



BILL: HB 85
TITLE: Education - Collective Bargaining - Certificated Employees - Class Size
DATE: February 1, 2023
POSITION: Oppose
COMMITTEE: Ways and Means
CONTACT: Mary Pat Fannon, Executive Director, PSSAM

The Public School Superintendents' Association of Maryland (PSSAM), on behalf of the twenty-four superintendents, **opposes** House Bill 85.

House Bill 85 adds class size to permissible collective bargaining topics. These agreements are negotiated annually through a highly regulated process with an established and successful dispute resolution process.

Maryland school systems strive to deliver the most reasonable and equitable class size for every grade and student population. There are some variations including smaller special education classes, and larger classes for gifted and talented courses. Currently, superintendents and their boards have the flexibility to use their best judgement on class size and scheduling both as a time management tool, but also to appropriate funds where they are most needed in any given year. The majority of every LEAs' budgets are dedicated to personnel, 84-94% for most systems. So, creating a rigid system around class sizes removes a hugely important management and budget tool for superintendents and boards.

Below are several items we ask the committee to consider. While the bill makes class size permissive, the reality is that there will be increasing pressure to include this a regular subject of bargaining. Some of the potential and unintended consequences for smaller class sizes include:

- A need for additional teachers and/or stipends for those teaching larger classes (increased salaries, increased fixed charges such as professional development, and training costs);
- A national teacher shortage with no end in sight based on college enrollment in education;
 - This chronic shortage is well documented and was aptly presented by the State Superintendent to the education committees.

- Pending State regulations on increasing professional standards for educator certification and licensure will be another challenge in hiring. We strongly support increasing profession standards generally, but increased standards are also a requirement of the Blueprint.
- Capital costs for new or renovated classrooms and portable classrooms if needed;
- Increased operating costs for additional furniture, instructional materials and supplies for new classrooms. As well as increased utility costs and expenses;
- Complications for students who transfer mid-year into a new district after the year has started could trigger violation of the negotiated agreement;
 - While this is a rather dramatic possibility, a mid-year move could exceed the negotiated class size limit and create the need to immediately post, recruit, and hire a certified teacher in the middle of the school year. This is difficult due to a national teacher shortage, and it falls outside of the July 15 contract deadline. Mid-year, recent graduates are the most available candidates; those who are not seasoned and need conditional certification, or those who have not been hired during the regular hiring season.
 - Lastly, students who transfer mid-year are often our most needy students – students who are English Language Learners, those who qualify under McKinney-Vento for being homeless, those who are placed via the special education process, or even those in the care and custody of DSS. Military families would also be affected since their relocations do not often occur at the start of a school year. None of these are students who should have their education delayed due to a breach of a class size.
- Impact on small schools and small school systems
 - Rigorous and high level courses (including AP, PLTW, CTE) may only be offered in a single section.
 - These systems and schools may question the value of adding additional rigorous or high level course offerings if there is doubt that they can offer a single section due to a class size cap. Therefore, these schools may opt **not** to broaden their offerings, thereby reducing access and options for students.
 - Conversely, this could create gatekeeping, which disproportionately impacts students of color and students with disabilities.
- In any size system, class size requirement could impact course offerings and scheduling options. There are times when it is necessary to add students to a class when enrollment does not necessitate creating an entire new class. As discussed above, if this became a requirement to open a new class, there would be limitations on other courses or class options that could be offered.
 - Adding this to negotiations would mean providing the same for all classes - including those who don't have the need to be smaller.

Below are some practical considerations of artificially limiting class sizes:

- Some schools combine resource classes such as PE, Art, and Music to provide planning time for subject matter teachers; this would prohibit or hamper that practice.
- Small schools that combine grades, or may only have 1 teacher per grade level for elementary or subject matter for high school, could be required to hire additional teachers based on an arbitrary number per class;

- Middle schools often use a successful team approach that would be difficult to continue with this mandate;
- Schools are currently able to hire assistants to work in larger classes to facilitate small group instruction, as opposed to creating more classes.

A practical and real life example is with the burgeoning Frederick County Public School System (FCPS). FCPS is currently at 100% of state rated capacity at elementary schools, 82% at middle schools, and 96% at high schools. They grew over 1,700 students from (Sept 21 to Sept 22) and anticipate this growth to continue. Lower class sizes (along with the Blueprint requirements of expanding pre-k and increasing teacher planning/collaboration time) have already resulted in planning much needed funding for capital costs. Estimated costs to address their status quo and build new facilities are \$44 million for elementary schools, \$53 million for middle school , and \$111 million for high schools. These are direct construction estimates only as there are additional costs for architectural and engineering services as well as outfitting the buildings. Also, FCPS is currently estimating the cost to negotiate salaries for next year at \$35 million.

FCPS, as all of our districts here in Maryland, are also challenged with large inflationary increases for items such as insurance, fuel and materials of instruction. Smaller class sizes make all facility and staff planning even more challenging among all of our systems.

Complications and potential confusion as we implement the Blueprint.

Including class size to the permissible negotiating topics would create **a complicating factor in the implementation of the Blueprint** for several reasons. The Blueprint is based on equity and adequacy; most alarming is that this legislation would result in 24 different agreements that could create **new inequities** among systems based on the strength (or weakness) of either bargaining unit.

Second, the Kirwan Commission considered and rejected mandating smaller class sizes. There was no conclusive research that smaller classes were responsible for student success. Additionally, they found small classes were not a characteristic of successful schools around the world.

Third, the Blueprint calls for increases in teacher salaries and more planning time (60% teaching and 40% planning), which will require additional staff. School systems are already strategizing and contemplating this need in the context of the national teacher shortage.

In conclusion, we ask the committee's consideration of the issues described above, highlighting the need implement the Blueprint with fidelity. Lastly, placing a cap on class sizes or allowing this to be a topic of negotiations would limit a system's ability to allocate resources to high need schools. Local boards and superintendents need to be able to invest in the students and families who need us most.

For these reasons, PSSAM respectfully opposes House Bill 85 and urges an unfavorable report.