

## Chapter 598

**(Senate Bill 218)**

AN ACT concerning

**State Superintendent of Schools – Prolonged State of Emergency – Authority to Declare**

FOR the purpose of authorizing 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 a specified period of time, subject to certain requirements; and generally relating to the State Superintendent of Schools and a prolonged state of emergency for public schools.

BY renumberingArticle – EducationSection 7–14A–02 through 7–14A–09to be Section 7–14A–03 through 7–14A–10, respectivelyAnnotated Code of Maryland(2025 Replacement Volume and 2025 Supplement)

BY repealing and reenacting, without amendments,

Article – Education

Section 7–14A–01(a) and (e)

Annotated Code of Maryland

(2025 Replacement Volume and 2025 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 7–14A–01(c) ~~and 7–14A–02~~

Annotated Code of Maryland

(2025 Replacement Volume and 2025 Supplement)

BY adding toArticle – EducationSection 7–14A–02Annotated Code of Maryland(2025 Replacement Volume and 2025 Supplement)BY repealing and reenacting, with amendments,Article – EducationSection 7–14A–03 and 7–14A–10Annotated Code of Maryland(2025 Replacement Volume and 2025 Supplement)(As enacted by Section 1 of this Act)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 7-14A-02 through 7-14A-09 of Article – Education of the Annotated Code of Maryland be renumbered to be Section(s) 7-14A-03 through 7-14A-10, respectively.

~~SECTION 2. AND BE IT FURTHER ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,~~ That the Laws of Maryland read as follows:

### **Article – Education**

7-14A-01.

(a) In this subtitle the following words have the meanings indicated.

(c) “Prolonged state of emergency” means a state of emergency declared by the [Governor under Title 14 of the Public Safety Article] **STATE SUPERINTENDENT UNDER § 7-14A-02 OF THIS SUBTITLE** that prevents regular, in-person attendance at a public school for at least 14 consecutive school days.

(e) “Virtual education” means academic instruction:

(1) In which one or more technologies are used to deliver a significant portion of the teaching to students entirely or primarily online; and

(2) In which students and instructors participate remotely from separate locations.

**7-14A-02.**

**(A) ON WRITTEN REQUEST OF A COUNTY SUPERINTENDENT OR A DETERMINATION BY THE STATE SUPERINTENDENT THAT IMMEDIATE ACTION IS NECESSARY, THE STATE SUPERINTENDENT MAY DECLARE A PROLONGED STATE OF EMERGENCY THAT PREVENTS REGULAR, IN-PERSON ATTENDANCE AT A PUBLIC SCHOOL FOR AT LEAST 14 CONSECUTIVE SCHOOL DAYS DUE TO:**

**(1) A NATURAL DISASTER;**

**(2) A CIVIL DISASTER;**

**(3) A PUBLIC HEALTH EMERGENCY; OR**

**(4) A SPECIFIC SECURITY THREAT IDENTIFIED BY FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT.**

**(B) IN MAKING A DECLARATION OF A PROLONGED STATE OF EMERGENCY UNDER THIS SECTION, THE STATE SUPERINTENDENT SHALL:**

- (1) CONSULT THE GOVERNOR, AND IF APPROPRIATE:
- (I) THE MARYLAND DEPARTMENT OF EMERGENCY MANAGEMENT;
- (II) THE DEPARTMENT OF STATE POLICE; OR
- (III) THE MARYLAND DEPARTMENT OF HEALTH;
- (2) ISSUE THE DECLARATION IN WRITING;
- (3) INDICATE IN THE DECLARATION:
- (I) THE NATURE OF THE EMERGENCY; AND
- (II) THE SPECIFIC LOCAL SCHOOL SYSTEMS OR INDIVIDUAL SCHOOLS THREATENED OR AFFECTED, UNLESS THE EMERGENCY IS STATEWIDE IN NATURE; AND
- (4) DISSEMINATE THE DECLARATION PROMPTLY BY MEANS CALCULATED TO PUBLICIZE THE CONTENTS OF THE DECLARATION.
- ~~(C) UNLESS THE EMERGENCY IS STATEWIDE IN NATURE, A DECLARATION OF A PROLONGED STATE OF EMERGENCY MAY NOT APPLY TO A LOCAL SCHOOL SYSTEM THAT IS NOT IDENTIFIED IN THE WRITTEN DECLARATION IN ACCORDANCE WITH SUBSECTION (B)(3)(I) OF THIS SECTION.~~
- ~~(D) IF AN EMERGENCY THREATENS OR AFFECTS A PARTICULAR SCHOOL WITHIN A LOCAL SCHOOL SYSTEM, THE STATE SUPERINTENDENT MAY DECLARE A PROLONGED STATE OF EMERGENCY FOR THAT SCHOOL.~~
- (D) (1) A PROLONGED STATE OF EMERGENCY DECLARED IN ACCORDANCE WITH THIS SECTION MAY BE TERMINATED BY:
- (I) A JOINT RESOLUTION BY THE GENERAL ASSEMBLY;
- (II) AN AFFIRMATIVE VOTE BY THE STATE BOARD; OR
- (III) A DECISION BY THE STATE SUPERINTENDENT.
- (2) IF A PROLONGED STATE OF EMERGENCY IS TERMINATED BY ANY METHOD LISTED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE STATE SUPERINTENDENT SHALL ISSUE A DECLARATION DISSEMINATED PROMPTLY BY

