

SB 904 AFSCME Council 3 Testimony_FAV.pdf

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Position: FAV



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Patrick Moran – President

**SB 904 – Education – Public Schools – Service Contracts and Professional Development
Education, Energy, and the Environment Committee
March 4, 2026
FAVORABLE**

AFSCME Maryland Council 3 supports Senate Bill 904. Senate Bill 904 establishes guardrails for local school systems when they engage in procurement for contractual services, while also providing employee protections for public school employees, who may be impacted by the procurement of contractual services. Additionally, the legislation provides that it is the intent of the General Assembly that high quality, in person professional development for education support personnel be expanded to 2 days per school year.

AFSCME Maryland Council 3 represents approximately 55,000 public service workers across all levels of government throughout Maryland including city, county, state, and higher education. AFSCME is proud to represent thousands of education support personnel throughout Maryland including transportation, food service, custodial, grounds and building maintenance, security, IT, and administrative and clerical staff. Education support personnel perform the essential operational functions our local school systems depend on everyday.

Senate Bill 904 provides important guardrails before a local school system procures contractual services. Under the bill, a local school system must submit information to the Maryland State Department of Education including: i) a demonstration that the local school system has taken formal and positive steps to consider alternatives to the service contract; ii) a cost analysis that compares the cost of using the contractor with the cost of using school employees and specified cost savings the contract must achieve; and iii) a plan of assistance for any school employees that may be adversely impacted by the service contract. These requirements are comparable to existing conditions that apply for state service contracts and state employees.¹

AFSCME supports this legislation to ensure that our local school systems are utilizing public school employees for work that should be performed by public school employees. Local school systems use of service contracts should be subject to appropriate oversight to make certain decisions impacting schools, workers, and communities are reviewed thoroughly and satisfy important criteria. These evaluative criteria are relevant, promote the public good, and are already used in state government.

We urge the committee to issue a favorable report on Senate Bill 904.

¹ See, MD Code, State Personnel and Pensions, §§ 13-401 – 405.

SEIU Local 500 Testimony in Support of SB 904 2026

Uploaded by: Christopher Cano

Position: FAV



Testimony - SB 904, Education - Public Schools - Service Contracts and Professional
Development

Favorable

Senate Education, Energy, and the Environment Committee

March 4, 2026

Christopher C. Cano, MPA

Director of Political & Legislative Affairs on Behalf of SEIU Local 500

Honorable Chairman Feldman & Members of the Senate Education, Energy, and the
Environment Committee:

SEIU Local 500 strongly supports Senate Bill 904. Our union represents tens of thousands of educational support professionals in Montgomery County, including paraeducators, bus drivers, cafeteria workers, building service staff, and other frontline school employees who keep our public schools running safely and effectively every day.

Senate Bill 904 addresses two longstanding issues facing education support professionals: the unchecked expansion of service contracts that displace public employees, and the lack of consistent, paid, high-quality professional development for the workers who are closest to students.

First, SB 904 brings transparency and accountability to decisions to outsource school services. Requiring county boards of education to justify service contracts, demonstrate meaningful consideration of in-house alternatives, and show real cost savings—exclusive of wage and benefit cuts—protects both workers and taxpayers. The bill's requirement for a formal assistance plan for affected employees, including placement efforts and advance notice, is a critical safeguard for school staff whose livelihoods are often treated as an afterthought in contracting decisions.

Second, SB 904 makes a long-overdue investment in paraeducators and other education support professionals through the creation of a statewide system of paid, in-person professional development during the workday. These workers are essential

partners in student learning, health, safety, and behavior support, yet they are too often denied the training and time they need to succeed. By requiring at least two days of high-quality professional development each year—and by ensuring that training includes crisis de-escalation, safe physical restraint, collaboration with teachers, and job-specific skills—this bill directly improves working conditions and student outcomes.

SEIU Local 500 also strongly supports the bill's clear statement that nothing in this law may diminish existing collective bargaining agreements or employment benefits. This respect for workers' rights and negotiated protections is essential.

Educational support professionals have historically been excluded from decision-making and underinvested in, despite their critical role in our schools. Senate Bill 904 begins to correct that imbalance by valuing their labor, protecting their jobs, and investing in their professional growth.

For these reasons, SEIU Local 500 respectfully urges a favorable report on Senate Bill 904.

