

MARYLAND CENTER for SCHOOL SAFETY

Bill:	House Bill 288	Date:	February 9, 2026
Title:	State Superintendents of Schools - Prolonged State of Emergency - Authority to Declare	Committee:	Ways & Means
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



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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.

