

**BILL:** House Bill 119  
**TITLE:** County Boards of Education - Curriculum Guides and Courses of Study - Requirements  
**DATE:** March 29, 2023  
**POSITION:** OPPOSE  
**COMMITTEE:** Education, Energy, and the Environment  
**CONTACT:** John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) strongly opposes House Bill 119. MABE's opposition to this bill is firmly grounded in the association's adopted legislative positions, which affirm that MABE:

- Supports local decision-making authority in developing curriculum, assessments, grading policies, and instructional programs and the adoption of statewide laws and regulations reflecting a commitment to local governance, professional judgment of local educators, and community engagement; and
- Opposes any efforts by the General Assembly to legislate curriculum or testing matters inconsistent with MABE's adopted resolutions and legislative positions.

MABE, therefore, opposed House Bill 119 as introduced to direct the reconvening of stakeholders to readopt the state health education framework and guidelines to address concerns with local implementation of standards adopted in 2021. The bill was subsequently amended to be much broader in scope, and much more alarming in terms of ramifications for local board governance and local superintendent and educator decision making regarding the local adoption of curriculum and local administration of instruction.

House Bill 119, as passed in the House, would result in a total state takeover of local control over all curriculum frameworks, standards, and even classroom instructional materials. Specifically, the bill would mandate that local school systems follow "every element of the policy and guidelines for the program of instruction" for public schools established by the State Board of Education. The legislation would also mandate that "all curriculum guides, courses of study, resource materials and other teaching aids" shall be in accordance with the state policy and program of instruction adopted by the State Board. In these alarming and unprecedented ways, this bill would reach into the boardroom and the classroom, severely limiting decision making of local boards, superintendents, and teachers.

MABE is also deeply troubled that this legislation would empower the State Superintendent of Schools to enforce local compliance by withholding massive amounts of state funding. House Bill 119 would now grant absolute authority to the State Superintendent to decide if a local school system is not following every detail of the state standards and then withhold millions of dollars in state funding. The bill would mandate that the State Superintendent enforce local compliance with these new state curriculum mandates by:

- Notifying the local board of noncompliance, which is defined as "not following every element of the policy and guidelines established by the State Board;"
- Giving the local board only 30 days to alter the local curriculum;
- If the local corrective action is not taken within 30 days, requiring the Comptroller to withhold 10% of the annual state education funding budgeted for the school system; and

- After 90 days, allowing another 10% of the annual state education funding to be withheld if the local board has not altered its local curriculum.
- This enormous and inordinate amount of withheld state funding is only to be released if the State Superintendent determines the “discrepancy has been resolved.”

In Maryland, the authority to adopt curriculum, courses of study, and the selection of textbooks resides with each local board of education and superintendent. Not surprisingly, examples of state laws establishing curriculum are limited, including specific subject matters such as agriculture, computer science, and cardiopulmonary resuscitation. The State Board of Education has approved regulations that contain more specific requirements to provide instructional programs in specific content areas. MSDE also develops content standards set forth in curricular frameworks. Importantly, the MSDE Protocol for Developing and Revising Standards defines the state frameworks as guides for school systems as they develop local school curricula.

MABE notes that the State Board of Education also opposes House Bill 119. In a statement issued on March 14, 2023, the State Board raises the objection that “This bill, as it stands, would potentially result in the unintended consequence of upending the longstanding collaborative relationship between MSDE, local education agencies, and stakeholders. It may also interfere with efforts to implement the Blueprint for Maryland’s Future.”

Again, MABE endorses maintaining the balance of limited legislative involvement in curricular matters, the role of State Board and MSDE, through extensive stakeholder processes, of developing statewide content standards and frameworks, and local governance and decision making authority to adopt curricula and instructional materials. House Bill 119 would signal a radical departure from this approach, resulting in a shift to legislating and codifying that the State Superintendent of Schools has unilateral and unlimited control over state and local curricular and instructional matters.

For these reasons, MABE urges an unfavorable report on House Bill 119.