

SB 218 Supt. emergency declaration (1).pdf

Uploaded by: Kimberly Buckheit

Position: FAV

MARYLAND CENTER for SCHOOL SAFETY

Bill:	Senate Bill 218	Date:	February 2, 2026
Title:	State Superintendents of Schools - Prolonged State of Emergency - Authority to Declare	Committee:	Education, Energy, and Finance
Position:	Favorable	Contact:	Kimberly Buckheit kim.buckheit1@maryland.gov 443-902-0622

On behalf of the Maryland Center for School Safety (MCSS), thank you for the opportunity to submit this letter of support for Senate Bill 218.

SB 218 closes a gap in Maryland's emergency laws by allowing the **State Superintendent of Schools** to declare a "prolonged state of emergency" for localized school disruptions (e.g., flooding or asbestos) lasting at least 14 days. This shift ensures educational continuity—specifically via temporary virtual instruction—without requiring a full gubernatorial declaration for localized emergencies.

Key Highlights

- **The Gap:** Current law is built for major crises (hurricanes, pandemics). It lacks a middle-ground solution for localized building failures that don't justify a statewide or regional emergency but still prevent in-person learning.
- **The Solution:** The State Superintendent gains the authority to trigger emergency protocols specifically for schools when in-person attendance is blocked for **14+ consecutive days**.
- **The Guardrails:** SB218 does **not** replace the Governor's or Health Secretary's powers.
 - It is **not** a "blanket" power to move online; it requires pre-approved local plans.
 - The primary goal remains a swift return to in-person instruction.

Maryland's current emergency framework is appropriately calibrated for statewide or regional crises, with the Governor's authority under Title 14 of the Public Safety Article designed to address events that broadly threaten public safety and welfare. That structure works well for incidents like hurricanes, severe storms, pandemics, and civil emergencies, but it is not well suited to address serious disruptions that are localized to a single school or small number of schools within a county. Events such as flooding, structural failure, or asbestos abatement can render a school unsafe for weeks or months without rising to the



MARYLAND CENTER for SCHOOL SAFETY

level that justifies a gubernatorial state of emergency. In those localized incidents, the existing framework creates a gap between the severity of the problem and the tools available to continue educating students.

SB 218 directly addresses that gap by authorizing the State Superintendent of Schools to declare a “prolonged state of emergency” when regular, in-person attendance at a public school is prevented for at least 14 consecutive school days. This targeted, proportional adjustment of authority does not dilute the Governor’s emergency powers or the Secretary of Health’s authority under Title 18 of the Health-General article, nor does it create a blanket ability to move schools online at will. Instead, it recognizes that educational continuity decisions often require speed, technical expertise, and situational awareness that sit squarely within the education system.

Taken together, SB 218 recognizes that some school disruptions are often local, time-limited, and best addressed within the educational system itself. By allowing the State Superintendent to declare a prolonged emergency, the bill creates a clear, lawful path for temporary virtual instruction when a school building is unusable, while still requiring county boards to operate under pre-approved, regularly updated plans that emphasize student support and a return to in-person instruction. At the same time, it preserves the authority of the Governor and Secretary of Health over statewide or public health emergencies, aligning decision-making with the scale of the problem and ensuring instructional continuity without overusing extraordinary executive powers.

Thank you again for taking the time to consider the information shared above, and MCSS respectfully requests that the committee give Senate Bill 218 a favorable report.



SB0218 - State Board & MSDE - Support.docx.pdf

Uploaded by: Laurel Cratsley

Position: FAV

TO: Senate Committee on Education, Energy, and the Environment

BILL: SB 218 – State Superintendent of Schools - Prolonged State of Emergency - Authority to Declare

DATE: February 4, 2026

POSITION: Support

The Maryland State Board of Education (State Board) and State Department of Education (MSDE) provide this Letter of Support for SB 218 - State Superintendent of Schools - Prolonged State of Emergency - Authority to Declare. This bill strengthens the State Superintendent’s ability to act swiftly during local or statewide emergencies, ensuring continuity of learning for Maryland students when in-person instruction is disrupted.

