

TO: House Ways and Means Committee

BILL: Senate Bill (SB) 218 – State Superintendent of Schools - Prolonged State of Emergency - Authority to Declare

DATE: March 25, 2026

POSITION: Support

The Maryland State Board of Education (State Board) and State Department of Education (MSDE) provide this Letter of Support for SB 218 - State Superintendent of Schools - Prolonged State of Emergency - Authority to Declare. This bill strengthens the State Superintendent's ability to act swiftly during local or statewide emergencies, ensuring continuity of learning for Maryland students when in-person instruction is disrupted.

Under current law, if an emergency prevents in-person attendance at a public school for 14 or more consecutive school days, a State of Emergency must be declared by the Governor before virtual instruction can be implemented. SB 218 addresses this limitation by allowing the State Superintendent to determine when such an emergency exists, enabling affected schools or LEAs to transition to virtual instruction under an approved plan quickly and efficiently.

SB 218 builds on an existing framework for virtual learning in the State. Beginning in the 2022-2023 and 2023-2024 school years, local education agencies (LEAs) could repurpose certain days as virtual school days for inclement weather days, staff professional learning days, high school graduation days, or other similar circumstances that the LEA requested in their application. LEAs applied to the State Superintendent, demonstrating that the plan met specific requirements. With an approved plan, LEAs could implement up to eight virtual days, with a maximum of three asynchronous learning days, for the purposes described in their application.

Senate Bill 610 (Chapter 804, 2023) further established requirements for virtual education during prolonged states of emergency beginning in the 2024-2025 school year. Today, each LEA has an approved virtual education plan that addresses staffing, instruction, assessment, student supports, technology, health services, social-emotional learning, and return-to-school procedures. The virtual education plans are a tool for delivering virtual instruction during a severe weather emergency if the county has used the days incorporated into its calendar for school closures due to weather.

Emergencies that can temporarily prevent in-person attendance at schools may affect one or a few schools, an LEA, or the State. SB 218 will enable the State Superintendent to declare a state of emergency and authorize transition to virtual education specifically for affected communities, under an approved plan. Under SB 218, the State Superintendent can act quickly to respond to local as well as statewide emergencies, resulting in fewer days of instruction lost.

MSDE supports the amendments put forward by both chambers to clarify the purpose of this provision and ensure appropriate guardrails are in place for the use of this authority. These include requirements for a written request from the local county school system leadership, consultation with the Governor and other relevant entities as appropriate, and provisions that allow the Maryland General Assembly, State Superintendent, or the State Board to

end a prolonged state of emergency declaration, if necessary. We appreciate the partnership of the General Assembly in refining this bill and ensuring it is implemented thoughtfully and responsibly.

MSDE respectfully requests consideration of these comments as SB 218 is discussed and deliberated. For further information, please contact Laurel Cratsley at 443-571-5461, or laurel.cratsley@maryland.gov.