
By: **Delegates Owings, O'Donnell, Bartlett, Boschert, Costa, Dwyer, Myers,
and Sossi**

Introduced and read first time: February 6, 2004

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Public Schools - Age Appropriate Curriculum and Instruction**

3 FOR the purpose of requiring a county board of education to adopt certain curricula or
4 courses of study that are age appropriate for certain students; requiring that
5 certain school curricula or courses of study fall within certain parental guideline
6 standards for minors established by the Federal Communications Commission;
7 prohibiting a county board from adopting certain curricula or courses of study
8 that do not meet certain criteria; prohibiting a county board from providing
9 certain instruction or training to a student without the informed consent of the
10 student's parent or legal guardian; and generally relating to age appropriate
11 curriculum and instruction for students in the public schools.

12 BY repealing and reenacting, with amendments,
13 Article - Education
14 Section 4-111 and 4-205
15 Annotated Code of Maryland
16 (2001 Replacement Volume and 2003 Supplement)

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

19 **Article - Education**

20 4-111.

21 (a) Subject to the applicable provisions of this article and the bylaws, basic
22 policies, and guidelines established by the State Board, each county board, on the
23 written recommendation of the county superintendent, shall:

24 (1) Establish curriculum guides and courses of study for the schools
25 under its jurisdiction, including appropriate programs of instruction or training:

26 (I) THAT ARE APPROPRIATE FOR THE AGE OF THE STUDENTS
27 INTENDED TO RECEIVE THE INSTRUCTION OR TRAINING AND THAT ARE CONSISTENT

1 WITH THE TV PARENTAL GUIDELINES FOR MINORS ESTABLISHED BY THE FEDERAL
2 COMMUNICATIONS COMMISSION; AND

3 (II) [for] FOR mentally or physically handicapped children; and

4 (2) Supply printed copies of these materials to any teacher or interested
5 citizen.

6 (b) A county board may give academic credit for the study of American sign
7 language.

8 (C) NOTWITHSTANDING § 4-205(1)(2) OF THIS TITLE, A COUNTY BOARD MAY
9 NOT PROVIDE INSTRUCTION OR TRAINING IN ANY CURRICULUM OR COURSE OF
10 STUDY TO A MINOR CHILD UNDER THE AGE OF 15 YEARS WITHOUT THE INFORMED
11 WRITTEN CONSENT OF A PARENT OR LEGAL GUARDIAN OF THE STUDENT.

12 4-205.

13 (a) In addition to the other powers granted and duties imposed under this
14 article, the county superintendent has the powers and duties set forth in this section.

15 (b) The county superintendent may administer oaths to witnesses in all
16 appeals or cases that come before the county board.

17 (c) (1) Subject to the authority of the State Board under § 2-205(e) of this
18 article, each county superintendent shall explain the true intent and meaning of:

19 (i) The school law; and

20 (ii) The applicable bylaws of the State Board.

21 (2) Subject to the provisions of § 6-203 and Subtitle 4 of Title 6 of this
22 article and without charge to the parties concerned, each county superintendent shall
23 decide all controversies and disputes that involve:

24 (i) The rules and regulations of the county board; and

25 (ii) The proper administration of the county public school system.

26 (3) A decision of a county superintendent may be appealed to the county
27 board if taken in writing within 30 days after the decision of the county
28 superintendent. The decision may be further appealed to the State Board if taken in
29 writing within 30 days after the decision of the county board.

30 (d) A contract made by a county board is not valid without the written
31 approval of the county superintendent.

32 (e) (1) Acting as the executive officer of the county board, the county
33 superintendent shall:

34 (i) Conduct all correspondence;

1 (ii) Receive all reports from principals and teachers; and

2 (iii) See that all reports are made and submitted properly.

3 (2) The county superintendent shall prepare and submit to the county
4 board for adoption:

5 (i) All reports required of the county board by the State Board or
6 the State Superintendent; and

7 (ii) The annual report to the people of the county required by §
8 5-111(b) of this article.

9 (f) The county superintendent:

10 (1) Shall advise teachers as to their further study and professional
11 improvement;

12 (2) Shall develop a program of in-service training for all public school
13 personnel; and

14 (3) May require attendance at an institution of higher education for
15 future certification and professional improvement instead of in-service training.

16 (g) The county superintendent and his professional assistants shall:

17 (1) Visit the schools;

18 (2) Observe their management and instruction;

19 (3) Give suggestions for their improvement;

20 (4) Consult with and advise principals and teachers; and

21 (5) Try in every way to awaken public interest and improve educational
22 conditions in the county.

23 (h) In accordance with the applicable rules and regulations of the State Board,
24 the county superintendent periodically shall:

25 (1) Evaluate the program of instruction in the public schools of the
26 county; and

27 (2) Report his findings and recommendations to the county board.

28 (i) (1) The county superintendent shall prepare and recommend for
29 adoption by the county board:

30 [(1)] (I) Curriculum guides;

31 [(2)] (II) Courses of study;

1 [(3)] (III) Resource material; and

2 [(4)] (IV) Other teaching aids.

3 (2) A COUNTY BOARD MAY NOT ADOPT CURRICULA OR COURSES OF
4 STUDY THAT ARE NOT APPROPRIATE FOR THE AGE OF THE STUDENTS INTENDED TO
5 RECEIVE THE INSTRUCTION OR TRAINING OR THAT ARE NOT CONSISTENT WITH THE
6 TV PARENTAL GUIDELINES FOR MINORS ESTABLISHED BY THE FEDERAL
7 COMMUNICATIONS COMMISSION.

8 (j) (1) The county superintendent shall prepare lists of the following items
9 needed by the schools:

10 (i) Textbooks;

11 (ii) Supplementary readers;

12 (iii) Materials of instruction;

13 (iv) Visual and auditory aids;

14 (v) Stationery and school supplies; and

15 (vi) School furniture, equipment, and apparatus.

16 (2) The county superintendent shall recommend the purchase and
17 distribution of these items by the county board.

18 (k) The county superintendent shall:

19 (1) Take the initiative in the preparation and presentation of the annual
20 school budget; and

21 (2) Seek in every way to secure adequate funds from local authorities for
22 the support and development of the public schools in the county.

23 (l) (1) The county superintendent shall recommend to the county board:

24 (i) Condemnation of any school building that is unsanitary and
25 unfit for use; and

26 (ii) Any repairs of or the purchase and sale of land, school sites, or
27 buildings.

28 (2) Subject to the provisions of § 2-303(f) of this article that relate to
29 approval by the State Superintendent, the county superintendent shall prepare all
30 plans and specifications for remodeling an old building or constructing a new
31 building.

1 (3) The county superintendent shall recommend to traffic safety officials
2 of the State Highway Administration or of the county appropriate locations for
3 posting flashing caution signs at or near the site of:

4 (i) A school;

5 (ii) School construction; or

6 (iii) School condemnation.

7 (m) The county superintendent shall provide the clerical help that is needed to
8 issue work permits in accordance with § 3-206 of the Labor and Employment Article.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2004.