Under current law, if an emergency prevents in-person attendance at a public school for 14 or more consecutive school days, a State of Emergency must be declared by the Governor before virtual instruction can be implemented. SB 218 addresses this limitation by allowing the State Superintendent to determine when such an emergency exists, enabling affected schools or LEAs to transition to virtual instruction under an approved plan quickly and efficiently.

SB 218 builds on an existing framework for virtual learning in the State. Beginning in the 2022-2023 and 2023-2024 school years, local education agencies (LEAs) could repurpose certain days as virtual school days for inclement weather days, staff professional learning days, high school graduation days, or other similar circumstances that the LEA requested in their application. LEAs applied to the State Superintendent, demonstrating that the plan met specific requirements. With an approved plan, LEAs could implement up to eight virtual days, with a maximum of three asynchronous learning days, for the purposes described in their application.

Senate Bill 610 (Chapter 804, 2023) further established requirements for virtual education during prolonged states of emergency beginning in the 2024-2025 school year. Today, each LEA has an approved virtual education plan that addresses staffing, instruction, assessment, student supports, technology, health services, social-emotional learning, and return-to-school procedures. The virtual education plans are a tool for delivering virtual instruction during a severe weather emergency if the county has used the days incorporated into its calendar for school closures due to weather.

Emergencies that can temporarily prevent in-person attendance at schools may affect one or a few schools, an LEA, or the State. SB 218 will enable the State Superintendent to declare a state of emergency and authorize transition to virtual education specifically for affected communities, under an approved plan. Under SB 218, the State Superintendent can act quickly to respond to local as well as statewide emergencies, resulting in fewer days of instruction lost.

MSDE respectfully requests consideration of these comments as SB 218 is discussed and deliberated. For further information, please contact Laurel Cratsley at 443-571-5461, or laurel.cratsley@maryland.gov.

Montgomery County Board of Education_SB 218_Suppor

Uploaded by: Patricia Ursprung

Position: FAV



MONTGOMERY COUNTY BOARD OF EDUCATION

Expanding Opportunity and Unleashing Potential

15 West Gude Drive ♦ Suite 100 ♦ Rockville, Maryland 20850

BILL: Senate Bill 218

TITLE: State Superintendent of Schools - Prolonged State of Emergency - Authority to Declare

DATE: February 4, 2026

POSITION: Support

COMMITTEE: Education, Energy, and the Environment

CONTACT: Patricia Ursprung, Coordinator, Legislative Affairs

The Montgomery County Board of Education supports Senate Bill 218.

This bill authorizes the State Superintendent of Schools to declare a prolonged state of emergency for an event that prevents regular, in-person attendance at a public school for at least 14 consecutive school days. Currently, the authority to declare a state of emergency impacting schools rests with the governor.

The state superintendent is the state-wide authority on education matters. The Montgomery County Board of Education and Dr. Taylor, superintendent of Montgomery County Public Schools, believe it is good practice to permit the state superintendent, who will likely have the most knowledge and information on a given situation and who is in frequent contact with school systems, to declare an emergency impacting the education system in the state. Currently, this power rests with the governor.

This bill may streamline the process for declaring an emergency impacting education and give the power to do so to the person in the best position to act. As a result, the Montgomery County Board of Education supports Senate Bill 218 and requests a **favorable** report.

SB0218 – Education – Prolonged State of Emergency

Uploaded by: Alicia Baines

Position: UNF

SB0218 – Education – Prolonged State of Emergency – Virtual Education Plans

Chair and members of the Committee:

I am a Maryland parent and special education advocate. I urge an **UNFAVORABLE** report on SB0218 because it expands administrative authority during emergencies **without creating enforceable protections for students—particularly students with disabilities**.