Thank you for your time and consideration.

Christopher C. Cano, MPA
Director of Political & Legislative Affairs
SEIU Local 500

SB904_MSEA_Lemle_FAV.pdf

Uploaded by: Paul Lemle

Position: FAV

**Favorable
Senate Bill 904
Education - Public Schools - Service Contracts and Professional
Development**

**Education, Energy, and Environment Committee
March 04, 2026**

**Paul Lemle
MSEA President**

The Maryland State Education Association strongly supports Senate Bill 904. This legislation would ensure that county boards of education justify new service contracts to the State Department of Education (MSDE) and provide support for affected employees. It further requires MSDE to create a professional development system for support staff, which counties must implement.

MSEA represents 76,000 educators and school employees who work in Maryland's public schools and community colleges, teaching and supporting our almost 900,000 K-12 students so they can pursue their dreams. MSEA represents more than 40 local affiliates in every county across the state of Maryland, and our parent affiliate is the 3-million-member National Education Association (NEA).

Subcontracting, the practice of replacing employees in a bargaining unit with the employees of a subcontractor to perform the same work under comparable conditions of employment, has long been ruled a mandatory subject of bargaining in the private sector under the National Labor Relations Act.¹ This legal duty obligates the employer to provide notice to the union and provide an opportunity to bargain the decision and the effects of the employer's decision to replace bargaining unit employees with those of a subcontractor.² Numerous public sector jurisdictions have adopted similar rulings through public sector labor relations adjudications.³

¹ *Arbah Hotel Corp.*, 371 NLRB No. 126, slip op. at 4 (2022) (citing *Fibreboard Corp. v. NLRB*, 379 U.S. 203, 215 (1964)).

² *Id.*

³ See, e.g., *Oakland Unified School Dist.* (2005) California PERB Decision No. 1770; *Service Employees Local 316 v. Ill. Educ. Labor Relations Bd.*, 153 Ill. App. 3d 744, 106 Ill. Dec. 112, 505 N.E.2d 418, 125 LRRM 2274 (App. 4th Dist. 1987); *Millcreek Twp. Sch. Dist. v. Millcreek Twp. Educ. Support Pers. Ass'n*, 653 Pa. 409, 439 (2019) (citing *Pa. Labor Relations Bd. v. Mars Area Sch. Dist.*, 480 Pa. 295 (1978)); *Community College District 17 (Spokane)* Washington PERC Decision 9379 at 2 n.1 (June 2006).

Additionally, certain states have recently enacted legislation enabling public school employers and exclusive representatives to negotiate the issue of subcontracting non-instructional employee positions.⁴ Relatedly, certain states have enacted reforms to establish standards, processes, and procedures that must be met when a public employer attempts to subcontract out work performed by public employees, including public school employees.⁵ These reforms are designed to promote transparency and accountability in the subcontracting out process including requirements for cost projections for solicited services, reviewing bids in open session, inviting public comment on the proposals, and establishing protections for workers who may be impacted by the subcontracting decision.

Senate Bill 904 establishes comparable workplace protections for public school employees that currently exist for public employees working in state government.

Current state policy, “is to use state employees to perform all state functions in state operated facilities in preference to contracting with the private sector to perform those functions.”⁶ At least sixty days before a state agency issues a solicitation for a service contract, the state agency must provide the exclusive representative of the employees who may be affected by the service contract with written notice of the work that is being proposed for contracting out, contracting procedures, requirements, timetables, and employees rights under relevant state law, and an opportunity to meet and discuss possible alternatives to the proposed service contract.⁷

Additionally, a state agency attempting to enter into a service contract must provide the Department of Budget and Management with certain information including a demonstration that the agency has explored alternatives to a service contract, cost comparisons that calculate the cost of providing the service with state employees versus the cost of the service contract, and a formal plan of assistance for all state employees who will be negatively impacted by the service contract.⁸ The plan of assistance must include i) efforts to place impacted employees in other vacant state

⁴ See N.J. Stat. Ann. §§ 34:13A-44 – 49; 2023 Mich. Pub. Act 143 (authorizing collective bargaining negotiations between schools and exclusive representatives for noninstructional support service contracts).

⁵ See generally, Cal. Educ. Code § 45103.1; 105 ILCS 5/10-22.34c; 24 P.S. § 5-528; Or. Rev. Stat. §§ 279B.030, 279B.033.

