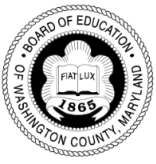


**SB 646 FAVORABLE Wash.Co.Bd.Educ. 3-4-26.pdf**

Uploaded by: Jamie Brown

Position: FAV



**BILL:** Senate Bill 646  
**TITLE:** Public School System Contracts – Prohibited Provisions  
**HEARING DATE:** March 4, 2026  
**POSITION:** FAVORABLE  
**COMMITTEE:** Education, Energy, and the Environment Committee  
**CONTACT:** Ms. Jamie Brown, Paralegal & Legislative Representative, 301-766-2946

Washington County Board of Education supports Senate Bill 646, which would extend to Maryland’s local school systems the same contracting streamline and protections enacted in 2024 for State agencies and public universities.

In 2024, Maryland enacted legislation, now codified at Md. Code Ann., State Fin. & Proc. Art. § 2-901, expressly voiding certain contract clauses that would bind State agencies and Maryland’s public universities to terms inconsistent with State law or public policy. By rendering those provisions void as a matter of law, the statute reduced the administrative burden of negotiating impermissible terms and created a more efficient contracting process grounded in clear statutory authority. After approximately 18 months of implementation, experience under the statute demonstrates its practical value. Counsel at the University of Maryland has reported more streamlined negotiations, fewer routine matters escalated to general counsel, and a clear statutory reference point when reviewing click-through agreements. Senate Bill 646 builds on that 2024 framework by extending the same approach to Maryland’s local school systems.

Local school systems face these same challenges now as State agencies and public universities did. Washington County Board of Education enter into hundreds of contracts each year across operational and instructional areas. Everything from major contracts to reserving tickets for a student field trip requires review, analysis, and often negotiating to remove terms like out-of-state governing law, broad indemnification, or mandatory arbitration provisions. Curriculum purchases, digital learning platforms, and instructional software frequently incorporate website terms by reference. A request from a vendor to click “I agree” can trigger legal review because the embedded terms exceed what a public entity can or should accept as the stewards of public funds.

When confronted with these provisions, school system procurement and legal teams must devote significant staff time to identify the problematic language, locate vendor representatives with authority to revise it, and negotiate its removal. These efforts consume public resources and staff person-hours that could otherwise be directed toward classroom and student needs. In some cases, vendors decline to modify their boilerplate terms, resulting in additional internal review and risk analysis. The impact is both delay and measurable administrative cost.

Senate Bill 646 addresses this problem directly. By providing that specified contract provisions are void and unenforceable as a matter of Maryland law, the bill eliminates the need for repetitive negotiation over language that public school systems cannot or should not accept. Senate Bill 646 identifies provisions that are universally desirable to be protected against. Instead of expending staff time negotiating boilerplate terms or seeking vendor approval to strike them, school systems will be able to point to clear statutory authority and to rest easy knowing that they can click through an agreement because terms unfavorable to Maryland public entities will be void. This clarity streamlines negotiations, reduces administrative burden, and allows routine and time-sensitive transactions to proceed without unnecessary expenditure of public resources.

Senate Bill 646 will simply provide the same protections to local school systems, which function as state entities and operate on public funds.

*Washington County Board of Education supports Senate Bill 646 and requests the Education, Energy, and the Environment Committee to issue a favorable report.*

Thank you.

Cc: Washington County Board of Education Members  
Washington County Delegation to the Maryland General Assembly  
Dr. David T. Sovine, Superintendent  
Dr. Gary Willow, Deputy Superintendent  
Mr. Jeffrey Proulx, Chief Operating Officer

# **Tesstimony SB 646 Public School System Contracts -**

Uploaded by: Josh Civin

Position: FAV

**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.

Josh Civin, Esq.  
Chief Legal Officer  
Baltimore City Public School System  
443-240-9060

**SB 646 HCPS.pdf**

Uploaded by: Katie Ridgway

Position: FAV

**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

# Montgomery County Board of Education\_SB 646\_Support

Uploaded by: Patricia Ursprung

Position: FAV



# MONTGOMERY COUNTY BOARD OF EDUCATION

*Expanding Opportunity and Unleashing Potential*

15 West Gude Drive ♦ Suite 100 ♦ Rockville, Maryland 20850

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**BILL:** Senate Bill 646

**TITLE:** Public School System Contracts - Prohibited Provisions

**DATE:** March 4, 2026

**POSITION:** Support

**COMMITTEE:** Education, Energy, and the Environment

**CONTACT:** Patricia Ursprung, Coordinator, Legislative Affairs

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The Montgomery County Board of Education (Board) supports Senate Bill 646.