Process without protection

SB0218 allows the State Superintendent to declare a prolonged state of emergency and relies on district virtual education plans to govern instruction during closures. However, **plans are not protections**. This bill does not require that students actually receive services—only that systems assert they planned for them.

It repeats known, documented failures

Maryland already has lived experience with prolonged school closures. Families know exactly what happens when schools pivot to virtual instruction without statutory safeguards:

- IEP services are reduced, delayed, or suspended
- Related services are treated as optional
- Accessibility and assistive technology gaps are ignored
- Parents are told to “wait until in-person resumes”
- Remedies, if they come at all, arrive years later

SB0218 does nothing to prevent these outcomes.

No FAPE, no accountability, no remedy

As written, SB0218 does **not**:

- Require continuity of IEP or Section 504 services
- Require written notice to parents when services change
- Require compensatory education when services are missed

SB0218 – Education – Prolonged State of Emergency – Virtual Education Plans

- Require accessible platforms or assistive technology
- Impose enforcement, monitoring, or consequences for failure

A district can fully comply with this bill and still deny FAPE.

Systems protected, students exposed

SB0218 gives the State Superintendent more authority, gives districts more flexibility, and gives families **no enforceable rights**. It formalizes the same imbalance parents face every time an emergency is declared: **systems get discretion, children lose access, and families carry the burden of fixing it later through complaints and due process.**

Maryland does not need another bill that says *“have a plan.”*
Maryland needs laws that say **what must happen when plans fail.**

Closing

SB0218 is insufficient, unenforceable, and disconnected from the realities families have already lived through. Until the General Assembly is willing to legislate service continuity, accessibility, accountability, and remedies for students with disabilities during emergencies, this bill should not advance.

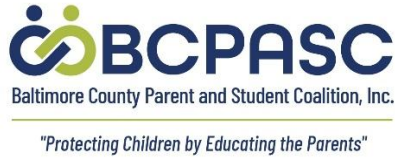
I respectfully urge an **UNFAVORABLE** report.

Respectfully submitted,
Alicia Baines
Maryland Parent & Special Education Advocate

Unfavorable SB218.pdf

Uploaded by: Amy Adams

Position: UNF



February 2, 2026

Dear Members of the Education, Energy, and the Environment Committee,

The Baltimore County Parent and Student Coalition (BCPASC) represents 5,000 nonpartisan residents and advocates who prioritize students in Baltimore County Public Schools. We submit this UNFAVORABLE written testimony on SB 218, State Superintendent of Schools Prolonged State of Emergency Authority.

BCPASC formed in late 2020 when parents united to demand the reopening of Baltimore County schools. Maryland was among the last three states in the nation to reopen public schools and an outlier compared to our regional neighbors. Schools serve far more than education. They provide safe havens for children escaping abusive homes, meals, clothing, mental health support, and services for students with disabilities.

The COVID lockdowns proved catastrophic for Maryland students. Thousands still suffer permanent learning loss, while mental health crises including anxiety, depression, and screen addictions continue to plague families. Virtual learning programs varied wildly in quality across districts, consistently failing our most vulnerable students.

We were shocked to see this legislation even under consideration. Maryland's strength lies in local control, where each jurisdiction's unique needs are met by leaders directly accountable to voters through voice and ballot. SB 218 would upend this principle by granting an unelected, appointed State Superintendent, accountable only to the Governor, unilateral power to declare prolonged school closures and mandate virtual learning.

Even Superintendent Dr. Carey Wright, respected for her research driven approach, should not wield Governor level emergency powers without direct voter accountability. Recent winter storm closures laid bare these inequities in Baltimore County alone: K-2 students received paper packets due to no 1:1 devices; grades 3-5 got devices without chargers and

mostly asynchronous work; secondary students needed home motivation and support for virtual lessons; and special education services effectively disappeared.

These challenges during short closures would multiply exponentially under prolonged state mandated shutdowns.

