

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

House Bill 1322

(Delegate Washington)

Ways and Means

Education, Health, and Environmental Affairs

Primary and Secondary Education - School Personnel Not Returning to In-Person Instruction and Work - Accommodations and Discipline

This emergency bill requires, for the 2020-2021 school year during a state of emergency related to the COVID-19 pandemic, the State Board of Education (SBE) and local boards of education to allow teachers, educational support professionals, and other professional school personnel to instruct or work remotely, to the extent practicable, if the individual has not received a COVID-19 vaccine or has not been fully vaccinated in accordance with Centers for Disease Control and Prevention (CDC) guidelines. A local board of education is required to make accommodations to facilitate an individual's decision to instruct or work remotely. A teacher, educational support professional, or other professional school personnel may apply to the local board of education to instruct or work remotely if the individual meets specified conditions. The Governor, State Superintendent of Schools, SBE, local superintendents, and local boards of education are prohibited from suspending or revoking specified certificates or disciplining, suspending, terminating, or otherwise retaliating against specified individuals for not returning to a school building for in-person instruction during the 2020-2021 school year.

Fiscal Summary

State Effect: None. SBE and other State entities can follow the requirements of the bill using existing resources. Revenues are not affected.

Local Effect: Local school systems can likely implement the requirements of the bill using existing resources. Revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary: Specifically, specified school personnel may submit an application for an accommodation to instruct or work remotely if the individual (1) is at least 65 years old, has specified underlying health conditions, lives in a household or is the caretaker for such an individual, or has been temporarily assigned to instruct or work remotely; (2) has not received a federally authorized vaccine for COVID-19 due to having an underlying medical condition that the CDC or the individual's physician has identified as putting the individual at increased risk for complications from the vaccine; *and* (3) chooses not to return to the school building for in-person instruction.

Within five days of receipt of an application, the local board of education must send a response to an individual who requests to instruct or work remotely under specified conditions.

Nothing in the bill may be construed to supersede collective bargaining laws or agreements.

Current Law: On the written recommendation of the local superintendent of schools and subject to other provisions of the Education Article, each local board of education must appoint all principals, teachers, and other certificated and noncertificated personnel and set their salaries. In Baltimore City, the Board of School Commissioners must exercise this authority.

Specified certificated and noncertificated local school system personnel have collective bargaining rights that result in labor agreements.

Local Expenditures: Except for specified high-risk individuals, the bill requires that local school systems support remote instruction or work for professional school personnel to the *extent practicable* during a COVID-19 state of emergency. Specified high-risk individuals and specified individuals who have not received the full course of an FDA-approved vaccine may not be retaliated against. Thus, it is likely that local school systems can meet the requirements of the bill using existing resources. To the extent that school personnel are able to receive the full course of a federally authorized COVID-19 vaccine, any impact on local school systems can be largely prevented. However, teachers and other educational support personnel may not be retaliated against for choosing not to return to the school building for in-person instruction during the 2020-2021 school year.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland Commission on Civil Rights; Governor's Office; Maryland State Department of Education; Maryland Department of Health; Maryland Department of Labor; Department of Legislative Services

Fiscal Note History: First Reader - March 2, 2021
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