This bill would prohibit certain provisions from being included in public school system contracts and result in the specified prohibited provisions being void if they are included in a contract.

In 2024, the general assembly passed a bill that explicitly prohibits certain contract provisions from applying to State agencies, including University System of Maryland. The contract terms that are prohibited include, for example, language requiring the entity to indemnify the vendor, designation of a venue for disputes outside of Maryland, automatic renewals, and terms and conditions that are electronically accepted by an employee who does not have authority to bind the entity (i.e. “click through” agreements). Senate Bill 646 looks to extend these protections to public schools in Maryland. Doing so will streamline contract negotiations with vendors, allowing valuable resources – time and money – to be dedicated to other tasks.

The desired outcome of streamlining contract negotiations with vendors is not merely conceptual. The deputy general counsel at University of Maryland reports that the 2024 law greatly streamlined their contract negotiations and has resulted in significantly fewer issues getting escalated to their general counsel's office. The same will occur if Senate Bill 646 is enacted. Rather than spending staff time negotiating standard boilerplate provisions or requesting that vendors remove them, school systems will be able to rely on clear statutory authority and move forward with confidence. They can accept agreements knowing that the terms included in Senate Bill 646 that are unfavorable to Maryland public schools will be unenforceable. This clarity simplifies negotiations, eases administrative workload, and enables routine and time-sensitive transactions to proceed without delay or unnecessary use of public resources.

Because of the various benefits of this legislation, the Montgomery County Board of Education recommends issuing a **favorable** report on Senate Bill 646.

# **SB 646 - Support - Prohibited Terms - K12.pdf**

Uploaded by: Sam Mathias

Position: FAV

**BILL:** Senate Bill 646  
**TITLE:** Public School System Contracts – Prohibited Provisions  
**HEARING DATE:** March 4, 2026  
**POSITION:** SUPPORT  
**COMMITTEE:** Education, Energy, and the Environment  
**CONTACT:** Sam Mathias, Legal & Policy Director ([smathias@mabe.org](mailto:smathias@mabe.org))

The Maryland Association of Boards of Education (MABE), representing all of the State’s local boards of education, **supports Senate Bill 646, Public School System Contracts – Prohibited Provisions.**

In 2024, Maryland enacted legislation, now codified at Md. Code Ann., State Fin. & Proc. Art. § 2-901, expressly voiding certain contract clauses that would bind State agencies and Maryland’s public universities to terms inconsistent with State law or public policy. By rendering those provisions void as a matter of law, the statute reduced the administrative burden of negotiating impermissible terms and created a more efficient contracting process grounded in clear statutory authority. After approximately 18 months of implementation, experience under the statute demonstrates its practical value. Counsel at the University of Maryland has reported more streamlined negotiations, fewer routine matters escalated to general counsel, and a clear statutory reference point when reviewing click-through agreements. **Senate Bill 646 builds on that 2024 framework by extending the same approach to Maryland’s local school systems.**

Local school systems still face these same challenges as State agencies and public universities did. Maryland’s 24 local boards of education enter into hundreds of contracts each year across operational and instructional areas. Everything from major contracts to reserving tickets for a student field trip requires review, analysis, and often negotiating to remove terms like out-of-state governing law, broad indemnification, or mandatory arbitration provisions. Curriculum purchases, digital learning platforms, and instructional software frequently incorporate website terms by reference. A request from a vendor to click “I agree” can trigger legal review because the embedded terms exceed what a public entity can or should accept as the stewards of public funds.

When confronted with these provisions, school system procurement and legal teams must devote significant staff time to identify the problematic language, locate vendor representatives with authority to revise it, and negotiate its removal. These efforts consume public resources and staff person-hours that could otherwise be directed toward classroom and student needs. In some cases, vendors decline to modify their boilerplate

terms, resulting in additional internal review and risk analysis. The impact is both delay and measurable administrative cost.