BCPASC urges a UNFAVORABLE vote on SB 218. Prolonged school closures devastated Maryland children once before. We cannot hand unelected bureaucrats the power to repeat this damage. Local elected leaders, accountable to the people, must retain authority over school operations during emergencies.

Protect local control. Protect our children. Vote UNFAVORABLE on SB 218.

Sincerely,

Baltimore County Parent and Student Coalition (BCPASC)

5000+ parents, students, and advocates for Baltimore County Public Schools

Oppose HB218.pdf

Uploaded by: Annette Hibbert Nelson

Position: UNF

Oppose HB218/SB218

Annette Love 2603 Terrapin Rd. Silver Spring, MD 20906

Dear Maryland State Senators and Representatives,

My name is Annette Love and I am a resident of Silver Spring. I regret that I cannot be here in person today, as I teach all day on Wednesdays. I am submitting written testimony to urge you to oppose HB218/SB218.

This bill grants one unelected official unilateral authority to declare a state of emergency and close schools statewide. Decisions of this magnitude affect students, families, educators, and communities across Maryland. In most areas of government, emergency powers require collaboration among multiple leaders and agencies. I am concerned that this proposal removes critical checks and balances from decisions that deserve broad oversight and public accountability.

Maryland already has systems in place to respond to emergencies involving public health and safety. Before expanding authority in this way, I believe it is important to ask: what specific emergency scenario exists today that current law cannot address? And why would such a drastic shift in governance be necessary without clearly defined limits, criteria, or shared decision-making?

I was deeply impressed by the response of Maryland's lawmakers during the COVID-19 pandemic. In March 2020, I was both the parent of a second grader and a part-time teacher, and I experienced those decisions from multiple perspectives. While not everyone agreed with every choice, the process allowed for transparency, public input, and accountability. That mattered. If a future emergency arises and families or educators disagree with how it is handled, what recourse will exist if the decision rests with a single, unelected official?

Teaching is my career. I have taught in public schools in Howard, Montgomery, and Prince George's Counties. As a former public school teacher, I want to emphasize that school closures are not abstract policy tools—they are lived experiences for students and educators. I have been

in classrooms where sudden, top-down decisions disrupted learning, strained student mental health, and placed enormous burdens on teachers and families. Even when closures are well-intentioned, the consequences are long-lasting and fall most heavily on our most vulnerable students. Because I've seen how difficult it is to recover from these disruptions, I believe any emergency authority over school closures must be narrowly defined, locally informed, and subject to strong checks and balances.

Emergency authority should be rare, limited, transparent, and shared—especially when it affects every child in the state. Thank you for your time and consideration. Please vote to oppose HB218/SB218.

Sincerely,

Annette Love

Love Maryland PAC sb218hb288.pdf

Uploaded by: Catherine Garrett

Position: UNF



SB 218/HB 288- Unfavorable

The Love Maryland PAC has several concerns with this legislation, and we ask that the committee give an Unfavorable report to the bill as it is giving away the power of the Governor and the elected members of the legislature to those who are unelected by the people of our great state.

The Love Maryland PAC has over 3600 members statewide, many of whom are parents of young children. Our focus since 2015, has been making Maryland the kind of place that families LOVE to live in and raise their children.

During the COVID-19 Pandemic, schools in Maryland and across the nation were closed in many areas for a significant period of time. As we had never seen a pandemic of this magnitude in modern history, the response of many states and countries was extremely aggressive. Since then, however, research has analyzed the outcomes of those extreme responses and what we have learned has been devastating. I would like to read directly from a peer-reviewed May 2024 study that analyzed the impacts, Dr. Elizabeth Wolf, et al writes:

“Although most children with SARS-CoV-2 do not become severely ill or develop long-term sequelae from the virus, ([Haddad et al., 2022](#); [Wald et al., 2021](#)) the indirect effects of the COVID-19 pandemic on children have been profound....School closure lowered math and reading test scores, especially in predominantly Black communities ([Jack et al., 2023](#)) and these test scores have not yet recovered ([Halloran et al., 2023](#)).”

