

Testimony in Support of House Bill 1322
Primary and Secondary Education - School Personnel - Prohibition on Retaliation for Not
Returning to In-Person Instruction and Work

Senate Education, Health, and Environmental Affairs
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The Maryland State Education Association supports House Bill 1322, which prohibits the Governor, the State Superintendent of Schools, the State Board of Education, a county superintendent, or a county board of education from disciplining, suspending, terminating, or otherwise retaliating against school personnel who choose not to return to a school building for in-person instruction during the 2020-2021 school year. Most importantly, the bill provides Americans with Disabilities Act (ADA) protections, which require the State Board and county boards to allow certain school personnel to instruct and work remotely, to the extent practicable, during the 2020-2021 school year.

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).

The COVID-19 pandemic has presented numerous challenges in our state. Beyond the tragic loss of life caused by the spread of COVID-19, the pandemic has uprooted our way of life. Education—particularly the way our students learn—has been most consequentially impacted by this pandemic. Since Governor Hogan's initial Declaration of State of Emergency and Existence of Catastrophic Health Emergency on March 5, 2020, our educators have adapted to meeting the needs of our students. For some, that meant virtual or hybrid instruction. For others, that meant being on the frontlines: providing meals to meet the nutritional needs of our students; making sure our school buildings remained clean and sanitized; or providing in-person instruction and support to our most vulnerable students populations. Throughout the entirety of this pandemic, our educators have done exactly what they are trained to do: observe, relate, adapt, and meet their students where they are.



Unfortunately, the Maryland State Department of Education and local school systems have failed to communicate and collaborate with educators on a safe and effective plan to resume in school instruction across the state. This includes a genuine statewide approach to not only prioritize COVID-19 vaccines for educators in school buildings and for those planning to return to classroom instruction, but also a strategic plan on providing sufficient vaccines for educators who want and need them.

House Bill 1322 provides protections for teachers, education support professionals, and other certificated school personnel who are at least 65 years old, have an underlying medical condition that the Centers for Disease Control and Prevention (CDC) has identified as putting the individual at increased risk from COVID-19, or lives in a household with or is the caretaker of an individual who is at least 65 years old or who has an underlying medical condition that the CDC has identified as putting the individual at increased risk from COVID-19; and has not received the full course of a Food and Drug Administration–approved vaccine for COVID-19 and chooses not to return to the school building for in-person instruction. MSEA deems these protections essential to protect educators as many local school systems provide blanket denials to requests for ADA accommodations, leaving our most vulnerable members with no reasonable recourse besides resignation or retirement.

We view HB 1322 as an equitable solution to provide protections for our most vulnerable educators and their families as we all continue to adapt to life in the ongoing global health pandemic caused by COVID-19.

MSEA urges a favorable report of House Bill 1322.