



**Board of Education of Howard County  
Testimony Submitted to the Maryland Senate,  
Education, Energy, and the Environment Committee  
March 29, 2023**

**Board of Education  
of Howard County**

Antonia Watts, *Chair*

Yun Lu, Ph.D., *Vice Chair*

Linfeng Chen, Ph.D.

Jennifer Swickard Mallo

Jacky McCoy

Jolene Mosley

Abisola Ayoola  
*Student Member*

Michael J. Martirano, Ed.D.  
*Superintendent  
Secretary/Treasurer*

**HB0119: UNFAVORABLE  
Primary and Secondary Education - Comprehensive Health Education  
Framework – Established**

The Board of Education of Howard County (the Board) opposes **HB0119 Primary and Secondary Education - Comprehensive Health Education Framework - Established** as a legislative mandate that has the potential to erode local decision-making authority for developing the program of studies – the foundational role of local school systems.

As originally introduced, HB0119 required the Maryland State Department of Education (MSDE), in consultation with the Maryland Department of Health (MDH), to develop a comprehensive health education framework that included topics currently found in the Maryland Comprehensive Health Education Framework, which was last adopted by the Maryland State Board of Education (MSBE) in December 2019. The bill additionally called on local boards of education to adopt policies, guidelines, and procedures for a parent or guardian to opt out of the family life and human sexuality (already allowable under state regulations) or the gender identity and sexual orientation topics. A local board could not authorize a parent or guardian to opt a student out of education related to HIV or AIDs prevention. Annually, local boards of education were required to report to MSDE on the actions taken to comply with the requirements of the bill.

Since introduction on the House side, HB0119 has been amended and passed with significant changes from the above provisions. Applying now to all curriculum subject areas, the amended bill strikes the original language and instead indicates when establishing curriculum guides and courses of study under existing Education Article § 4-111, each county board shall follow the policy and guidelines for the program of instruction established by MSBE.

The bill goes on to require that if the State Superintendent determines a county board is not “following every element of the policy and guidelines established by the State Board or is authorizing a student to opt out of a course of instruction in a manner that is not approved by the State Board,” the county board has 30 days to resolve the discrepancy. If the discrepancy is not resolved, the State Superintendent must withhold 10 percent of the state funds budgeted for the county board for the current fiscal year. An additional 10 percent must be withheld if the discrepancy is not

resolved within 90 days. Funds would be released when the State Superintendent determines the local board has resolved the discrepancy.

These amendments have the effect of tipping the traditional balance between state oversight and local control over the delivery of education in Maryland to a one-sided authority under the State Superintendent. Moreover, there are no provisions within the bill for appealing decisions of the State Superintendent, including disagreements between a local board and the State Superintendent over what meets the threshold for a discrepancy.

The last section of the bill references “resource materials” and “teaching aids,” which is new territory for state involvement beyond the curriculum guides and courses of study traditionally reviewed for compliance with state frameworks.

As a legislative platform the Board supports local decision making in the development of curriculum that accounts for a balance of educational practices, available resources, public input, and accountability that is informed and guided by State Board established standards and models, rather than legislative mandates to strictly follow every element of the guidelines established by the MSBE. Legislation which limits local board decision-making authority may weaken the Board’s bond with the local community and adversely impact the community’s participation in the governance and operation of the school system.

For these reasons, we urge an UNFAVORABLE report of HB0119 from this Committee.