



**PSSAM**  
Public School Superintendents' Association  
OF MARYLAND

**Mary Pat Fannon, Executive Director**  
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**BILL:** HB 984  
**TITLE:** Public Employee Relations Act  
**DATE:** March 7, 2023  
**POSITION:** Oppose  
**COMMITTEE:** House Appropriations Committee  
**CONTACT:** Mary Pat Fannon, Executive Director, PSSAM

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The Public School Superintendents' Association of Maryland (PSSAM), on behalf of all twenty-four local school superintendents, **opposes** House Bill 984.

This legislation consolidates and alters certain laws governing collective bargaining for certain public employees, including laws related to the establishment of bargaining units, elections and certification of exclusive representatives, employee and employer rights, unfair labor practices, strikes, and lockouts. The bill establishes the Public Employee Relations Board to oversee collective bargaining activities for certain public employees.

PSSAM strongly opposes the following provisions of the bill: (1) adding class size and school calendar issues as permissible collective bargaining topics; (2) replacing the use of mediation with arbitration throughout the bill; and, (3) the elimination of the Public School Labor Relations Board (PSLRB) by consolidating it with the State Labor Relations Board, and the State Higher Education Labor Relations Board into a new Public Employee Relations Board.

The bill significantly alters the longstanding collective bargaining process and dispute resolution by eliminating the PSLRB. This Board has expertise in public school collective bargaining issues, which could be minimized in a broader Public Employee Relations Board. The inclusion of class size and calendar issues as permissible collective bargaining topics is also of great concern. PSSAM's concerns regarding the issue of class size are well documented in our attached opposition testimony for HB 85 (Collective Bargaining - Certified Employees - Class Size), which makes bargaining class size a permissible subject. There are many unintended consequences in allowing for negotiations to include class size. Financial and operational

concerns top those concerns, especially the potential outcome of needing more teachers to satisfy bargained class sizes.

This legislation would also significantly complicate and confuse our implementation of the Blueprint for Maryland's Future. The Blueprint is based on the concepts of equity and adequacy. This legislation would result in 24 different agreements that could create new inequities among systems based on the strength (or weakness) of either bargaining unit.

Second, the Kirwan Commission considered and rejected mandating smaller class sizes. There was no conclusive research that smaller classes were responsible for student success; they found small classes were not a characteristic of successful schools around the world. Third, the Blueprint calls for increases in teacher salaries and more planning time (60% teaching and 40% planning), which will require additional staff. School systems are already strategizing and contemplating this need in the context of the national teacher shortage.

Placing a cap on class sizes or allowing this to be a topic of negotiations would limit a system's ability to allocate resources to high need schools. Local boards and superintendents need the flexibility to invest in the students and families who need us the most. Lastly, the Blueprint for Maryland's Future already requires wholesale revisions to the local systems' collective bargaining agreements through the establishment of the career ladder.

The Public School Labor Relations Board (PSLRB) has been hearing and resolving disputes between employees and their unions, and unions and school systems since 2010. The PSLRB is composed of members appointed by our organization, (PSSAM), the Maryland Association of Boards of Education (MABE), the teachers' associations, and the Governor. This membership structure allows for expertise in school system governance, administration, employee contract negotiations, and dispute resolution, all of which would be lost by consolidating the PSLRB into the new Board.

Finally, replacing mediation with arbitration would make an already complex and time-sensitive process more contentious and dissuade parties from coming to the bargaining table willing to compromise for the good of our teachers and students.

For these reasons, PSSAM opposes House Bill 984 and urges an unfavorable report.



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BILL: HB 85

TITLE: Education - Collective Bargaining - Certificated Employees - Class Size

DATE: February 1, 2023

POSITION: Oppose

COMMITTEE: Ways and Means

CONTACT: Mary Pat Fannon, Executive Director, PSSAM

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The Public School Superintendents' Association of Maryland (PSSAM), on behalf of all twenty-four Maryland local school superintendents, **opposes** House Bill 85.

House Bill 85 aims to add the complex and costly topic of class size to the permissible topics that may be included in collective bargaining agreements. The agreements are negotiated annually through a highly regulated process and with an established dispute resolution process. Adding class size to the permissible negotiating topics would introduce an unanticipated complicating factor in the implementation of the Blueprint for Maryland's future. The Blueprint is based on equity and adequacy; this legislation could result in 24 different agreements could actually create regarding nor the current process for resolving teachers' contract disputes are aligned with adding class size to the types of matters w

The quasi-judicial body created by the legislature to resolve collective bargaining disputes would be ill-equipped to resolve disputes on the complex topic of class size. Because none of the current bargaining agreements contain provisions on class size, the body responsible for hearing and deciding on cases in dispute, the Public School Labor Relations Board (PSLRB), would have no experience in this area. Foremost among the challenges would be the timing of decision-making relative to the end of one fiscal year, and contract term, and the impending July 1 day for the beginning of the new year. The annual negotiations cycle is already contentious. Adding class size to the scope of bargaining would only make an already complex and time-sensitive process more likely to bog down in irreconcilable disputes. It is reasonably foreseeable that the PSLRB would be unable to make final decisions in a timely manner on contract disputes on the topic of class size.

Class size disputes will, unavoidably, involve school facilities issues not contemplated when bargaining laws and procedures were adopted. This is because class size is inherently a question of physical space. MABE opposes class size a topic of bargaining because reducing class size is so closely tied to the planning, timing and funding of school construction projects. As desirable as smaller class sizes may be to both the school system and teachers, state and local investments in expanding school facilities to provide more space are completely outside the control of the parties negotiating at the bargaining table.

For these reasons, PSSAM respectfully opposes House Bill 85 and urges an unfavorable report.