

**FAVORABLE  
House Bill 1175  
Education – Public School Employers and Employees – Subcontracting for  
Services**

**House Ways and Means Committee  
February 28, 2024**

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Treasurer**

The Maryland State Education Association strongly supports House Bill 1175. House Bill 1175 will make certain public school employees' voices are heard in the discussion and decision-making process when our employers attempt to subcontract out work performed by public school employees.

MSEA represents 75,000 educators and school employees who work in Maryland's public schools, teaching and preparing our almost 900,000 students so they can pursue their dreams. MSEA also represents 39 local affiliates in every county across the state of Maryland, and our parent affiliate is the 3 million-member National Education Association (NEA).

I worked for the Howard County Public School System (HCPSS) for the past 32 years. The past 6 of which were as the president of the local union, the Howard County Education Association (HCEA). Over a decade ago, HCPSS began subcontracting the educational support professionals they needed to supply close adult supervision. These employees are referred to as "TEs or temporary employees." The employees have almost the exact same job description as HCPSS employed Student Assistants, but they do not receive benefits, work only the hours students are in school, receive no training, are not supposed to be left alone with students, are paid a much lower hourly wage and if the child they are providing services to is absent or the IEP changed, they are not paid at all.



Two years ago, I finally received data from HCPSS on how many TEs are currently utilized and how many HCPSS had historically used. The utilization had grown from less than 50 to over 300. Thus, there was nothing temporary about them.

More recently, HCPSS began subcontracting out Related Service Providers such as Speech and Language Pathologists (SLPs) and Board Certified Behavioral Analysts (BCBAs) as well as some special educators. I found out about these positions when members shared their concerns about the additional workload created by the subcontractors. Without notice, HCPSS had contracted virtual SLPs and parents have a choice of utilizing this provider or the onsite HCPSS SLP employee. This creates an unequal distribution of the caseloads leaving the in person HCPSS SLP with more intense cases. Additionally, any questions from parents or teachers are almost always addressed to the SLP on site because the virtual one is not readily available. Since the subcontracted SLP was not required to do the same data entry or IEP meetings, those responsibilities were also added to the HCPSS employee. Further, other educational support personnel have additional duties because someone must supervise and assist the student receiving virtual services.

Lastly, in addition to the workload and untrained employees brought on by subcontracting services, I have witnessed a general lack of knowledge of both HCPSS policy and interpretation of state law on the part of the subcontracted employees. Last year a subcontracted BCBA interfered with a situation reporting an HCPSS employee for misuse of the new restraint and seclusion law. Once the investigation was complete it was noted that it was the BCBAs lack of knowledge of both HCPSS policy, practice and state law that caused the confusion and added to escalation of an incident.

Since you rarely get to see the unintended consequences of the subcontracting out of employees, I hope these examples (and I have more) support a favorable vote on HB1175.

**We urge the committee to issue a Favorable Report on House Bill 1175.**