

SENATE BILL 90

F1
SB 901/16 – EHE

(PRE-FILED)

7lr0814

By: **Senator Young**

Requested: October 6, 2016

Introduced and read first time: January 11, 2017

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

AN ACT concerning

Public and Nonpublic Schools – Classwork and Assessment Involving Live and Dead Animals – Student Right of Refusal

FOR the purpose of authorizing a student in a public school or nonpublic school to refuse to participate in or observe, in whole or in part, classwork or an assessment that includes certain actions conducted on a certain animal; authorizing a student to exercise a certain right of refusal at a certain time; requiring a certain student to complete certain classwork or a certain assessment by an alternate educational method determined by a certain teacher for a certain purpose; requiring that a certain assignment meet certain requirements; prohibiting a teacher or a public school or a nonpublic school from penalizing or discriminating against a certain student under certain circumstances in a certain manner; requiring the State Department of Education to send a certain notice to each county board of education on or before a certain date each year; requiring a county board to distribute a certain notice to certain public schools at certain times; requiring the Department to adopt certain regulations; providing that a nonpublic school may establish a certain policy; defining certain terms; and generally relating to a student's right of refusal regarding classwork and assessment involving live and dead animals.

BY adding to

Article – Education

Section 7–124

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Education

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



7-124.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (I) "ALTERNATE EDUCATIONAL METHOD" MEANS A METHOD OF PROVIDING EDUCATIONAL INSTRUCTION TO A STUDENT TO GAIN THE INFORMATION, KNOWLEDGE, AND SKILLS REQUIRED IN A CLASS THAT IS A SUBSTITUTE FOR THE ORIGINAL METHOD OF EDUCATIONAL INSTRUCTION.

(II) "ALTERNATE EDUCATIONAL METHOD" INCLUDES A METHOD THAT USES ANY OF THE FOLLOWING TOOLS TO PROVIDE EDUCATIONAL INSTRUCTION AS A SUBSTITUTE FOR THE ORIGINAL METHOD OF EDUCATIONAL INSTRUCTION:

1. VIDEOS AND FILMS;
2. MODELS;
3. BOOKS;
4. PHOTOGRAPHS;
5. COMPUTERS;
6. LIVE OBSERVATION, FIELD TRIPS, AND SITE VISITS;

AND

7. ANY OTHER TOOL DETERMINED APPROPRIATE BY THE TEACHER.

(3) "ANIMAL" MEANS ANY LIVING ORGANISM OTHER THAN A HUMAN BEING.

(4) "CLASSWORK" INCLUDES WORK ASSIGNED IN A REQUIRED OR ELECTIVE CLASS OFFERED TO STUDENTS BY A PUBLIC SCHOOL OR NONPUBLIC SCHOOL.

(B) (1) A STUDENT IN A PUBLIC SCHOOL OR NONPUBLIC SCHOOL MAY REFUSE TO PARTICIPATE IN OR OBSERVE, IN WHOLE OR IN PART, CLASSWORK OR AN ASSESSMENT THAT INCLUDES THE FOLLOWING ACTIONS CONDUCTED ON A LIVE OR DEAD ANIMAL OR THE SEVERED PART OF A DEAD ANIMAL:

- (I) DISSECTION;
- (II) VIVISECTION;
- (III) INCUBATION;
- (IV) INFLICTION OF HARM;
- (V) CAPTURE; OR
- (VI) DESTRUCTION.

(2) A STUDENT MAY EXERCISE A RIGHT OF REFUSAL ON THE DAY THE CLASSWORK OR ASSESSMENT IS SCHEDULED TO BE PERFORMED.

(3) (I) A STUDENT WHO EXERCISES A RIGHT OF REFUSAL UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE REQUIRED TO COMPLETE THE REQUIRED CLASSWORK OR ASSESSMENT BY AN ALTERNATE EDUCATIONAL METHOD DETERMINED BY THE TEACHER OF THE CLASS TO PROVIDE THE NECESSARY INFORMATION, KNOWLEDGE, AND SKILLS OR TO ASSESS THE STUDENT'S INFORMATION, KNOWLEDGE, AND SKILLS.

(II) AN ASSIGNMENT OR ASSESSMENT GIVEN BY A TEACHER USING AN ALTERNATE EDUCATIONAL METHOD UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE COMPARABLE:

- 1. IN TIME AND EFFORT TO COMPLETE BY THE STUDENT AS THE ORIGINAL CLASSWORK OR ASSESSMENT; AND
- 2. IN GRADING METHODOLOGY BY THE TEACHER.

(C) A STUDENT WHO EXERCISES A RIGHT OF REFUSAL UNDER SUBSECTION (B) OF THIS SECTION MAY NOT BE PENALIZED OR DISCRIMINATED AGAINST BY THE TEACHER OR PUBLIC SCHOOL OR NONPUBLIC SCHOOL FOR EXERCISING THIS RIGHT BY:

- (1) ASSIGNING A LOWER GRADE SOLELY BECAUSE THE STUDENT EXERCISED THE RIGHT OF REFUSAL; OR
- (2) REMOVING A STUDENT FROM CLASS UNLESS THE REMOVAL IS REQUIRED TO ASSIST IN THE STUDENT'S RIGHT OF REFUSAL TO PARTICIPATE IN OR OBSERVE THE CLASSWORK OR ASSESSMENT.

(D) (1) ON OR BEFORE SEPTEMBER 1 EACH YEAR, THE DEPARTMENT SHALL SEND A NOTICE TO EACH COUNTY BOARD OF THE PROVISIONS OF THIS SECTION.

(2) A COUNTY BOARD SHALL:

(I) DISTRIBUTE TO EACH PUBLIC SCHOOL UNDER ITS JURISDICTION A COPY OF THE NOTICE UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND

(II) REQUIRE EACH PUBLIC SCHOOL TO DISTRIBUTE TO THE STUDENTS AND PARENTS OF STUDENTS IN THE PUBLIC SCHOOL A COPY OF THE NOTICE:

1. AT THE BEGINNING OF EACH PUBLIC SCHOOL SEMESTER; AND

2. AT LEAST 3 WEEKS BEFORE THE DAY ANY CLASS IS SCHEDULED TO PERFORM CLASSWORK TO WHICH A STUDENT MAY EXERCISE A RIGHT OF REFUSAL UNDER SUBSECTION (B) OF THIS SECTION.

(E) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION AS IT APPLIES TO PUBLIC SCHOOLS.

(2) A NONPUBLIC SCHOOL MAY ESTABLISH A POLICY TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.