



BILL: Senate Bill 206 / House Bill 85
TITLE: Education – Collective Bargaining – Certificated Employees – Class Size
HEARING DATE: February 9, 2023 / February 1, 2023
POSITION: OPPOSE
COMMITTEE: Senate Finance Committee / House Ways and Means Committee
CONTACT: Ms. Patricia Ursprung, Deputy Legal Counsel (301-766-2946)

The Washington County Board of Education opposes Senate Bill 206, which would remove class size as an illegal topic of bargaining between employee organizations representing certificated employees and school boards.

Currently, Education Article Section 6-408 requires that employee organizations and school boards negotiate 1) salaries, wages, hours, and other working conditions, including procedures regarding employee transfers and assignments; 2) the manner in which the employee organization has access to new employees; and 3) the career ladder contained in the Blueprint for Maryland’s Future (i.e. required topics of bargaining). The two groups cannot negotiate topics related to the school calendar, the maximum number of students assigned to a class, or any matter that is precluded by applicable statutory law (i.e. illegal topics of bargaining). Any other topics can be negotiated upon mutual agreement between the parties (i.e. permissible topics of bargaining). This bill seeks to remove “class size” as an illegal topic of bargaining and make it permissive.

If the proposed amendment passes, it will create two major concerns for school systems: insufficient staffing and insufficient space. While you may hear proponents of the bill say that the bill does not require a class size cap or require a specific student to teacher ratio, that is a possible, maybe even likely, outcome if this legislation passes. If maximum class sizes are restricted in some manner, school systems will need more staff, when there is already a shortage of quality staff, and more space to comply with the requirements of the negotiated agreement.

Many school systems are not in a position to absorb the costs associated with additional staff salaries into an already tight budget at a time when the Blueprint for Maryland’s Future is requiring increased staff compensation. If it is possible, it could only be achieved by diverting funds currently being utilized to provide other important services, such as mental health services and other classroom interventions provided by non-classroom teachers, to students. This change would not be in the best interest of students. The inability to hire qualified staff might also result in the need to place strict enrollment caps on certain specialty courses, such as electives, Advanced Placement, International Baccalaureate, Career and Technical Education, and other gifted and talented courses. Doing so would be a disservice to students and is inconsistent with the Blueprint for Maryland’s Future, which seeks to provide the opportunity for all students to advance in their education.

Complying with an arbitrary, but negotiated, class size cap may also require additional physical space that school systems do not currently possess. For example, if a school that currently has two fifth grade classes now has to split that group of students into three classes, it will become necessary to also increase the usable space in the school facility. This will most often be achieved by using portable classrooms, which are less secure than school buildings, lead to a feeling of isolation because they are separate from the school building, and are costly to purchase and install. It is also possible that mid-year fluctuations in enrollment might require students in established classrooms to be redistributed.

Some students would then have to be reassigned to a new teacher with new classmates to avoid exceeding the negotiated cap on a given classroom. This kind of mid-year shuffling would present a major challenge in terms of finding space in our facilities, which are already maxed out, and can be harmful to students, especially our youngest learners who thrive on consistency.

Both of these issues, staff shortage and lack of physical space, are ultimately, to some extent, outside of the control of the school system because they are tied to funding, which the school board cannot control. Budgetary constraints will make it nearly impossible for the school board to agree to any measure that will require the school system to hire additional staff or expand the usable space in a school facility. Because the school board may be, for all intents and purposes, unable to negotiate class size, having it be a permissive topic of bargaining (i.e. both sides have to agree to discuss it) could result in more contentious contract negotiations and, ultimately, an impasse, which also diverts funds away from important student services. The school board always tries to be a good partner during contract negotiations, but adding a permissive topic that the school system cannot reasonably negotiate may deteriorate the relationship between the two sides.

The school system is most effective when the school board and teachers work together with a shared goal of creating an environment where all students can succeed. Anything that harms the harmonious relationship between the two sides should be scrutinized to determine if it is truly in the best interest of the children attending public schools across the state. The Washington County Board of Education hopes that, after careful examination and consideration, this committee determines that the amendment will not benefit school children in this state and rejects it.

Washington County Board of Education respectfully requests an unfavorable report on Senate Bill 206.

Thank you.

cc: Washington County Board of Education Members
Washington County Delegation to the Maryland General Assembly
Dr. David T. Sovine, Superintendent
Dr. Jennifer Webster, Associate Superintendent for Administration and Leadership
Dr. Gary Willow, Associate Superintendent for Curriculum and Instruction
Mr. Jeffrey Proulx, Chief Operating Officer
Ms. Ilissa Ramm, Chief Legal Counsel
Mr. John Woolums, Director of Governmental Relations, Maryland Association of Boards of Education
Ms. Mary Pat Fannon, Executive Director, Public School Superintendents' Association of Maryland