

Department of Legislative Services
 Maryland General Assembly
 2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 73 (Delegate Toles)
 Ways and Means

Public Schools - Water Safety and Swimming Course - Established

This bill requires, by July 1, 2027, the State Board of Education (SBE) to develop curriculum content standards for a course on water safety and swimming for public school students in kindergarten through grade 8. Beginning in the 2027-2028 school year, each local board must implement a course on water safety and swimming based on the standard. A local board may award an elective physical education credit to students for successful completion of the course. SBE may adopt regulations to implement the bill. **The bill takes effect July 1, 2026.**

Fiscal Summary

State Effect: General fund expenditures increase by \$250,000 only in FY 2027 for a consultant to develop curriculum content standards for a course on water safety and swimming for public school students in kindergarten through grade 8. Revenues are not affected.

(in dollars)	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	250,000	0	0	0	0
Net Effect	(\$250,000)	\$0	\$0	\$0	\$0

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Beginning in FY 2028, local school system expenditures increase significantly, potentially by hundreds of thousands or millions of dollars, depending on program scope, student population, and local conditions, including pool availability and potential capital costs. Use of parks and recreation facilities may increase agency revenues. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: A public school may partner with a local parks and recreation agency to provide access to the necessary water and swimming facilities. Each local board must ensure the provision of reasonable accommodations necessary to provide students with disabilities equal opportunity to participate, to the fullest extent possible, in the water safety and swimming course.

Current Law: With the advice of the State Superintendent of Schools, 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.

Every public school must have a program of physical education that is given in a planned and sequential manner to all students in order to develop their good health and physical fitness and improve their motor coordination and physical skills. The specific curriculum and course of study is set by each local board of education. Maryland regulations require a physical education comprehensive program to provide a developmentally appropriate instructional program that advances student knowledge, confidence, skills, and motivation to enjoy a lifetime of healthful physical activity.

[Maryland's Physical Education Framework](#), last published in January 2026, incorporates State Board-approved content standards. The framework establishes the State's minimum expectations for physical education and serves as a resource for local school systems to develop curricula with clear, measurable goals. It is designed to be implementable regardless of local resources, while allowing local school systems with access to additional equipment or facilities, such as aquatics facilities, to exceed minimum standards and offer enhanced instructional opportunities.

State Expenditures: The Maryland State Department of Education (MSDE) advises that, to develop curriculum content standards for a course on water safety and swimming for public school students in kindergarten through grade 8 for implementation in the 2027-2028 school year (fiscal 2028), MSDE must hire a consultant team at an estimated one-time cost of \$250,000 in fiscal 2027. No additional consultant costs are anticipated in future years; however, MSDE incurs ongoing operational responsibilities associated with technical assistance and implementation support, which are assumed to be handled with existing resources. Actual costs may vary depending on the scope of work and the extent to which existing standards development processes and internal staff resources are leveraged.

Local Expenditures: Overall, costs are dependent on the size of the student population and local conditions in each local school system, including the availability and capacity of pool facilities operated by local parks and recreation agencies or other public or private entities. MSDE advises that local school systems may be substantially impacted fiscally and operationally to develop age-appropriate and research-based curricula, revise student schedules, acquire or access swimming facilities and transportation to and from those facilities, hire and/or train new staff (including certified lifeguards, swim instructors, and program coordinators), and purchase equipment necessary to implement the new courses. However, costs cannot be reliably estimated.

Assuming the required course includes in-water instruction, beginning in fiscal 2028 (2027-2028 school year), local school system expenditures increase significantly, likely by hundreds of thousands or millions of dollars annually, to implement a water safety and swimming course for students in kindergarten through grade 8. For example, Anne Arundel County Public Schools estimates ongoing local expenditures exceeding \$16 million annually, primarily driven by staffing for classroom and swim instruction (approximately \$9.5 million), transportation to and from pool facilities (approximately \$5.0 million), pool rental fees (approximately \$2.3 million), and supplies and equipment. The estimate assumes weekly in-water instruction for approximately 46,800 students and a recommended instructor-to-student ratio of 1:6; alternative implementation approaches could reduce associated costs. Montgomery County Public Schools estimates annual costs exceeding \$2.0 million, in addition to one-time capital costs for dedicated buses, and advises that limited pool capacity may prevent full implementation even at that expenditure level. Smaller local school systems report lower but still material costs, generally ranging from approximately \$300,000 to more than \$500,000 annually, primarily driven by transportation, staffing, and access to pool facilities.

In addition, several local school systems advise that they do not operate swimming pools and that access to off-site facilities is limited or costly. Transportation costs are consistently identified as a significant cost driver, particularly for systems required to transport students during the instructional day. Some jurisdictions also note that not all students may have access to required swimwear or equipment, which may necessitate additional expenditures to ensure equitable participation.

To the extent local school systems partner with or utilize facilities operated by local parks and recreation agencies or other entities, revenues and expenditures for those agencies may increase. However, increased use of limited pool facilities may reduce availability for other programs or require additional staffing and operational support.

Costs may be lower for local school systems that currently offer limited swimming or water safety programs. However, most existing programs serve only selected grade levels and do not meet the bill's full kindergarten-through-grade-8 requirement. Conversely, to the extent

the bill is interpreted to not require in-water instruction, costs may be limited primarily to curriculum development and professional training.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 1485 of 2024 and HB 1105 of 2023.

Designated Cross File: None.

Information Source(s): Carroll, Harford, Queen Anne's, and St. Mary's; Maryland State Department of Education; Department of Natural Resources; Baltimore City Public Schools; Baltimore County Public Schools; Anne Arundel County Public Schools; Montgomery County Public Schools; Frederick County Public Schools; St. Mary's County Public Schools; Department of Legislative Services

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