Senate Bill 646 addresses this problem directly. By providing that specified contract provisions are void and unenforceable as a matter of Maryland law, the bill eliminates the need for repetitive negotiation over language that public school systems cannot or should not accept. SB 646 identifies provisions that are universally desirable to be protected against for a Maryland governmental entity operating on public funds. Instead of expending staff time negotiating boilerplate terms or seeking vendor approval to strike them, school systems will be able to point to clear statutory authority and to rest easy knowing that they can click through an agreement because terms unfavorable to Maryland public entities will be void. This clarity streamlines negotiations, reduces administrative burden, and allows routine and time-sensitive transactions to proceed without unnecessary expenditure of public resources.

**For these reasons, MABE enthusiastically supports Senate Bill 646 and requests a favorable report.**

Preliminary Research on other States with Similar Protective Provisions

| State             | Citation                      |
|-------------------|-------------------------------|
| Colorado          | C.R.S. § 24-106-109           |
| Georgia           | O.C.G.A. § 50-5-64.1          |
| Minnesota         | Minn. Stat. § 16C.05, subd. 2 |
| New Jersey        | N.J. Admin. Code § 17:12-1B.2 |
| Ohio              | Ohio Rev. Code § 9.27         |
| South<br>Carolina | S.C. Code Ann. § 11-35-2050   |
| West Virginia     | W. Va. Code § 5A-3-62         |

# **SB0535 Testimony.pdf**

Uploaded by: William Androne

Position: FAV

Good afternoon, Chair Feldman, Vice Chair Kagan, and Members of the Committee,

My name is Will Andrione. I am a senior at Severna Park High School. I serve as the Secretary of Legislation for CRASC, or AACPS Student Government, and I am here today in strong support of SB0535.

A bill that authorizes county library boards to add a 1-year voting high school member and establishes eligibility and selection criteria.

Youth representation matters deeply. Students bring lived experience and fresh ideas into decisions that affect their peers. Students offer perspectives adults lack, ensuring full community representation

This is no different for library boards of trustees. Having a student at the table means that the board directly listens to the demographic that uses and is impacted by materials and spaces that teens use, boosting their engagement.

But it's not just that the other board members have to hear from a student; the student members' vote carries the same weight as any adult member. When a student or youth participates simply in an advisory capacity, they can just be thanked and then ignored; a student voting member ensures that youth input is a part of the actual decision, not an afterthought.

Students today face digital fatigue from endless screens, mental health gaps with waitlists for counselors, and post-pandemic isolation—issues my peers live with daily. A voting student

trustee ensures libraries stock coping resources, safe study spaces, and relevant tech, not guesses from adults. For these reasons, I urge a favorable report on SB0535.

Thank you

# **SEIU Local 500 Testimony in Support of SB 646 2026**

Uploaded by: Christopher Cano

Position: FWA



Testimony - SB 646, Public School System Contracts - Prohibited Provisions  
Favorable w/ Amendments  
Senate Education, Energy, and the Environment Committee  
March 4, 2026  
Christopher C. Cano, MPA  
Director of Political & Legislative Affairs on Behalf of SEIU Local 500

Honorable Chairman Feldman & Members of the Senate Education, Energy, and the Environment Committee:

The members of SEIU Local 500 support Senate Bill 646, with clarifying amendments to ensure strong protections for public schools and the workers who serve Maryland students.

This legislation provides important safeguards to prevent public school systems from being forced into unfair or fiscally irresponsible contractual provisions. School systems should not be required to indemnify private vendors without appropriated funds, waive their right to proper venue in Maryland courts, agree to binding arbitration outside statutory frameworks, or accept automatic renewals that obligate future funding without legislative approval.

These protections are especially important as school systems increasingly contract for technology platforms, transportation services, food services, and other operational supports. Without guardrails, districts can be locked into agreements that undermine fiscal accountability and limit public oversight.

We strongly support the amended language clarifying that this section does not apply to collective bargaining agreements entered into under Titles 6 and 9.5 of the Education Article or Title 22 of the State Government Article. Preserving collectively bargained rights is essential and must remain explicit.

To further strengthen the bill, SEIU Local 500 recommends the following amendments:

### **1. Clarify Preservation of Collective Bargaining Rights**

Add language explicitly stating that nothing in this section may be construed to limit, alter, or impair rights and obligations under existing or future collective bargaining agreements. This ensures no unintended interference with negotiated grievance and arbitration procedures established under Maryland labor law.

