

May 28, 2021

The Honorable Adrienne A. Jones  
Speaker of the Maryland House of Delegates  
H-101 State House  
Annapolis, MD 21401

The Honorable Bill Ferguson  
President of the Maryland Senate  
H-107 State House  
Annapolis, MD 21401

Dear Madam Speaker and Mr. President:

The COVID-19 pandemic has presented unprecedented challenges for all Marylanders, but it has been perhaps most difficult and disruptive for children across our state. We have seen the negative impact of prolonged school closures on the education, mental health, and the emotional well-being of our students. We have already experienced tangible consequences—failing grades for students throughout Maryland were far higher in the first term of this school year than in the previous year.

There is broad consensus that getting all students safely back into the classroom must continue to remain our top priority. Throughout the pandemic our Administration took immediate actions to provide safe opportunities for in-person instruction to all students and staff. Based on the recommendations of America's leading medical experts, Maryland prioritized teachers and education staff to receive COVID-19 vaccinations. The state also provided local school systems with masks, face shields, hand sanitizer, gloves, gowns, and testing resources.

State health officials worked with local school systems to provide detailed school reopening guidance and educational design options based on scientific evidence. This also included epidemiologists from the Maryland Department of Health providing a dashboard that tracks outbreak-associated cases in schools. In addition to safety procedures, the Fiscal Year 2022 recovery budget provided a record \$7.5 billion for K-12 funding, holding schools harmless from the impact of declining enrollment figures, and ensuring that every jurisdiction receives more funding than in the previous year.

With the progress we have made over the past year and the backing of state and national medical experts, all roadblocks to resuming in-person instruction must cease. Therefore, in accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 1322 – *Primary and Secondary Education – School Personnel Not Returning to In-Person Instruction and Work – Accommodations and Discipline*. This legislation seeks to cause unnecessary confusion in the final weeks of the 2020–2021 school year and usurps authority from local school systems.

House Bill 1322 was opposed by many local boards of education, the Maryland Association of Boards of Education, and the Public School Superintendents’ Association of Maryland. Many school systems in the state currently have processes in place for employee work accommodations, approving leaves of absence, and telework opportunities for employees who qualify based on certain medical criteria or are providing care for a family member meeting certain medical criteria. These processes in place align with guidelines from the Centers for Disease Control and Prevention, as well as State and County governments.

Further, this legislation reduces local control and attempts to seize the authority of a local superintendent to carry out the superintendent’s duties on employee matters. In their letter of opposition the Maryland Association of Boards of Education stated, “The Maryland Association of Boards of Education opposes House Bill 1322 because, contrary to the elaborate provisions of the bill, local boards do not believe that any changes in the laws governing school personnel employment rights or responsibilities are needed or necessitated by the COVID–19 pandemic.” They went on to further state, “...employee rights for Maryland’s school employees are already among the most extensive in the nation, and the additional protections contained in this bill would serve to hamper the smooth operation of reopening schools for in-person instruction before the close of the 2020–2021 school year.”

As we move forward in our recovery, we must do everything in our power to keep Maryland students healthy, safe, and learning. We cannot create additional barriers, which would only lead to further confusion with limited time left in the school year. Our students deserve better.

For these reasons, I have vetoed House Bill 1322.

Sincerely,

Lawrence J. Hogan, Jr.  
Governor