A study from an August 2020 peer-reviewed study that looked at reports of child abuse during closures, Dr. Jason Baron, et al writes:

“While one would expect the financial, mental, and physical stress due to COVID-19 to result in additional child maltreatment cases, we find that the actual number of reported allegations was approximately 15,000 lower (27%) than expected for these two months.”

The apparent DECLINE in child abuse, says the authors, is not because children stopped being abused, but because they were locked out of the schools that were able to see the signs of abuse and report them. These children were suffering in silence with their abusers for months or years even.

As of 2019-2020 school year, there were 6,126 “whereabouts unknown” children in 7-12 grade in Maryland schools. That number is now barely under 11,000 “whereabouts unknown” children, despite declining overall enrollment in Maryland public schools. Where are these children and whose caring for them?

Someone who has not been elected to represent the people should never have the power to cause the kind of harm felt by the children of Maryland in recent years. It is a distinct authority that should be exclusively

reserved for you all and the Governor alone. You are closest to the people. You are the ones we have elected to make these impactful decisions on our lives.

With respect, The Love Maryland PAC strongly urges that you return an unfavorable report on HB288/SB218.

Thank you,

Catherine Garrett

Catherine Garrett

Chair,

Love Maryland PAC

DPTC-TESTIMONY-SB218.pdf

Uploaded by: Darren Lombardo

Position: UNF



1325 Mt. Hermon Road Suite 16B
Salisbury, MD 21804

February 2, 2026
Education, Health, and Environmental Affairs
Maryland General Assembly
Legislative Services Building
90 State Circle
Annapolis, MD 21401

Re: Testimony on Senate Bill 218

Dear Legislators:

The Delmarva Parent Teacher Coalition represents thousands of parents, students, teachers, and taxpayers in numerous counties across Maryland. Since the state superintendent is an unelected position, granting emergency powers to the state superintendent is an overreach of authority, and usurps democracy in every form. To that end, we believe that a state superintendent should not possess any emergency powers that would override local authority of elected officials that know the needs of the citizens at a local level. We believe any emergencies to open and close schools should always be done at the local county level.

We ask the legislative committee to find this bill as unfavorable as well, as it is a clear abuse of Maryland citizens as a totalitarian policy.

Thank you for your consideration,

Darren Lombardo

Darren Lombardo, Representative
Delmarva Parent Teacher Coalition

OPPOSE SB218 HB288.pdf

Uploaded by: Mark Meyerovich

Position: UNF

I am asking for your "no" vote for SB 218 (HB 288) for the following reasons.

1. The State Superintendent of Schools is not publicly elected but is an appointed bureaucrat and is not directly accountable to the people.
2. The authority invested in this bureaucrat would bypass community decisions and local school boards.
3. It is not clear what would constitute an emergency or how school officials would exercise emergency powers.
4. It is already required of each county school board to have a "virtual education plan" for any "prolonged state of emergency."

This bill is unnecessary because a legal framework already exists to address any school related "prolonged state of emergency."

Please vote unfavorable for SB 218 (HB 288).

Thank you,
Mark Meyerovich

SB218 UNFAV 2026.pdf

Uploaded by: MEGAN MONTGOMERY

Position: UNF

SB218- State Superintendent Emergency Powers

Oppose

Alliance for Science Based Policy

Good afternoon Chair Feldman, Vice Chair Kagan and Members of the EEE Committee,

My name is Megan Montgomery, and I am submitting testimony on behalf of the Alliance for Science Based Policy. We write to oppose SB-218, authorizing the State Superintendent to be allowed to exercise Emergency Powers.

Emergency Powers belong in the hands of the Governor as an elected official and people's representative here in Maryland. The State Superintendent, as an unelected gubernatorial appointee who does not interact with or engage with our citizens, is an appropriate advisor to the Governor and should remain so- but is NOT an appropriate party to wield such immense power. This law would remove that vital feedback loop from the citizens to our elected Governor on policy determinations that impact our daily lives.