### **2. Ensure Transparency and Public Reporting**

Require public school systems to publicly report any contract provision found void under this section and the corrective action taken. Transparency promotes accountability and deters the inclusion of prohibited provisions.

### **3. Strengthen Worker Protection in Contracting**

Add language requiring that contracts subject to this section may not include provisions that restrict compliance with state labor standards, wage laws, or worker safety requirements. Public contracting should reinforce — not weaken — Maryland’s labor protections.

Senate Bill 646 takes an important step toward protecting taxpayer dollars, preserving local control, and ensuring school systems are not pressured into unfair contractual terms.

With the proposed amendments, this bill will both strengthen fiscal responsibility and safeguard workers’ rights.

SEIU Local 500 respectfully urges a favorable report with amendments.

Thank you for your time and consideration.

Christopher C. Cano, MPA  
Director of Political & Legislative Affairs  
SEIU Local 500

**2026.03.04 SB 646 BTU Testimony.docx.pdf**

Uploaded by: Cristina E Duncan Evans

Position: FWA



AFT 340 AFL-CIO  
Seton Business Park  
5800 Metro Drive, 2<sup>nd</sup> Floor  
Baltimore, MD 21215-3209

SB 646 – Public School System Contracts - Prohibited Provisions  
Education, Energy, and the Environment Committee  
**Favorable with Amendments**

The Baltimore Teachers Union (“BTU”) opposes SB 646 in its current form. SB 646 would, if passed with its current language, destroy collective bargaining for dozens of public school employee unions statewide. It would interrupt the process agreed by the parties to resolve conflicts and eliminate rights won in collective bargaining by public school employees unions. BTU understands that an amendment has been drafted which exempts collective bargaining agreements with labor organizations from the effect of this bill, and BTU urges that this amendment be adopted.

BTU represents two bargaining units of employees of BCBSC. BTU and BSBSC, in its Agreements with BTU, have agreed to submit disputes about the Agreement to binding grievance arbitration. This is not unique. Binding grievance arbitration is the rule and best practice throughout not just public school agreements, but in other public sector agreements, and in private sector collective bargaining agreements as well.

SB 646, as written, would invalidate and void those arbitration clauses. The result would be to deprive unions of their best, and often only, way of enforcing their agreements. Furthermore, SB 646 as written would limit unions’ ability to enforce its contracts by not permitting common contractual remedies for contract violations. Unions are required to enforce their contracts and vindicate their members’ rights under negotiated agreements. Oftentimes, that results in members being owed money they earned and are due under the agreements. SB 646 would eliminate, or at least greatly limit, the ability of unions to vindicate those rights and help members recoup money they earned and are owed.

BTU supports the amendment which exempts it and other labor organizations from the effect of this bill. BTU supports SB 646 with that amendment.

# **SB 646 - Public School System Contracts - Prohibit**

Uploaded by: Mary Pat Fannon

Position: FWA



Mary Pat Fannon, Executive Director  
1217 S. Potomac Street  
Baltimore, MD 21224  
410-935-7281  
marypat.fannon@pssam.org

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BILL: SB 646  
TITLE: SB Public School System Contracts - Prohibited Provisions  
DATE: March 4, 2026  
POSITION: Favorable with Amendments  
COMMITTEE: Senate Education, Energy, and the Environment Committee  
CONTACT: Mary Pat Fannon, Executive Director, PSSAM

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The Public School Superintendents' Association of Maryland (PSSAM), on behalf of all twenty-four local school superintendents, **supports** Senate Bill 646 **with one amendment**.

This bill prohibits specified provisions from being included in a public school system contract, except as required by State or federal law. If a public school system contract contains one of the specified provisions, the provision is void and the contract is enforceable as if it did not contain the provision. A public school system contract that contains one of the specified provisions must be governed by and construed in accordance with State law, notwithstanding any term or condition to the contrary in the contract. The bill applies only prospectively and does not apply to a public school system contract executed before the effective date of the bill (or to renewals or extensions of such contracts). ([https://mgaleg.maryland.gov/2026RS/fnotes/bil\\_0006/sb0646.pdf](https://mgaleg.maryland.gov/2026RS/fnotes/bil_0006/sb0646.pdf))

PSSAM supports this legislation that extends the same contracting streamline and protections enacted in 2024 for State agencies and public universities to public school systems. ***We also support the sponsor's amendment to clarify that the bill does not affect collective bargaining agreements.***

The purpose of this legislation is to reduce administrative burden by making certain contract provisions void and unenforceable as a matter of Maryland law, without requiring negotiation. Too often, school systems are required to negotiate over boilerplate vendor terms that are inconsistent with Maryland law and ultimately unenforceable. This consumes valuable staff time and public resources without changing the legal outcome.