**MEANS CALCULATED TO PUBLICIZE THE TERMINATION OF THE PROLONGED STATE OF EMERGENCY.**

**(E) NOTHING IN THIS SUBTITLE MAY BE CONSTRUED TO LIMIT OR INTERFERE WITH THE RESPONSIBILITIES OF THE SECRETARY OF HEALTH UNDER TITLE 18 OF THE HEALTH – GENERAL ARTICLE IN THE EVENT OF A PUBLIC HEALTH EMERGENCY.**

~~7-14A-02.~~ 7-14A-03.

(a) If there is a prolonged state of emergency **AFFECTING THE LOCAL SCHOOL SYSTEM**, a county board may transition ~~the~~ **ONE OR MORE** public schools in the county to virtual education under an approved virtual education plan, subject to the limitations of this section.

(b) (1) (i) On or before June 1, 2024, a county board shall, in consultation with county administrators and school staff, adopt a virtual education plan for use during a prolonged state of emergency **AFFECTING THE LOCAL SCHOOL SYSTEM**.

(ii) A county board shall use the county board's continuity of learning plan in effect during the 2020–2021 school year to form a virtual education plan.

(2) A virtual education plan shall include the following components:

- (i) A staffing and personnel assignment plan;
- (ii) A student instruction plan;
- (iii) A student assessment and learning support plan;
- (iv) A social and emotional learning plan;
- (v) A community communications plan;
- (vi) A technology plan;
- (vii) A nutritional and health services plan; and
- (viii) A plan for return to in–person instruction.

(c) A county board shall update the virtual education plan every 2 years.

(d) (1) If a prolonged state of emergency **AFFECTING THE LOCAL SCHOOL SYSTEM** requires the cessation of in–school attendance at a public school and the county

board determines virtual education is required, a county board immediately shall implement the virtual education plan and transition the public school to virtual education.

(2) (i) A county board may adjust the virtual education plan to fit the specific needs of the schools affected and the specific circumstances of the emergency.

(ii) A county board shall submit an adjusted plan to the State Board as soon as practicable.

(e) (1) Within 10 calendar days of receipt of a virtual education plan, the State Board shall:

(i) Accept the plan; or

(ii) Return the plan to the county board for specific modification.

(2) If an adjusted virtual education plan is returned, the county board shall modify and resubmit the plan within 5 calendar days after the date the plan is returned.

(f) The county board shall publish the most recent version of the virtual education plan on the county board’s website.

~~(G) NOTHING IN THIS SUBTITLE MAY BE CONSTRUED TO LIMIT OR INTERFERE WITH THE RESPONSIBILITIES OF THE SECRETARY OF HEALTH UNDER TITLE 18 OF THE HEALTH GENERAL ARTICLE IN THE EVENT OF A PUBLIC HEALTH EMERGENCY.~~

7-14A-10.

The State Board shall adopt regulations to carry out the provisions of this subtitle, including establishing minimum criteria for the adoption and implementation of virtual education plans by a county board during a prolonged state of emergency AFFECTING THE LOCAL SCHOOL SYSTEM.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2026.

Approved by the Governor, May 26, 2026.