⁶ MD Code, State Personnel and Pensions, § 13-402

⁷ MD Code, State Finance and Procurement, § 13-218.1(b)(1)

⁸ MD Code, State Personnel and Pensions, § 13-405.



agency positions; ii) requiring the contractor to hire displaced employees, if feasible; and iii) prior notification to the impacted employees.⁹

Furthermore, the Secretary of Budget and Management exercises oversight of contractual employees in the state service by ensuring that the use of contractual employees by state agencies are for services that cannot be performed by assignment or hiring of non-temporary employees, that comparable rates of pay exist between contractual employees and employees in positions that encompass comparable duties, responsibilities, experience, and authority, and the services performed under the contract are infrequent, of limited duration, or require quick implementation and no reasonable alternatives exist.¹⁰

Senate Bill 904 promotes the public interest by creating more transparency and accountability from public school employers when they attempt to subcontract work or services performed by public school employees. The protections for public school employees sought after in this bill resemble comparable protections for state employees, and the process outlining the obligation to negotiate this subject is similar to requirements in the private sector and other public sector jurisdictions. Public school employees, students and families, and communities stand to benefit with the processes established under this legislation.

In addition to guidelines around subcontracting, Senate Bill 904 intends to create a professional development system statewide for education support professionals. As it currently stands, there is no uniform delivery or implementation of professional training or continuing education for support staff, with standards varying from LEA to LEA. Now is the time to ensure that every staff member who is crucial to keeping students healthy, safe, and learning have access to training that expands their ability to meet the growing and changing needs of our students, families, and communities.

Senate Bill 904 would provide a structure for local school systems to build out no fewer than two paid, in-person days of high-quality professional development to be held during weekday school hours each school year. Training would be tailored for paraeducators and other education support professionals to receive instruction on collaborative practices, improving student learning environments, crisis prevention

⁹ MD Code, State Personnel and Pensions, § 13-405(d).

¹⁰ MD Code, State Personnel and Pensions, § 13-202(a).



and de-escalation, and job skills training appropriate for specific education support professional groups.

Senate Bill 904 moves forward the work done by advocates in the state to improve the working conditions of education support professionals by enacting parameters around outsourcing and creating a framework for local school systems to engage in professional development that expands the ability for all staff to meet the ever changing needs of our students, families, and communities.

We urge the committee to issue a Favorable Report on Senate Bill 904.

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Uploaded by: Elizabeth Benevides

Position: FWA

EDUCATION ADVOCACY COALITION FOR STUDENTS WITH DISABILITIES

EDUCATION, ENERGY, AND THE ENVIRONMENT

Senate Bill 904: Education – Public Schools – Service Contracts and Professional Development

March 4, 2026

POSITION: SUPPORT WITH AMENDMENT

The Education Advocacy Coalition for Students with Disabilities (EAC) is a coalition of nearly 50 organizations and individuals committed to advancing education policies that protect and support Maryland students with disabilities. The EAC supports with amendment Senate Bill 904, which would require county boards of education to submit certain service contracts to the Maryland State Department of Education (MSDE) and would require MSDE to develop a new system of in-person professional development for paraeducators and education support professionals. By June 2028, paid professional development would occur during the hiring and onboarding process and two days each school year.

EAC members have vast experience representing or supporting students with disabilities and their families throughout the state and recognize that paraeducators and education support professionals play essential roles in supporting students, especially students with disabilities. Education support professionals can fulfill a range of roles in schools, from providing students with one-to-one assistance and assisting with feeding, toileting, mobility, and other activities essential to student safety and participation throughout the school day to reducing staff/student ratios, providing redirection, and reinforcing behavior intervention plans.

For students whose individualized education programs (IEPs) require the assistance of a “dedicated aide,” “1:1 support,” or other education support professional, lack of training can result in stalled progress, or even regression for students with disabilities if they do not receive the personal, behavior or instructional support they need to be successful in school. For students experiencing behavioral or emotional crisis, the inclusion of crisis intervention training and deescalation training for education support professionals is critical. Additionally, in many cases, support personnel ensure the safety of the student while the child is in the school building or during transportation to and from school.

