

SENATE BILL 646

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6lr2656

By: Senator King

Introduced and read first time: February 6, 2026

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Public School System Contracts – Prohibited Provisions**

3 FOR the purpose of prohibiting certain provisions from being included in public school
4 system contracts; specifying that certain provisions are void if included in a public
5 school system contract; specifying the applicable law and interpretation of public
6 school system contracts; and generally relating to prohibited provisions in public
7 school system contracts.

8 BY adding to

9 Article – Education

10 Section 4-148

11 Annotated Code of Maryland

12 (2025 Replacement Volume and 2025 Supplement)

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

15 **Article – Education**

16 **4-148.**

17 **(A) IN THIS SECTION, “PUBLIC SCHOOL SYSTEM CONTRACT” MEANS ANY**
18 **AGREEMENT ENTERED INTO BY A PUBLIC SCHOOL SYSTEM.**

19 **(B) EXCEPT AS REQUIRED BY STATE OR FEDERAL LAW, A PUBLIC SCHOOL**
20 **SYSTEM CONTRACT MAY NOT INCLUDE A PROVISION THAT:**

21 **(1) REQUIRES THE PUBLIC SCHOOL SYSTEM TO INDEMNIFY, DEFEND,**
22 **OR HOLD HARMLESS ANOTHER PERSON WITHOUT AN APPROPRIATION OF FUNDS**
23 **FOR THAT PURPOSE;**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



16 (I) IS UNKNOWN TO THE PUBLIC SCHOOL SYSTEM AT THE TIME
17 OF SIGNING A CONTRACT;

18 (II) MAY BE UNILATERALLY CHANGED BY THE OTHER PARTY;
19 OR

20 (III) IS ELECTRONICALLY ACCEPTED BY A PUBLIC SCHOOL
21 SYSTEM EMPLOYEE WITHOUT AUTHORITY;

24 (7) IS INCONSISTENT WITH THE PUBLIC SCHOOL SYSTEM'S
25 OBLIGATIONS UNDER TITLE 3 OR TITLE 4 OF THE GENERAL PROVISIONS ARTICLE;

29 (9) REQUIRES AUTOMATIC RENEWAL OF THE CONTRACT AND
30 OBLIGATES THE PUBLIC SCHOOL SYSTEM TO ALLOCATE FUNDING IN SUBSEQUENT
31 FISCAL YEARS; OR

4 (C) IF A PUBLIC SCHOOL SYSTEM CONTRACT CONTAINS A PROVISION
5 LISTED UNDER SUBSECTION (B) OF THIS SECTION, THE PROVISION IS VOID AB INITIO
6 AND THE CONTRACT CONTAINING THAT PROVISION SHALL BE ENFORCEABLE AS IF
7 IT DID NOT CONTAIN THE PROVISION.

8 (D) A PUBLIC SCHOOL SYSTEM CONTRACT THAT CONTAINS A PROVISION
9 LISTED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE GOVERNED BY AND
10 CONSTRUED IN ACCORDANCE WITH STATE LAW, NOTWITHSTANDING ANY TERM OR
11 CONDITION TO THE CONTRARY IN THE CONTRACT.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
13 apply only prospectively and may not be applied or interpreted to have any effect on or
14 application to any public school system contract executed before the effective date of this
15 Act or to the renewal or extension of a public school system contract executed before the
16 effective date of this Act.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
18 1, 2026.