

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 288

(Chair, Ways and Means Committee)(By Request -
Departmental - Education)

Ways and Means

Education, Energy, and the Environment

State Superintendent of Schools - Prolonged State of Emergency - Authority to
Declare

This departmental bill authorizes the State Superintendent of Schools, rather than the Governor, 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, thereby allowing a local school system to provide virtual instruction to affected students. The bill also (1) establishes conditions under which the State Superintendent may make such a declaration; (2) specifies that nothing in the related subtitle may be construed to limit or interfere with the responsibilities of the Secretary of Health under Title 18 of the Health-General Article in the event of a public health emergency; and (3) makes conforming changes. If an emergency threatens or affects a particular school within a local school system, the State Superintendent may declare a prolonged state of emergency for that school. The state of emergency may be terminated as specified by the General Assembly, the State Board of Education (SBE), or the State Superintendent of Schools. **The bill takes effect July 1, 2026.**

Fiscal Summary

State Effect: None. The State Superintendent of Schools can declare a prolonged state of emergency to authorize virtual education using existing resources. A prolonged state of emergency can be terminated as specified using existing resources. Revenues are not affected.

Local Effect: If the State Superintendent of Schools declares a prolonged state of emergency authorizing virtual education, local school systems can meet the bill’s requirements using existing virtual education plans and resources and without modifying school calendars or instructional schedules. The bill does not require new programs or staffing. Revenues are not affected.

Small Business Effect: The Maryland State Department of Education has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Bill Summary: On written request of a local superintendent or a determination by the State Superintendent that immediate action is necessary, the State Superintendent may declare a prolonged state of emergency that prevents regular, in-person attendance at a public school for at least 14 consecutive school days due to: (1) a natural disaster; (2) a civil disaster; (3) a public health emergency; or (4) a specific security threat identified by federal, State, or local law enforcement.

In making a declaration of a prolonged state of emergency, the State Superintendent must: (1) consult the Governor, and if appropriate, specified State agencies; (2) issue the declaration in writing; (3) indicate in the declaration specified information; and (4) disseminate the declaration promptly by means calculated to publicize the contents of the declaration.

A prolonged state of emergency declared in accordance with the bill may be terminated by:

- a joint resolution by the General Assembly;
- an affirmative vote by the SBE; or
- a decision by the state superintendent.

If a prolonged state of emergency is terminated by any of those methods, the State Superintendent must issue a declaration disseminated promptly by means calculated to publicize the termination of the prolonged state of emergency.

Current Law:

Governor's Proclamation of a State of Emergency

During a public emergency, the Governor may proclaim a state of emergency and designate the emergency area if public safety is endangered or there is a reasonable apprehension of immediate danger to public safety. The proclamation may be issued on the Governor's own initiative or at the request of a county or municipal government or the Secretary of State Police.

A state of emergency declared by the Governor lasts until the Governor finds that the threat has passed or has been dealt with. However, a state of emergency may not continue for longer than 30 days unless the Governor officially renews it. The General Assembly may terminate a state of emergency at any time by passing a joint resolution. Specific provisions apply to a “catastrophic health emergency,” which is defined as a situation involving imminent threat of extensive loss of life or serious disability due to a deadly agent.

Virtual Instruction During a Prolonged State of Emergency

If the Governor declares a prolonged state of emergency under Title 14 of the Public Safety Article, a local board of education may transition public schools in the county to virtual instruction under an approved virtual education plan, subject to specified limitations.

Each local board is required to maintain an approved virtual education plan governing the use of virtual instruction during a prolonged state of emergency.

Virtual Education Days for a Severe Weather Event

A local board of education may authorize the local superintendent, following discussion at an open meeting and an affirmative vote, to provide virtual education days during severe weather events instead of closing public schools.

A local board must publish a plan for the use of virtual education days on the school system’s website. The plan must address attendance, opportunities for students to make up missed work, access to necessary devices and internet connectivity for all students and staff, and the continued implementation of Individualized Education Programs and related services.

A local superintendent may implement a virtual education day only if all calendar days designated for severe weather closures have been used, the local board has authorized virtual education days, and severe weather conditions are likely to prevent normal school attendance. Upon making this determination, the superintendent must notify school principals, who must promptly notify students, parents, and staff.

A virtual education day must consist of at least four hours of synchronous instruction, together with asynchronous instruction designed to maximize online learning. Employee organizations may negotiate certain aspects of virtual education days through collective bargaining, including preparation time and the start time for synchronous instruction. If a virtual education day is implemented, a local school system must provide public school employees who are not assigned to work that day an opportunity to make up the lost work through other duties before the beginning of the next school year.

Secretary of Health Duties

According to Title 18 of the Health-General Article, the Secretary of Health's responsibilities under a public health emergency focus on the investigation, regulation, a containment of infectious diseases. The Secretary is granted broad authority to devise control measures, access information, and mandate actions to protect the public.

Background: An official state of emergency declaration by the Governor is a prerequisite for a local school system to transition to virtual instruction. Emergencies that warrant a Governor's declaration typically affect entire communities or regions. In contrast, school systems may experience circumstances that require the temporary closure of an individual school building but do not rise to the level of a statewide or regional emergency. Schools typically want to do this to avoid modifying the school calendar to meet State requirements for minimum schools days and hours.

For example, during the summer of 2025, severe asbestos was discovered at Williamsport High School in Washington County. In response, the Washington County Board of Education approved a virtual education plan in August 2025 to begin the school year with virtual instruction. The plan included in-person options for students with greater needs, designated community sites where students could receive supervised, in-person support, and the continuation of certain extracurricular activities.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 218 (Chair, Education, Energy, and the Environment Committee)(By Request - Departmental - Education) - Education, Energy, and the Environment.

Information Source(s): Maryland State Department of Education; Department of Legislative Services

Fiscal Note History: First Reader - January 30, 2026
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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: State Superintendent of Schools - Prolonged State of Emergency - Authority to Declare

BILL NUMBER: HB 288

PREPARED BY: Madeline Houck

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

N/A