

**Department of Legislative Services**  
Maryland General Assembly  
2011 Session

**FISCAL AND POLICY NOTE**

Senate Bill 791 (Senator Raskin)  
Education, Health, and Environmental Affairs

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**Education - Open Space on Public School Property - Planting and Maintaining Gardens**

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This bill requires local boards of education to encourage the use of open space on public school property for the purpose of planting and maintaining gardens. A local board of education must authorize the use of open space on public school property for the purpose of planting and maintaining gardens throughout the calendar year by schools and community groups.

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**Fiscal Summary**

**State Effect:** None. The bill is directed at local school systems.

**Local Effect:** If a local school or community group chooses to plant and garden on public school grounds, local school system expenditures may increase to maintain the garden and implement related programs.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** A local school or community group that plants or maintains a garden on school property must submit a plan to the local superintendent of schools for the maintenance of the garden during parts of the year when the school is not open and must limit the application of pesticides to the garden through the use of organic vegetable gardening techniques or integrated pest management. A local board of education may incorporate the use of school gardens into the curriculum guides and courses of study relating to nutrition, health, and horticulture instruction. The produce grown in school

gardens may be used in school cafeterias in accordance with federal, State, and local laws and regulations governing food safety.

**Current Law:** Local boards of education are not specifically authorized to use open space on public school property for the purpose of planting and maintaining gardens, nor are they prohibited from doing so.

**Background:** During World War I, the federal Bureau of Education created the United States School Garden Army to have schools help grow food and boost morale. With concerns about obesity and interest in locally grown produce, the idea of school gardens has experienced a resurgence. In 2003, almost one-third of public schools in California reported having a school-based garden, which was prior to the 2009 legislation that established a grant program to promote and support the creation of instructional school gardens in the state.

Martin Luther King, Jr. Middle School in Berkeley, California has created a kitchen learning classroom attached to its school garden. Students harvest and prepare produce as part of their garden and kitchen classes; however, produce from the garden is not used in school lunches.

**Local Expenditures:** If a local school or community group chooses to plant a garden on public school grounds, local school system expenditures may increase to maintain the garden and implement related programs. The magnitude of the increase is dependent on how many groups choose to plant a school garden, local school grounds maintenance standards, and whether the local board chooses to implement related curriculum content. One small local school system reports it will cost approximately \$40,000 to maintain the gardens during the months when school is not in session, implement the elementary school level curriculum it has created related to school gardens, and develop and implement a curriculum for secondary school students. School systems are not required to incorporate school gardens into their curricula.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 528 (Delegate Luedtke, *et al.*) - Ways and Means.

**Information Source(s):** Maryland State Department of Education, Maryland Association of Boards of Education, Department of Legislative Services

**Fiscal Note History:** First Reader - February 22, 2011  
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