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THE MARYLAND HOUSE OF DELEGATES
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**Testimony in Support of HB1322 - Primary and Secondary Education - School Personnel -
Prohibition on Retaliation for Not Returning to In-Person Instruction and Work**

HB1322 aims to protect our educators and school personnel who are vulnerable to COVID-19. On January 21, 2021, the Governor and the State Superintendent of Schools abruptly and without adequately consulting with stakeholders announced significant revisions to the State Department of Education's Maryland School Reopening Guidance. The Governor referenced retaliatory action in other states against educators and indicated that the Office of the Governor and the State Department of Education would use "every legal avenue" to force a return to in-person instruction regardless of local conditions and the preferences of local communities.

We know many students and educators are struggling with remote learning. We all want students to return to in-person learning when it is safe. But the Governor and the State Department of Education have consistently failed to work with local school systems, schools, administrators, and educators to develop a safe plan to return. To threaten educators with retaliation for their legitimate concerns about the unsafe working conditions within our schools during a pandemic shows a lack of empathy for these essential workers.

To prevent this from happening, I am introducing HB 1322 to protect individuals from any form of retaliation who:

- Are at least 65 years old, have an underlying medical condition that puts them at increased risk from COVID-19, or live with someone who does,
- Has not received the full course of the vaccine, and
- Chooses not to return to the school building for in-person instruction.

This bill ensures these educators and school personnel can choose to stay home until they and their loved ones are vaccinated, without fear of losing their job or state certification. It also requires that county boards of education make accommodations for educators who choose to work remotely to ensure that their lives are not made more difficult because of that decision.

Educators, many of whom you will hear from today, have risen to the challenge during the pandemic. The State is failing or unwilling to provide remote work options to the extent practicable as a reasonable accommodation for educators seeking to protect their safety and that of their families due to an underlying medical issue. When such an uncompromising approach is taken, it only depletes our ability to retain educators at a time when staffing our schools is increasingly difficult.

Educators shouldn't be forced to choose between their job and their health or the health of family members. I ask for a favorable report on HB1322 to help protect vulnerable workers and their family members.