

# HOUSE BILL 528

F1, F5

11r1888  
CF 11r1957

---

By: **Delegates Luedtke, Alston, Carr, Clippinger, Frick, Frush, Ivey, Kaiser, A. Kelly, Kipke, A. Miller, Mizeur, Morhaim, Niemann, S. Robinson, Rosenberg, F. Turner, and Zucker**

Introduced and read first time: February 7, 2011

Assigned to: Ways and Means

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Education – Open Space on Public School Property – Planting and**  
3 **Maintaining Gardens**

4 FOR the purpose of requiring county boards of education to encourage the use of open  
5 space on public school property for a certain purpose; requiring certain county  
6 boards to permit the use of certain public school property for certain purposes  
7 during certain times by certain groups subject to certain requirements;  
8 requiring certain groups to submit certain plans to the county superintendent of  
9 schools; requiring certain groups to limit the application of pesticides under  
10 certain circumstances; authorizing certain county boards to incorporate the use  
11 of school gardens into certain curriculum guides and courses of study;  
12 authorizing county boards to use certain produce in school cafeterias in  
13 accordance with certain laws and regulations; and generally relating to the use  
14 of open space on public school property for the planting and maintaining of  
15 school gardens.

16 BY adding to  
17 Article – Education  
18 Section 7–108.1  
19 Annotated Code of Maryland  
20 (2008 Replacement Volume and 2010 Supplement)

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

23 **Article – Education**

24 **7–108.1.**

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(A) EACH COUNTY BOARD SHALL ENCOURAGE THE USE OF OPEN SPACE**  
2 **ON PUBLIC SCHOOL PROPERTY FOR THE PURPOSE OF PLANTING AND**  
3 **MAINTAINING GARDENS.**

4           **(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, A COUNTY BOARD**  
5 **SHALL AUTHORIZE THE USE OF OPEN SPACE ON PUBLIC SCHOOL PROPERTY FOR**  
6 **THE PURPOSE OF PLANTING AND MAINTAINING GARDENS THROUGHOUT THE**  
7 **CALENDAR YEAR BY SCHOOLS AND COMMUNITY GROUPS.**

8           **(C) EACH SCHOOL OR COMMUNITY GROUP THAT PLANTS OR MAINTAINS**  
9 **A GARDEN ON SCHOOL PROPERTY SHALL:**

10                   **(1) SUBMIT A PLAN TO THE COUNTY SUPERINTENDENT FOR**  
11 **MAINTENANCE OF THE GARDEN WHEN THE SCHOOL IS NOT OPEN DURING THE**  
12 **REGULAR SCHOOL CALENDAR YEAR; AND**

13                   **(2) LIMIT THE APPLICATION OF PESTICIDES TO THE GARDEN**  
14 **THROUGH THE USE OF ORGANIC VEGETABLE GARDENING TECHNIQUES OR**  
15 **INTEGRATED PEST MANAGEMENT.**

16           **(D) A COUNTY BOARD MAY:**

17                   **(1) INCORPORATE THE USE OF SCHOOL GARDENS INTO THE**  
18 **CURRICULUM GUIDES AND COURSES OF STUDY RELATING TO NUTRITION,**  
19 **HEALTH, AND HORTICULTURE INSTRUCTION FOR THE SCHOOLS UNDER ITS**  
20 **JURISDICTION; AND**

21                   **(2) USE THE PRODUCE GROWN IN SCHOOL GARDENS IN SCHOOL**  
22 **CAFETERIAS IN ACCORDANCE WITH FEDERAL, STATE, AND LOCAL LAWS AND**  
23 **REGULATIONS GOVERNING FOOD SAFETY.**

24           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 2011.