

# Testimony Against SB0218

Honorable Senators

Please enter an unfavorable decision about SB0218.

I am opposed to

- Authorizing the State Superintendent of Schools to declare a prolonged state of emergency for an event that prevents regular, in-person attendance at a public school for at least 14 consecutive school days, subject to certain requirements; and
- requiring the State Board to adopt certain regulations including establishing minimum criteria for the adoption and implementation of virtual education plans by a county board during a prolonged state of emergency affecting the local school system.

I agree with the following testimony on companion bill HB0288, presented by Megan Montgomery, on behalf of the Alliance for Science Based Policy, on February 11, 2026.

Emergency Powers belong in the hands of the Governor as an elected official and people's representative here in Maryland. The State Superintendent, as an unelected gubernatorial appointee, who does not interact with or engage with our citizens, is an appropriate advisor to the Governor and should remain so. However, that person is NOT an appropriate party to wield such immense power.

This law would remove that vital feedback loop from the citizens to our elected Governor on policy determinations that impact our daily lives. We saw that under the last Republican Gubernatorial Administration. Emergency powers were enacted to close schools during the Covid-19 pandemic.

While the initial response to temporarily close schools [may have been] the right decision to protect the health and safety of all the citizens in the state, we also saw that as the closures went on (far longer than in jurisdictions around us), the Administration ignored the clear and well established science regarding juvenile's cognitive, social and emotional development and the need to counterbalance school closures against multiple complex metrics for health and wellness. Our children continue to struggle with delays and unmet mental health hygiene needs because of our overly long school closures.

We continue to see lasting negative academic impacts to Maryland children from the excessively long school closures of 2020-2021 as well. Namely, our own high school students continue to struggle to gain acceptance into the University of Maryland system as compared with students from jurisdictions with shorter Covid-19 school closures. Our current 8th grade test scores are STILL truly abysmal, with less than 10 percent of 8th graders showing proficiency in math, and less than 50 percent demonstrating proficiency in reading.

We must have elected officials who answer to the people of the state responsible for making these very difficult and complicated decisions weighing different needs and different scientific metrics. The recommendations made by the previous Republican Administration were not based on sound science by the end, and moving this decision-making out of the hands of the Governor

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would encourage any future Administrations to potentially politicize the science once again by pushing these life altering decisions into the hands of an unelected official. We were an outlier in the length of time we remained closed under emergency powers, and we must ensure that anyone with the capability to invoke these powers is accessible and answerable to the citizens of this state.

In addition to her testimony, I also believe the legislature should not be delegating its responsibilities to the executive branch. By doing so, I believe it is at least a violation of the spirit of the Maryland Declaration of rights, if not an actual violation.

Article 9 states, “That no power of suspending Laws or the execution of Laws, unless by, or derived from the Legislature, ought to be exercised, or allowed.” While this article appears to allow the Legislature, which directly represents the people, to vote to suspend laws as part of the legislative process, based on Article 44, I do not believe our founders desired the legislature should delegate its responsibilities to the Governor, or the appointed Department heads such as a Secretary of Health or Superintendent of Schools.

We fought a revolution and established our constitution with checks and balances to prevent the executive branch from having unfettered power. The legislative branch should be countering excessive power; not delegating even more power to the executive branch.

Article 44 states, “That the provisions of the Constitution of the United States, and of this State, apply, as well in time of war, as in time of peace; and **any departure therefrom, or violation thereof, under the plea of necessity, or any other plea, is subversive of good Government, and tends to anarchy and despotism.**” There is no emergency great enough that warrants the “temporary” cessation of our rights. Once taken, they are hard to reclaim.

We already have seen what Governor Hogan did when you entrusted him with emergency powers during COVID. He acted like a despot by locking down some businesses while allowing others to remain open. Moreover, he definitely violated Article 44 when he prevented us from attending churches, synagogues, and mosques, which was our constitutionally protected right. At least the Governor was an elected official and when he sought another elected position, we could vote to prevent lock-down Larry from ever regaining an elected position.

A department head is not directly answerable to the people and expressing any discontent with that person’s decisions may not persuade the Governor to force any change. Governor Moore has already had department heads who have done poorly, and resisted their removal despite the public’s desire for change. Thus, Pplease enter an unfavorable decision about SB0218

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