/20, 4/20, 5/28	June 7
Washington	Aug 24	Oct 21	Nov 24-25	Dec 23-30	Apr 5-9	9/5, 10/31, 11/1, 11/28, 1/2, 1/16, 1/23, 2/20, 4/3, 4/10, 5/28	June 13
Wicomico	Aug 29*	Oct 21	Nov 23-25	Dec 23-Jan 2	Apr 4-9	9/5, 9/30, 11/4, 1/16, 1/23, 1/24, 2/20, 4/2, 4/3, 5/28	June 8
Worcester	Aug 29	Oct 21	Nov 23-25	Dec 22-Jan 2	Apr 4-9	9/2, 9/5, 11/4, 1/16, 1/27, 2/20, 4/2, 4/3, 5/28	June 13
SEED School	Aug 22		Nov 21-25	Dec 19-30	Apr 4-6	9/5, 10/24-28, 1/16, 1/27, 2/17, 2/20, 4/9, 5/28	June 15

Save: SchoolOpeningsClosingsList2011-2012

*W1 grades 1-6 & 9 Aug 29, grades 1-12 Aug 30

**AA Grades 1-5, 6 & 9 Aug 23, Grades 1-12 Aug 24

KENT Grades k-9 Aug 29, Grades k-12 Aug 30

+DOR Grades 1-5, 6 & 9 Aug 22, Grades 1-12 Aug 23

++ QA Grades 1-9 Aug 29, Grades 10-12 Aug 30

St. Mary's calendar adjusted 11/11/11