

**Testimony of the  
Baltimore City Board of School Commissioners  
In Support of  
Senate Bill 646 – Public School System Contracts – Prohibited Provisions**

**March 4, 2026**

The Baltimore City Board of School Commissioners supports Senate Bill 646 and thanks the sponsor for recognizing the benefits that this legislation will provide to local school systems.

The proposed legislation prohibits school system contracts from including specified provisions that generally restrict the power and rights of public entities, such as provisions that name a jurisdiction or venue for any action or dispute against the school system other than a court of proper jurisdiction in Maryland; that require a school system to be bound by terms that can be unilaterally changed by the other party; or that require a school system to agree to liability limitations. If a contract includes a prohibited provision, under the proposed legislation the provision will be void and the contract will remain enforceable as if it did not contain the provision.

The proposed legislation is modeled on [comparable legislation enacted in 2024](#) that applies to contracts with state agencies. As school systems rely heavily on state funding and are often treated as state entities under the law, it seems reasonable to apply similar rules and protections for school system contracts that are already proving beneficial to state agencies. The proposed legislation should significantly streamline contract negotiations for school system procurements, by eliminating the often costly, resource-intensive, and lengthy legal processes to work with vendors to remove or revise these problematic provisions from contracts and agreements on a case-by-case basis. This streamlining will substantially improve the efficiency and cost-effectiveness of procurements by accelerating the ability of school systems to provide critical services, equipment, and materials to meet students' and school's educational needs. Moreover, the elimination of these provisions will allow school systems to reduce exposure to unanticipated costs, risk exposure, and burdens that school systems often face if they are unsuccessful in negotiating the removal of these provisions from contracts.

This proposed legislation will remove the current challenges that school system's face. Examples of times in which the need for the proposed legislation would have eliminated challenges include:

- Negotiations over a high school prom contract that almost didn't happen due to the challenging provisions that the venue wanted to incorporate that would have made it cost prohibitive.
- Educational technology vendors who seek to limit their liability to only the annual cost of the services, which would not begin to remedy data privacy breaches or other defects that could undermine school systems operations and educational missions.
- Click-through agreements that purport to require teachers to waive student rights to privacy and require students or their parents to indemnify the vendor.
- Choice of law provisions that would require contract enforcement in a state on the other side of the country or overseas with laws far less favorable than Maryland and at significant expense to attend in-person proceedings or hire local counsel.

In our experience, vendors generally are willing to follow state or federal laws that render such provisions unenforceable, but they are reluctant to deviate from their standard terms without extensive legal negotiations and even in such circumstances, it is often challenging unless there are clear legal provisions for us to point out, like this law would provide.

For the foregoing reasons, the Baltimore City Board of School Commissioners supports Senate Bill 646 and urges a favorable report.

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