

# HOUSE BILL 1322

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EMERGENCY BILL

1lr2973

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By: **Delegate Washington**

Introduced and read first time: February 8, 2021

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Primary and Secondary Education – School Personnel – Prohibition on**  
3 **Retaliation for Not Returning to In–Person Instruction and Work**

4 FOR the purpose of prohibiting the Governor, the State Superintendent of Schools, the  
5 State Board of Education, a county superintendent, and a county board of education,  
6 during a certain school year, from disciplining, suspending, terminating, or  
7 otherwise retaliating against certain school personnel under certain circumstances;  
8 prohibiting the Governor, the State Superintendent, and the State Board, during a  
9 certain school year, from revoking a certain certification under certain  
10 circumstances; requiring the State Board and county boards to allow certain school  
11 personnel to instruct and work in a certain manner under certain circumstances;  
12 requiring a county board to make certain accommodations for certain school  
13 personnel under certain circumstances; making this Act an emergency measure; and  
14 generally relating to the prohibition on retaliation against school personnel for not  
15 returning to a school building for in–person instruction and work.

16 Preamble

17 WHEREAS, The COVID–19 pandemic has had a profound impact on education and  
18 the operation of Maryland schools; and

19 WHEREAS, Educational and governmental leaders have a responsibility to work  
20 cooperatively with educators, parents, students, county boards of education, and  
21 community members in developing plans to safely return students to schools; and

22 WHEREAS, On January 21, 2021, the Governor and the State Superintendent of  
23 Schools abruptly and without adequately consulting with stakeholders announced  
24 significant revisions to the State Department of Education’s Maryland School Reopening  
25 Guidance; and

26 WHEREAS, The Governor referenced retaliatory action in other states against

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 educators and indicated that the Office of the Governor and the State Department of  
2 Education would use “every legal avenue” to force a return to in-person instruction  
3 regardless of local conditions and the preferences of local communities; and

4 WHEREAS, The State Department of Education has consistently failed to work  
5 collaboratively with stakeholders in school communities to develop plans for the safe  
6 reopening of schools, and for much of the course of the COVID-19 pandemic, has refused  
7 to meet with the democratically elected leadership of the teaching profession; and

8 WHEREAS, Educators and other school personnel, particularly those with a high  
9 risk of serious complications from COVID-19, should have the opportunity to be fully  
10 vaccinated before returning to in-person instruction and work; now, therefore,

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
12 That, notwithstanding any other provision of law:

13 (a) During the 2020-2021 school year, the Governor, the State Superintendent of  
14 Schools, the State Board of Education, a county superintendent, and a county board of  
15 education may not discipline, suspend, terminate, or otherwise retaliate against a teacher,  
16 an educational support professional, or any other professional school personnel if the  
17 individual:

18 (1) (i) is at least 65 years old;

19 (ii) has an underlying medical condition that the Centers for Disease  
20 Control and Prevention has identified as putting the individual at increased risk from  
21 COVID-19; or

22 (iii) lives in a household with or is the caretaker of an individual who  
23 is at least 65 years old or who has an underlying medical condition that the Centers for  
24 Disease Control and Prevention has identified as putting the individual at increased risk  
25 from COVID-19;

26 (2) has not received the full course of an FDA-approved vaccine for  
27 COVID-19; and

28 (3) chooses not to return to the school building for in-person instruction.

29 (b) The Governor, the State Superintendent of Schools, and the State Board of  
30 Education may not suspend or revoke State certification of a teacher or other professional  
31 personnel as a consequence of the individual’s choosing to not return to the school building  
32 for in-person instruction during the 2020-2021 school year.

33 (c) (1) Consistent with applicable laws and labor agreements, during a state  
34 of emergency related to the COVID-19 pandemic, the State Board of Education and county  
35 boards of education shall allow teachers, educational support professionals, and other  
36 professional school personnel who have not received the full course of an FDA-approved

1 vaccine for COVID–19 to instruct or work remotely to the extent practicable.

2 (2) If a teacher, an educational support professional, or any other  
3 professional school personnel chooses to instruct or work remotely in accordance with this  
4 subsection, the county board of education shall make accommodations for the teacher,  
5 educational support professional, or other professional school personnel to facilitate the  
6 choice.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
8 measure, is necessary for the immediate preservation of the public health or safety, has  
9 been passed by a yea and nay vote supported by three–fifths of all the members elected to  
10 each of the two Houses of the General Assembly, and shall take effect from the date it is  
11 enacted.