

# SENATE BILL 188

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HB 544/18 – W&M

9lr1195  
CF HB 206

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By: **Senators Young, Benson, Kelley, Kramer, Rosapepe, and Washington**

Introduced and read first time: January 23, 2019

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public and Nonpublic Schools – Classwork and Assessment Involving Live and**  
3 **Dead Animals – Student Choice Policy**

4 FOR the purpose of authorizing a student in a public school or nonpublic school to choose  
5 not to participate in or observe, in whole or in part, classwork or an assessment that  
6 includes certain actions conducted on a certain animal; authorizing a student to  
7 choose not to participate in or observe the classwork or assessment at a certain time;  
8 requiring a certain student to complete the required classwork or assessment by a  
9 certain alternative educational method that meets certain requirements; prohibiting  
10 a teacher, public school, or nonpublic school from penalizing or discriminating  
11 against a certain student under certain circumstances; requiring the State Board of  
12 Education, on or before a certain date, to require each county board of education to  
13 develop and implement a certain student choice policy; authorizing certain county  
14 boards and certain nonpublic schools to provide training to certain teachers on the  
15 use of certain alternative methods; requiring certain teachers to notify certain  
16 students of a certain student choice policy at certain times; requiring certain county  
17 boards to notify certain teachers of the existence of a certain student choice policy,  
18 to publish or share a link to a certain student choice policy with certain schools, and  
19 to require certain public schools to notify certain students and parents of a certain  
20 student choice policy in a certain manner; authorizing a nonpublic school to establish  
21 a certain policy; providing that a nonpublic school is encouraged to publicize a certain  
22 policy in a certain manner; making the provisions of this Act severable; defining  
23 certain terms; and generally relating to a student choice policy regarding classwork  
24 and assessment involving live or dead animals.

25 BY adding to  
26 Article – Education  
27 Section 7–125  
28 Annotated Code of Maryland  
29 (2018 Replacement Volume and 2018 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Education**

4 **7–125.**

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
6 INDICATED.

7 (2) (I) “ALTERNATIVE EDUCATIONAL METHOD” MEANS A METHOD  
8 OF PROVIDING EDUCATIONAL INSTRUCTION TO A STUDENT TO GAIN THE  
9 INFORMATION, KNOWLEDGE, AND SKILLS REQUIRED IN A CLASS THAT IS A  
10 SUBSTITUTE FOR THE ORIGINAL METHOD OF EDUCATIONAL INSTRUCTION.

11 (II) “ALTERNATIVE EDUCATIONAL METHOD” INCLUDES A  
12 METHOD THAT USES ANY OF THE FOLLOWING TOOLS TO PROVIDE EDUCATIONAL  
13 INSTRUCTION AS A SUBSTITUTE FOR THE ORIGINAL METHOD OF EDUCATIONAL  
14 INSTRUCTION:

- 15 1. VIDEOS AND FILMS;
- 16 2. MODELS;
- 17 3. BOOKS;
- 18 4. PHOTOGRAPHS;
- 19 5. COMPUTERS;
- 20 6. LIVE OBSERVATION, FIELD TRIPS, AND SITE VISITS;
- 21 AND
- 22 7. ANY OTHER TOOL DETERMINED APPROPRIATE BY  
23 THE TEACHER.

24 (3) “ANIMAL” MEANS ANY LIVING ORGANISM OTHER THAN A HUMAN  
25 BEING OR A PLANT.

26 (4) “CLASSWORK” INCLUDES WORK ASSIGNED IN A REQUIRED OR AN  
27 ELECTIVE CLASS OFFERED TO STUDENTS BY A PUBLIC SCHOOL OR NONPUBLIC  
28 SCHOOL.

29 (B) (1) A STUDENT IN A PUBLIC SCHOOL OR NONPUBLIC SCHOOL MAY

1 CHOOSE NOT TO PARTICIPATE IN OR OBSERVE, IN WHOLE OR IN PART, CLASSWORK  
2 OR AN ASSESSMENT THAT INCLUDES THE FOLLOWING ACTIONS CONDUCTED ON A  
3 LIVE OR DEAD ANIMAL OR THE SEVERED PART OF A DEAD ANIMAL:

4 (I) DISSECTION;

5 (II) VIVISECTION;

6 (III) INCUBATION;

7 (IV) INFLECTION OF HARM;

8 (V) CAPTURE; OR

9 (VI) DESTRUCTION.

10 (2) A STUDENT MAY CHOOSE NOT TO PARTICIPATE IN OR OBSERVE  
11 THE CLASSWORK OR ASSESSMENT THAT INCLUDES ACTIONS DESCRIBED UNDER  
12 PARAGRAPH (1) OF THIS SUBSECTION ON THE DAY THE CLASSWORK OR ASSESSMENT  
13 IS SCHEDULED TO BE PERFORMED.