Local school systems enter into thousands of contracts each year. Even routine, low-cost, or no-cost agreements frequently require legal review and negotiation of standard vendor provisions, delaying routine business operations and increasing administrative costs.

This legislation provides clear statutory authority identifying specified provisions as void and unenforceable, thereby eliminating repetitive negotiations over boilerplate terms. This legislation will streamline procurement processes, reduce exposure to other states' laws, and avoid unnecessary time and expense negotiating standard vendor language.

The General Assembly granted this commonsense authority to State agencies and public universities in 2024, and it has proven to be an effective and efficient tool for safeguarding public funds. This bill simply extends those same cost- and time-saving legal efficiencies to Maryland's public school systems.

Our colleagues at MABE have provided additional operational and legal detail in their written testimony. We appreciate their leadership and are fully supportive of their advocacy on this legislation.

Therefore, PSSAM **supports** Senate Bill 646 with the **one amendment** outlined above.

# **SB646 - King - Sponsor Testimony.pdf**

Uploaded by: Senator Nancy King

Position: FWA

**NANCY J. KING**  
*Legislative District 39*  
Montgomery County

MAJORITY LEADER

Budget and Taxation Committee

*Chair*

Education, Business, and  
Administration Subcommittee



James Senate Office Building  
11 Bladen Street, Room 123  
Annapolis, Maryland 21401  
410-841-3686  
800-492-7122 Ext. 3686  
Nancy.King@senate.state.md.us

**THE SENATE OF MARYLAND**  
ANNAPOLIS, MARYLAND 21401

**SPONSOR STATEMENT**

**Senate Bill 646 – Public School System Contracts – Prohibited Provisions**

March 4, 2026

Mister Chairman and Members of the Education, Energy and the Environment Committee:

Maryland's 24 local boards of education enter into hundreds of contracts each year. Many vendor agreements include standardized provisions such as out-of-state governing law, broad indemnification, or mandatory arbitration. Even routine transactions, including low-cost or no-cost contracts, require review and negotiation over boilerplate terms. When procurement and legal teams must repeatedly identify and negotiate these provisions, it consumes staff time and public resources. The impact is delay and measurable administrative cost.

Senate Bill 646 with amendments provides Maryland's local school systems with the same contract streamlining and protections enacted in 2024 for State agencies and public universities. That framework provides that contract provisions inconsistent with Maryland law or public policy are void as a matter of law. By establishing this rule in statute, the bill eliminates the need for repetitive negotiation over terms that conflict with established public policy and gives school systems a clear statutory reference point to refer to when reviewing vendor agreements.

I am also introducing an important amendment which clarifies that Senate Bill 646 does NOT include collective bargaining agreements. The bill was always intended to provide clarity and efficiency in public procurement contracting, not labor contracts.

Senate Bill 646 with amendments is a practical, measured extension of an approach that is already working, allowing public school systems to save taxpayer dollars by applying the same contracting protection standards that already apply elsewhere in State government.

I respectfully request a favorable report on Senate Bill 646 with amendments.

# **SB646 King Sponsor Amendment E23BAE20-C5EB-410E-91**

Uploaded by: Senator Nancy King

Position: FWA



SB0646/473028/1

AMENDMENTS  
PREPARED  
BY THE  
DEPT. OF LEGISLATIVE  
SERVICES

27 FEB 26  
13:51:10

BY: Senator King

(To be offered in the Education, Energy, and the Environment  
Committee)

AMENDMENTS TO SENATE BILL 646

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “in” insert “certain”.

AMENDMENT NO. 2

On page 1, after line 18, insert:

**“(B) THIS SECTION DOES NOT APPLY TO COLLECTIVE BARGAINING  
AGREEMENTS ENTERED INTO UNDER:**

- (1) TITLE 6, SUBTITLES 4 AND 5 OF THIS ARTICLE;**
- (2) TITLE 9.5, SUBTITLE 7 OF THIS ARTICLE; OR**
- (3) TITLE 22 OF THE STATE GOVERNMENT ARTICLE.”;**

and in line 19, strike “(B)” and substitute “(C)”.