The EAC recognizes the value that paraeducators and education support professionals bring to the classroom and the benefit they provide to students who need individual

support to access and benefit from their education. For this reason, we support SB904 with the following suggested amendment: **Define “paraeducator” and “education support professional.”**

Contact: Beth Benevides at ebenevides@hussmanfoundation.org or 443-590-3164.

Respectfully submitted,

Selene Almazan, Attorney

Renee Averitt-Sanzone, Parents Place of Maryland

Linda Barton, Education Consultant

Beth Benevides, Autism Society of Maryland; co-chair, Education Advocacy Coalition

Ellen Callegary, Attorney

Melanie Carlos, Partnership for Extraordinary Minds

Stephanie Carr, SL Carr Education Consultants

Rich Ceruolo, Parent & Advocate

Michelle Davis, ABCs for Life Success

Logan Ewing, Project HEAL at Kennedy Krieger; co-chair, Education Advocacy Coalition

Jennifer Engel Fisher, JEF Consultants

Lisa Frank, Special Kids Company

Beth Ann Hancock, Charting the Course

Morgan Durand Horvath, Abilities Network

Rosemary Kitzinger, Bright Futures

Leslie Seid Margolis, Disability Rights Maryland

Monica Martinez, Martinez Advocacy

Beth Nolan, Education Team Allies

Ellen O’Neill, Atlantic Seaboard Dyslexia Education Center

Ronza Othman, National Federation of the Blind of Maryland

Jaime Seaton, BGS Law

Ronnetta Stanley, Loud Voices Together Educational Advocacy Group

Wayne Steedman, The Steedman Law Group

SB 904 - Oppose - Service Contract Bottleneck.pdf

Uploaded by: Sam Mathias

Position: UNF

BILL: Senate Bill 904
TITLE: Education – Public Schools – Service Contracts and Professional Development
HEARING DATE: March 4, 2026
POSITION: UNFAVORABLE
COMMITTEE: Education, Energy, and the Environment
CONTACT: Sam Mathias, Legal & Policy Director (smathias@mabe.org)

The Maryland Association of Boards of Education (MABE), representing all of the State’s local boards of education, **opposes Senate Bill 904 – Education – Public Schools – Service Contracts and Professional Development.**

Senate Bill 904 would require that every procurement contract for services provided to a public school be submitted to the Maryland State Department of Education (MSDE) for prior approval, including a justification of need and a plan of assistance for employees adversely affected by the contract. Separately, the bill directs MSDE to design and develop a statewide system of paid professional development for paraeducators and other education support professionals. These are two distinct policy initiatives. MABE’s opposition is directed at the State preapproval requirement that SB 904 would impose on all local school system service contracts.

Local boards of education are charged with governing their school systems. A foundational principle of Maryland public education is that decisions about how best to balance educational programming, available resources, workforce needs, public input, and fiscal accountability are made at the local level. Senate Bill 904 would fundamentally alter that structure by conditioning the execution of any service contract on prior State approval.

School systems enter into hundreds of service contracts each year. To name just a few, school systems regularly enter into contracts for special education providers, mental health services, student transportation, school nurses, information technology, groundskeeping and snow removal, translation services, facilities maintenance, professional development, data systems, and many other instructional and operational supports. These contracts are not executed to undermine the profoundly important labor force and full time employees working in a school system; rather they are necessary for the daily academic and operational functioning of a school system for its students, families, staff, and community. Many of the contracts are time sensitive and critical to address existing staff shortages. Requiring MSDE approval for every such contract would create an administrative bottleneck for local school systems and for MSDE. Neither local procurement offices nor MSDE are structured to process, review, and second-guess hundreds of individualized service justifications from each of the 24 systems annually.

The bill also requires submission of a “plan of assistance” for employees adversely affected by a service contract, regardless of whether the contract replaces existing staff, supplements existing services, or fills a vacancy that cannot be staffed. In the current environment of statewide staffing shortages across instructional and non-instructional roles, school systems frequently rely on contracted services not to displace employees, but to ensure that students receive legally required and mission-critical services. Imposing a uniform workforce impact analysis on all service contracts assumes displacement where none may exist and adds enormous procedural burden without demonstrated benefit.