14 (3) A STUDENT WHO CHOOSES NOT TO PARTICIPATE IN OR OBSERVE  
15 THE CLASSWORK OR ASSESSMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION  
16 SHALL COMPLETE THE REQUIRED CLASSWORK OR ASSESSMENT BY AN  
17 ALTERNATIVE EDUCATIONAL METHOD THAT PROVIDES THE NECESSARY  
18 INFORMATION, KNOWLEDGE, AND SKILLS OR ASSESSES THE STUDENT'S  
19 INFORMATION, KNOWLEDGE, AND SKILLS.

20 (4) A STUDENT WHO CHOOSES NOT TO PARTICIPATE IN OR OBSERVE  
21 THE CLASSWORK OR ASSESSMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY  
22 NOT BE PENALIZED OR DISCRIMINATED AGAINST BY THE TEACHER, PUBLIC SCHOOL,  
23 OR NONPUBLIC SCHOOL FOR EXERCISING THIS CHOICE.

24 (C) ON OR BEFORE SEPTEMBER 1, 2019, THE STATE BOARD SHALL  
25 REQUIRE EACH COUNTY BOARD TO DEVELOP AND IMPLEMENT A STUDENT CHOICE  
26 POLICY FOR STUDENTS WHO CHOOSE NOT TO PARTICIPATE IN OR OBSERVE, IN  
27 WHOLE OR IN PART, CLASSWORK OR AN ASSESSMENT THAT INCLUDES THE ACTIONS  
28 DESCRIBED UNDER SUBSECTION (B)(1) OF THIS SECTION.

29 (D) A COUNTY BOARD AND NONPUBLIC SCHOOL IN THE STATE MAY  
30 PROVIDE TRAINING TO TEACHERS AFFECTED BY A STUDENT CHOICE POLICY IN  
31 THEIR SCHOOL ON THE USE OF ALTERNATIVE EDUCATIONAL METHODS FOR  
32 CLASSWORK OR AN ASSESSMENT THAT INCLUDES ACTIONS DESCRIBED UNDER

1 SUBSECTION (B)(1) OF THIS SECTION.

2 (E) A TEACHER OF A CLASS INVOLVING CLASSWORK OR AN ASSESSMENT  
3 THAT INCLUDES ACTIONS DESCRIBED UNDER SUBSECTION (B)(1) OF THIS SECTION  
4 SHALL NOTIFY STUDENTS OF THE COUNTY BOARD'S STUDENT CHOICE POLICY:

5 (1) AT THE BEGINNING OF EACH SEMESTER OR QUARTER; AND

6 (2) AT LEAST 3 WEEKS BEFORE THE DAY ANY CLASS IS SCHEDULED  
7 TO PERFORM CLASSWORK OR AN ASSESSMENT THAT INCLUDES THE ACTIONS  
8 DESCRIBED UNDER SUBSECTION (B)(1) OF THIS SECTION.

9 (F) AT THE BEGINNING OF EACH SCHOOL YEAR, EACH COUNTY BOARD  
10 SHALL:

11 (1) NOTIFY TEACHERS AFFECTED BY THE COUNTY BOARD'S STUDENT  
12 CHOICE POLICY OF THE EXISTENCE OF THE STUDENT CHOICE POLICY;

13 (2) PUBLISH ON ITS WEBSITE, OR SHARE A WEB LINK WITH EACH  
14 SCHOOL UNDER ITS JURISDICTION, THE STUDENT CHOICE POLICY; AND

15 (3) REQUIRE EACH SCHOOL TO NOTIFY, IN WRITING OR  
16 ELECTRONICALLY, THE STUDENTS AND PARENTS OR GUARDIANS OF STUDENTS IN  
17 THE SCHOOL OF THE STUDENT CHOICE POLICY AND WHERE TO FIND THE POLICY.

18 (G) A NONPUBLIC SCHOOL:

19 (1) MAY ESTABLISH A POLICY TO IMPLEMENT THE PROVISIONS OF  
20 THIS SECTION; AND

21 (2) IS ENCOURAGED TO PUBLICIZE A STUDENT CHOICE POLICY  
22 ADOPTED UNDER ITEM (1) OF THIS SUBSECTION IN THE STUDENT HANDBOOK, ON  
23 THE SCHOOL'S WEBSITE, AND IN ANY OTHER LOCATION OR VENUE THE SCHOOL  
24 DETERMINES IS NECESSARY OR APPROPRIATE.

25 SECTION 2. AND BE IT FURTHER ENACTED, That, if any provision of this Act or  
26 the application thereof to any person or circumstance is held invalid for any reason in a  
27 court of competent jurisdiction, the invalidity does not affect other provisions or any other  
28 application of this Act that can be given effect without the invalid provision or application,  
29 and for this purpose the provisions of this Act are declared severable.

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
31 1, 2019.