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**Testimony in Opposition to Senate Bill 562  
Public Schools—Flexible Instructional Days—Policy Requirements**

**Education, Health, and Environmental Affairs Committee  
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1:00 PM**

**Tina N. Dove, M.Ed.  
Government Relations**

The Maryland State Education Association opposes Senate Bill 562, which would authorize county boards of education to develop a policy for schools within their county to utilize flexible instructional days when normal school attendance is prevented by civil disaster, severe weather conditions, or natural disasters.

MSEA represents 75,000 educators and school employees who work in Maryland's public schools, teaching and preparing our 896,837 students for careers and jobs of the future. MSEA also represents 39 local affiliates in every county across the state of Maryland, and our parent affiliate is the 3 million-member National Education Association (NEA).

MSEA has traditionally been supportive of allowing local boards to have control over their school calendars as we believe they are best suited to determine what is best for meeting the needs of their students and communities. However, in this case, we have concerns about unintended consequences that could result from this legislation.

First, we are concerned about the adverse impacts posed by current digital inequities within our state and communities. There are a great many families who lack reliable Internet access and/or access to the hardware and software that would be needed to engage in a flexible instructional program. Furthermore, we still have communities within our state that do not have the digital infrastructure that would be required in order for all of their students to engage remotely for school. We have seen some of these challenges during state-wide testing periods, when some schools and districts have experienced connectivity challenges related to their current technological infrastructure.

Second, we are concerned about the adverse impact this could have on FARMS students. We know that inclement weather days are some of the most challenging for our students and families who rely on the meals provided to our students at school. We know that district leaders struggle when having to decide whether or not to close school due to inclement weather due in part to this very issue. While we understand that this legislation advocates for flexible instructional days under extreme circumstances, we still recognize the challenge present when our neediest children are unable to access their school breakfast and lunch due to closures.

Third, Education Support Professionals (ESPs) are hourly district employees who only get paid when schools are open and they are able to work. As such, this legislation could create a



situation that harms the ability of thousands of school employees—such as cafeteria workers, janitorial staff, and other service employees—to earn a living. Currently, far too many of our state’s ESPs do not make a living wage. Consequently, many are forced to rely not only on their school-based jobs but on second jobs just to be able to meet the basic needs of themselves and their families. Any legislation that could potentially harm their ability to work and provide for their families is legislation about which we would stand in firm opposition.

Finally, we question the need for this legislation. It appears to be a preemptive solution for a problem that is not a current, pressing concern. Regulations and statutes currently in place are sufficient for providing schools and districts the ability to request accommodations due to extreme conditions. This legislation is, therefore, unnecessary. As was noted in the fiscal note for HB 1270, legislation that closely mirrors this bill, “The Maryland State Department of Education advises that it is not aware of any State or federal law prohibiting a local board of education from developing and implementing such a policy as this bill authorizes.” That said, if a local board felt the need to proceed with this type of option, they are already legally and statutorily positioned to do so.

For these reasons, **we urge an unfavorable report on Senate Bill 562.**