We saw that under the last Republican Gubernatorial Administration; emergency powers were enacted to close schools during the Covid-19 pandemic. While the initial response to temporarily close schools was the right decision to protect the health and safety of all the citizens in the state, we also saw that as the closures went on (far longer than in jurisdictions around us), the Administration ignored the clear and well established science regarding juvenile cognitive, social and emotional development and the need to counterbalance school closures against multiple complex metrics for health and wellness. Our children continue to struggle with delays and unmet mental health hygiene needs because of our overly long school closures.

We continue to see lasting negative academic impacts to Maryland children from the excessively long school closures of 2020-2021 as well. Namely, our own high school students continue to struggle to gain acceptance into the University of Maryland system as compared with students from jurisdictions with shorter Covid-19 school closures. Our current 8th grade test scores are STILL truly abysmal, with less than 10% of 8th graders showing proficiency in math, and less than 50% demonstrating proficiency in reading. We must have elected officials who answer to the people of the state responsible for making

these very difficult and complicated decisions weighing different needs and different scientific metrics.

The recommendations made by the previous republican Administration were not based on sound science by the end, and moving this decision making out of the hands of the Governor would encourage any future Administration's to potentially politicize the science once again by pushing these life altering decisions into the hands of an unelected official. We were an outlier in the length of time we remained closed and under emergency powers, and we must ensure that anyone with the capability to invoke these powers is accessible and answerable to the citizens of this state.

For these reasons, we urge this committee to recommend an unfavorable report on SB218.

SB 218_HB 288_ State Superintendent of Schools -

Uploaded by: Trudy Tibbals

Position: UNF

SB 218/HB 288: State Superintendent of Schools - **Prolonged State of Emergency - Authority to Declare:** Please vote to **OPPOSE** this bill.

Dear Senators of the Education, Energy & the Environment Committee and Delegates of the Ways & Means Committee,

I am writing to express my strong **opposition** to **SB 218/HB 288**.

This bill represents a serious overreach of authority by granting an **unelected** State Superintendent the power to declare and maintain a prolonged state of emergency with sweeping consequences for Maryland's students, families, and local school systems. This bill goes too far by concentrating broad and ongoing authority in a single, **unelected** official without sufficient legislative oversight, clear limits, or meaningful accountability. It undermines parental rights, erodes local control of education, and weakens the constitutional separation of powers.

Parents—not distant state officials—are best positioned to advocate for their children's educational, social, and emotional well-being. **SB 218/HB 288** would allow critical decisions affecting daily schooling, access to classrooms, instructional methods, and student services to be made without meaningful parental input or consent. That is unacceptable.

Education in Maryland has long been governed locally for good reason. Local school boards understand their communities and are accountable to the families they serve. This bill shifts decision-making power away from locally elected bodies and concentrates it in a single, unelected government official, sidelining local voices and community oversight.

Equally concerning is the precedent this bill sets for emergency governance. **Prolonged emergency powers bypass the General Assembly's role as the people's representatives and weaken essential checks and balances.** Emergency authority must be narrowly defined, time-limited, and subject to legislative approval—**not** left open-ended **at the discretion of one unelected official.**

Maryland's recent experience with extended emergency declarations in education exposed the real harms of centralized, unchecked authority: learning loss, mental health struggles, and unequal impacts on vulnerable students that underscore the need for transparency, checks and balances, and local input. **SB 218/HB 288** risks repeating those mistakes rather than learning from them.

Good public policy requires balancing responsiveness with democratic accountability. This bill does not strike that balance.

For the sake of parental rights, local governance, and the constitutional balance of power, I urge you to oppose **SB 218/HB 288** and protect appropriate limits on executive authority in Maryland's education system.

Thank you for your time and thoughtful consideration.

Respectfully,

Trudy Tibbals