

3/2/2016

Attn: Education, Energy, and the Environment Committee

Re: Senate Bill 646 – Public School System Contracts – Prohibited Provisions

Position: SUPPORT

Dear Honorable Members of the Education, Energy, and the Environment Committee,

Harford County Public Schools (HCPS) supports Senate Bill 646 because it provides practical, common-sense protections that allow local school systems to operate more efficiently while safeguarding public resources.

Each year, HCPS enters into copious contracts that directly support students, classrooms, transportation, technology systems, professional learning, facilities operations, and student activities. These agreements range from large instructional and operational contracts to routine purchases such as online subscriptions or field trip fees.

Imagine meeting the needs of nearly 37,800 students and more than 2,250 classrooms across 180 instructional days, while also operating large-scale construction, transportation, and student support systems. In just one week, Harford County Public Schools served over 100,000 student meals, supported 4,600 visits to school nurses, completed more than 200 technology service requests, and safely transported students on over 200 field trips. Behind every one of these experiences are contracted goods and services that make daily school operations possible. Every meal served, device repaired, and bus scheduled depends on agreements with vendors and partners that must be reviewed, approved, and managed responsibly.

As Boards of Education, County Governments, and even the Accountability and Implementation Board want districts to ensure all funding goes directly to students, any support towards reducing unnecessary administrative burden goes a long way in service to those shared goals.

Increasingly, vendors require school systems to accept standardized “click-through” or boilerplate contract terms that were not designed for public entities, especially for point of service sales, small purchases not requiring fee negotiation, and ticketed events. These agreements frequently include provisions such as out-of-state governing law, broad indemnification requirements, or mandatory arbitration clauses that conflict with Maryland

law or established public policy. As stewards of taxpayer funds, HCPS cannot accept these provisions without careful legal and procurement review.

As a result, even routine or low-cost agreements can require extensive staff time to review, negotiate, and revise language that ultimately cannot be enforced against a Maryland public school system. This creates unnecessary delays in implementing instructional resources and diverts administrative capacity away from supporting schools and students.

Senate Bill 646 offers a clear and practical solution. By establishing in statute that certain prohibited provisions are void and unenforceable, the bill allows school systems like HCPS to rely on clear legal authority rather than repeatedly renegotiating the same boilerplate terms. This approach mirrors protections already extended to Maryland State agencies and public universities and has demonstrated success in streamlining contracting processes and reducing administrative burden.

For HCPS, the impact would be meaningful:

- Faster implementation of instructional and operational services
- Reduced legal and procurement workload
- More efficient use of public funds
- Greater consistency and clarity when working with national vendors

Most importantly, this legislation allows school system staff to focus less on contract mechanics and more on advancing student achievement and supporting educators.

Senate Bill 646 represents a measured, responsible extension of existing State policy and appropriately recognizes local school systems as public entities managing public dollars on behalf of Maryland communities. For these reasons, HCPS respectfully requests a favorable report on Senate Bill 646. Thank you for your consideration.

Respectfully,



Katie Ridgway, Chief of Staff