

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 119
Ways and Means

(Delegate Atterbeary)

Education, Energy, and the Environment

**County Boards of Education - Curriculum Guides and Courses of Study -
Requirements**

This bill requires that all of the curriculum guides, courses of study, resource material, and other teaching aids prepared by local school systems must be in accordance with the policy and guidelines for the program of instruction in public schools adopted by the State Board of Education (SBE). If the State Superintendent of Schools determines that a local board of education is not following every element of the policy and guidelines established by SBE or is authorizing a student to opt-out of a course of instruction in a manner that is not approved by SBE, the State Superintendent must notify the local board of education. If the local board does not resolve the discrepancy within 30 days, as specified, 10% of the funds budgeted by the State for the current fiscal year must be withheld. If the discrepancy is not resolved within 90 days, an additional 10% must be withheld. The State Comptroller must release the funds if the State Superintendent determines that the local board has resolved the discrepancy. **The bill takes effect July 1, 2023.**

Fiscal Summary

State Effect: The Maryland State Department of Education can establish a process to ensure that local school systems programs of instruction are in compliance with State policies and guidelines using existing resources. The State Comptroller can withhold and release funds as required using existing resources. Overall expenditures are not affected, as it is assumed local school systems remedy discrepancies. Revenues are not affected.

Local Effect: To the extent that local boards of education do not comply with the SBE's program of instruction, local State aid revenues may be temporarily affected. To the extent that local school systems do not currently comply with policies and guidelines for the program of instruction set by SBE, local school system expenditures may increase; however, as the policies and guidelines are generally broad, any updates can likely be done at a minimal cost.

Small Business Effect: None.

Analysis

Current Law: Subject to the applicable provision of the Education Article, and the bylaws, basic policies, and guidelines established by SBE, each local board of education, on the written recommendation of the local superintendent, must (1) establish curriculum guides and courses of study for the schools under its jurisdiction, including appropriate programs of instruction or training for mentally or physically handicapped children and (2) supply printed copies of these materials to any teacher or interested citizen.

In accordance with the applicable rules and regulations of SBE, the local superintendent periodically must (1) evaluate the program of instruction in the public schools of the county and (2) report the superintendent's findings and recommendations to the local board of education.

The local superintendent must prepare and recommend for adoption by the local board of education curriculum guides, courses of study, resource material, and other teaching aids.

Current regulations, include a curriculum [vetting process](#) for some subject areas. Other subject areas require a local superintendent of schools to certify to the State Superintendent of Schools that the instructional programming meeting the minimum requires in the regulations. Specifically, all local school systems in Maryland are required to have the instructional programming for English language arts (COMAR 13A.04.12.01) and mathematics courses (COMAR 13A.04.14.01) aligned to the Maryland College and Career Ready Standard.

Under § 2-303 of the Education Article, the State Superintendent may require the State Comptroller to withhold all or part of State funds from a local board of education if the board is not complying with applicable State laws or regulations.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 199 (Senator Lam, *et al.*) - Education, Energy, and the Environment.

Information Source(s): Maryland State Department of Education; Maryland Department of Health; Anne Arundel County Public Schools; Baltimore City Public Schools; Baltimore County Public Schools; Prince George's County Public Schools; St. Mary's County Public Schools; Department of Legislative Services

Fiscal Note History: First Reader - January 30, 2023
rh/mcr Third Reader - March 20, 2023
Revised - Amendment(s) - March 20, 2023

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