It is impossible to overstate the necessity of routine service contracts in school systems. By subjecting all service contracts to state preapproval, the bill would shift operational authority from locally elected or appointed boards to a centralized review process, undermining the governance structure long recognized in Maryland law. Importantly, local boards are already subject to comprehensive procurement laws, public bidding requirements, financial audits, public meeting transparency requirements, and collective bargaining obligations. Decisions to enter into service contracts are made within this existing framework of accountability. The additional layer of MSDE approval would not enhance transparency or fiscal oversight; rather, it would delay implementation of needed services, increase administrative costs, and reduce local flexibility to meet student needs.

While the bill’s separate directive regarding professional development for paraeducators and education support professionals may warrant policy discussion on its own terms, it should not be coupled with a sweeping restriction on local procurement authority. The two concepts are not operationally linked, and MABE does not weigh in on the policy issues concerning professional development.

For these reasons, MABE opposes Senate Bill 904 and respectfully urges an unfavorable report.

SB 904_HB 1254_ Education - Public Schools - Serv

Uploaded by: Trudy Tibbals

Position: UNF

SB 904/HB 1254: Education - Public Schools - Service Contracts and Professional Development: Please vote to **OPPOSE** this bill.

Dear Education, Energy & the Environment Committee and Ways & Means Committee:

I am writing to strongly urge you to **OPPOSE SB 903/HB 1254**.

While supporting high-quality professional development is valuable, imposing a centralized state review process on local service contracts represents excessive bureaucracy and government overreach into school system operations. Local boards and administrators are best positioned to assess their specific needs, budgets, and community priorities when contracting for services—whether for specialized programs, maintenance, transportation, or other support. Requiring State Department of Education pre-approval could delay essential contracts, increase administrative costs (ultimately borne by taxpayers), limit flexibility during staffing shortages or emergencies, and discourage cost-effective or innovative outsourcing options that could benefit students and schools.

Maryland public schools already face tight budgets and operational challenges; adding another layer of state oversight on routine contracting decisions diverts focus from classroom learning to paperwork. Professional development for educational support professionals should be encouraged through incentives and local flexibility, not tied to restrictive contract approval processes.

For these reasons, I respectfully ask you to **vote against SB 903/HB 1254** and oppose measures that impose unnecessary state mandates and barriers on local school contracting authority.

Thank you for your time and thoughtful consideration of my concerns regarding this important education governance matter.

Sincerely,

Trudy Tibbals

SB0904- State Board & MSDE - LOI.docx.pdf

Uploaded by: Richard Kinkaid

Position: INFO

TO: Education, Energy, and the Environment

BILL: Senate Bill (SB) 0904 - Education – Public Schools – Service Contracts and Professional Development

DATE: March 4, 2026

POSITION: Letter of Information

The Maryland State Department of Education (MSDE) is providing information for consideration regarding Senate Bill (SB) 0904, which proposes new requirements related to local education agency (LEA) service contracts and mandates the development of a professional development system for paraeducators and education support professionals.

SB 0904 would establish new oversight responsibilities for MSDE by requiring the Department to receive, review, and audit service contract submissions from all 24 local school systems prior to contract execution. This will require analysis and review of hundreds of complex documents. These submissions would include cost-benefit analyses demonstrating at least a 20 percent cost savings when compared to using school system employees, as well as employee assistance plans for any staff impacted by contracting decisions. This represents a new administrative and compliance function for MSDE, requiring the development of policies, procedures, and tracking systems to ensure statewide consistency and statutory compliance.

The bill would also require MSDE to design, develop, and administer a statewide professional development system for paraeducators and education support professionals. This system would include training in areas such as team-based student outcomes, physical restraint, and crisis de-escalation. Implementation of this requirement would necessitate additional programmatic capacity, either through new staff or contracted support, as well as dedicated funding for system development, delivery, and ongoing administration.

In addition to state-level impacts, SB 0904 would have significant operational and fiscal implications for local education agencies. County boards would be responsible for conducting complex cost-benefit analyses for proposed service contracts, developing employee assistance plans, and submitting required documentation to MSDE for review. LEAs would also be required to provide at least two days of paid, in-person professional development annually to paraeducators and education support professionals during weekday school hours, resulting in local staffing, scheduling, and program delivery costs. These costs would be borne by local school systems and are not included in MSDE's fiscal estimates.

The State Board and the Department request that the committee consider this information as it deliberates SB 0904. Please contact Laurel Cratsley, Interim Executive Director of Government Affairs at Laurel.cratsley@maryland.gov, if you would like any additional information.