On page 3, in lines 4 and 8, strike “(C)” and “(D)”, respectively, and substitute “(D)” and “(E)”, respectively; and in lines 5 and 9, in each instance, strike “(B)” and substitute “(C)”.

**SB646 Reprint with amendments.pdf**

Uploaded by: Senator Nancy King

Position: FWA

# SENATE BILL 646

F1

6lr2656

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By: **Senator King**

Introduced and read first time: February 6, 2026

Assigned to: Education, Energy, and the Environment

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## 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 certain 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.**

**(B) THIS SECTION DOES NOT APPLY TO COLLECTIVE BARGAINING AGREEMENTS ENTERED**  
**INTO UNDER:**

**(1) TITLE 6, SUBTITLES 4 AND 5 OF THIS ARTICLE;**

**(2) TITLE 9.5, SUBTITLE 7 OF THIS ARTICLE; OR**

**(3) TITLE 22 OF THE STATE GOVERNMENT ARTICLE.**

19 ~~(B)~~ **(C) 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;**

2 REPRINT OF SENATE BILL 646 as amended by SB0646/473028/1 02/27/26 at 1:50 PM

1 (2) REQUIRES THE PUBLIC SCHOOL SYSTEM TO AGREE TO BINDING  
2 ARBITRATION OR ANY OTHER BINDING EXTRAJUDICIAL DISPUTE RESOLUTION  
3 PROCESS;

4 (3) NAMES A JURISDICTION OR VENUE FOR ANY ACTION OR DISPUTE  
5 AGAINST THE PUBLIC SCHOOL SYSTEM OTHER THAN A COURT OF PROPER  
6 JURISDICTION IN THE STATE;

7 (4) REQUIRES THE PUBLIC SCHOOL SYSTEM TO AGREE TO LIMIT THE  
8 LIABILITY FOR ANY DIRECT LOSS TO THE PUBLIC SCHOOL SYSTEM FOR BODILY  
9 INJURY, DEATH, OR DAMAGE TO PROPERTY OF THE PUBLIC SCHOOL SYSTEM  
10 CAUSED BY THE NEGLIGENCE, INTENTIONAL OR WILLFUL MISCONDUCT,  
11 FRAUDULENT ACT, RECKLESSNESS, OR OTHER TORTIOUS CONDUCT OF A PERSON OR  
12 A PERSON'S EMPLOYEES OR AGENTS OR A PROVISION THAT WOULD OTHERWISE  
13 IMPOSE AN INDEMNIFICATION OBLIGATION ON THE PUBLIC SCHOOL SYSTEM;

14 (5) REQUIRES THE PUBLIC SCHOOL SYSTEM TO BE BOUND BY A TERM  
15 OR CONDITION THAT:

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;

22 (6) RESTRICTS A PUBLIC SCHOOL SYSTEM'S DISCRETION TO SELECT  
23 THE APPROPRIATE LEGAL COUNSEL TO REPRESENT ITS INTERESTS;

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

26 (8) CREATES A DEFICIENCY, INCURS A LIABILITY, OR SPENDS MONEY  
27 IN EXCESS OF THE APPROPRIATION, OR BINDS A PUBLIC SCHOOL SYSTEM TO PAY AN  
28 AMOUNT UNLESS FUNDS HAVE BEEN APPROPRIATED FOR THAT PURPOSE;

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

3 REPRINT OF SENATE BILL 646 as amended by SB0646/473028/1 02/27/26 at 1:50 PM

1 (10) LIMITS THE PUBLIC SCHOOL SYSTEM'S ABILITY TO RECOVER A  
2 DIFFERENCE IN THE COST OF A REPLACEMENT CONTRACTOR TO PERFORM THE  
3 SERVICES NOT PERFORMED BY THE ORIGINAL CONTRACTOR.

4 ~~(C)~~ (D) IF A PUBLIC SCHOOL SYSTEM CONTRACT CONTAINS A PROVISION  
5 LISTED UNDER SUBSECTION ~~(B)~~ (C) 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)~~ (E) A PUBLIC SCHOOL SYSTEM CONTRACT THAT CONTAINS A PROVISION  
9 LISTED UNDER SUBSECTION ~~(B)~~ (C) 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.