

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1385
Ways and Means

Children - Parental Rights - Educational Rights

This bill requires each local board of education, in consultation with parents, teachers, and school personnel, to develop and implement a policy that promotes parental involvement in student education. The bill also establishes procedures for parents to file complaints for violations of this policy and outlines a process for appealing decisions. **The bill takes effect July 1, 2025.**

Fiscal Summary

State Effect: The bill may lead to an increase in court cases for cases where parents wish to appeal a board of education's decision to an appropriate court; however, any increase in District Court caseload is expected to be handled with existing resources. Revenues are not affected.

Local Effect: Local school system expenditures increase, likely materially, to implement requirements of the parental involvement policies required by the bill, including providing access to instructional materials. However, these costs cannot be reliably estimated. Revenues are not affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: The policy developed under this bill must include a plan for increasing parent participation in schools and improving parent-teacher cooperation in areas relating to homework, attendance, and discipline. It must detail procedures to (1) allow parents to review, examine, copy, and record all curricula, teacher training materials used by their

child's teacher, and instructional materials, either online or through a physical copy provided upon request; (2) ensure parents are informed about the nature and purpose of all school clubs and extracurricular activities; (3) permit parents to object to and withdraw their child from any school club, extracurricular activity, classroom instruction unit, presentation, or school assembly; and (4) require parental consent before a student is allowed to use gender pronouns that differ from their biological sex.

The policy must also include (1) notice from a school to parents at least five days in advance of planned instruction on or attendance at a presentation covering any topic in family life or human sexuality, along with a process for obtaining parental consent for such instruction; (2) a process for a parent to withdraw their student from specific instruction or a presentation in school that the parent believes might be harmful to the student; (3) parental access to all written and electronic records concerning a student that are controlled or in possession of the school, the local board of education, or an outside organization contracted to provide services to students at the school; and (4) a prohibition on teachers and other school personnel from withholding or concealing information from parents, including information related to a student's curricular or extracurricular projects, assignments, or activities, or their physical, emotional, or mental health.

A parent may file a written complaint for a violation of the policies set forth under this bill. On receipt of a complaint, a local school system superintendent must investigate the complaint and within 14 days of receiving the complaint, provide a written response to the complainant describing the actions being taken by the local school system or the remedy being proposed. A parent may appeal the decision of the superintendent to the local board of education within 30 days of the superintendent's response. The appeal must contain details of the alleged violation from the complaint filed with the superintendent, a copy of the superintendent's response, and the reasons why the parent finds the superintendent's response insufficient.

A local board of education must appoint a committee to address appeals of the superintendent's decision. Within 30 days after receipt of an appeal to the board, the committee must publish a report containing any findings of fact and recommended actions for the board. For each appeal, the board must vote to accept or reject the recommendation of the committee. The decision of the local board regarding an appeal is final.

If a parent has exhausted all other administrative remedies as laid out in this bill, they may bring an action in a court of appropriate jurisdiction against a local board of education for any continuing violations of the policy established under this bill. In an action brought under this bill, a court may grant appropriate relief.

Current Law: Generally, statutory provisions do not explicitly address most of the specific rights of parents as set forth in the bill. However, the U.S. Supreme Court and the

Maryland Court of Appeals have recognized that parents have a fundamental right to govern the care, custody, and control of their children without state interference, unless there is a showing of parental unfitness or the existence of exceptional circumstances. (See, e.g., *Troxel v. Granville*, 530 U.S. 57 (2000), *Koshko v. Haining*, 398 Md. 404 (2007).)

School Instruction – Generally

With the advice of the State Superintendent of Schools, the State Board of Education (SBE) establishes basic policy and guidelines for the program of instruction for public schools. Subject to State law and the regulations, bylaws, policies, and guidelines established by SBE, each local board of education must establish the curriculum guides and courses of study for schools in its jurisdiction. Policies, rules, and regulations for the graduation of students from Maryland public schools are established by local boards of education and SBE.

The State Standards and Frameworks defines what students should know and be able to do at each grade level. Using the standards and frameworks, local school systems develop curriculums. Teachers then develop lesson plans to teach the curriculum.

Opt-outs for Instruction on Family Life and Human Sexuality

While there are no State-level policies allowing parents to opt their students out of any instructional unit they may deem harmful to the student, regulations require local school systems to establish policies, guidelines, and/or procedures for student opt-out specifically regarding instruction related to family life and human sexuality. Each school must establish a procedure for providing appropriate alternative learning activities and/or assessments in health education.

Local Expenditures: To comply with the bill's requirements, each local school system must organize meetings, solicit input, and develop a comprehensive policy addressing the specific issues outlined in the legislation. The bill prescribes many elements of the policy including, providing parents with access to all curricula, instructional materials, and teacher training materials used by their child's teacher. The actual costs depend on the policies developed at the local level, implementation decisions, and the extent of parental engagement and requests. Given these variables, a precise fiscal estimate cannot be determined at this time. However, local school systems advise that at a minimum, the bill has an operational impact, requiring teachers and staff to devote additional time and resources to preparing materials, communicating with parents, and managing parental requests.

To handle the increased administrative workload, some local school systems anticipate hiring additional staff. The scope of staffing needs depends on the volume of parental

requests, the complexity of policy implementation, and the availability of existing resources to absorb the additional requests.

Likewise, managing and responding to complaints may also impose significant costs on school system administrations and local boards of education. Additional legal counsel may be needed to assist with complaint resolution, and litigation expenses could arise if board decisions are appealed.

Due to various cost-determining factors – such as the volume of complaints filed under the policies developed under the bill – an exact estimate cannot be provided. However, the school systems of both St. Mary's and Wicomico counties estimate needing at least \$130,000 to hire an additional staff member to implement the new policy. Anne Arundel County Public Schools estimates at least \$40,000 to establish a website to handle additional parental inquiries. Frederick County Public Schools (FCPS) estimates costs in excess of \$6.5 million annually, which includes a teacher at each school to accommodate parental requests to withdraw their student from any unit of instruction or assembly to maintain fidelity to every student's learning journey. FCPS further advises that additional textbook licenses may be needed to be purchased to provide parents with access to the material electronically; however, exact costs cannot be estimated.

Additional Information

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

Designated Cross File: SB 948 (Senator Ready) - Education, Energy, and the Environment.

Information Source(s): Judiciary (Administrative Office of the Courts); Maryland State Department of Education; Anne Arundel County Public Schools; Baltimore City Public Schools; Baltimore County Public Schools; Frederick County Public Schools; Montgomery County Public Schools; Wicomico County Public Schools; St. Mary's County Public Schools; Department of Legislative Services

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