

SENATE BILL 90

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7lr0814

SB 901/16 – EHE

(PRE-FILED)

By: **Senator Young**

Requested: October 6, 2016

Introduced and read first time: January 11, 2017

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Public and Nonpublic Schools – Classwork and Assessment Involving Live and**
3 **Dead Animals – Student Right of Refusal**

4 FOR the purpose of authorizing a student in a public school or nonpublic school to refuse
5 to participate in or observe, in whole or in part, classwork or an assessment that
6 includes certain actions conducted on a certain animal; authorizing a student to
7 exercise a certain right of refusal at a certain time; requiring a certain student to
8 complete certain classwork or a certain assessment by an alternate educational
9 method determined by a certain teacher for a certain purpose; requiring that a
10 certain assignment meet certain requirements; prohibiting a teacher or a public
11 school or a nonpublic school from penalizing or discriminating against a certain
12 student under certain circumstances in a certain manner; requiring the State
13 Department of Education to send a certain notice to each county board of education
14 on or before a certain date each year; requiring a county board to distribute a certain
15 notice to certain public schools at certain times; requiring the Department to adopt
16 certain regulations; providing that a nonpublic school may establish a certain policy;
17 defining certain terms; and generally relating to a student's right of refusal
18 regarding classwork and assessment involving live and dead animals.

19 BY adding to
20 Article – Education
21 Section 7–124
22 Annotated Code of Maryland
23 (2014 Replacement Volume and 2016 Supplement)

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

26 **Article – Education**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



7-124.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (I) "ALTERNATE EDUCATIONAL METHOD" MEANS A METHOD OF PROVIDING EDUCATIONAL INSTRUCTION TO A STUDENT TO GAIN THE INFORMATION, KNOWLEDGE, AND SKILLS REQUIRED IN A CLASS THAT IS A SUBSTITUTE FOR THE ORIGINAL METHOD OF EDUCATIONAL INSTRUCTION.

(II) "ALTERNATE EDUCATIONAL METHOD" INCLUDES A METHOD THAT USES ANY OF THE FOLLOWING TOOLS TO PROVIDE EDUCATIONAL INSTRUCTION AS A SUBSTITUTE FOR THE ORIGINAL METHOD OF EDUCATIONAL INSTRUCTION:

1. VIDEOS AND FILMS;
2. MODELS;
3. BOOKS;
4. PHOTOGRAPHS;
5. COMPUTERS;
6. LIVE OBSERVATION, FIELD TRIPS, AND SITE VISITS;
7. ANY OTHER TOOL DETERMINED APPROPRIATE BY

AND

THE TEACHER.

(3) "ANIMAL" MEANS ANY LIVING ORGANISM OTHER THAN A HUMAN BEING.

(4) "CLASSWORK" INCLUDES WORK ASSIGNED IN A REQUIRED OR ELECTIVE CLASS OFFERED TO STUDENTS BY A PUBLIC SCHOOL OR NONPUBLIC SCHOOL.

(B) (1) A STUDENT IN A PUBLIC SCHOOL OR NONPUBLIC SCHOOL MAY REFUSE TO PARTICIPATE IN OR OBSERVE, IN WHOLE OR IN PART, CLASSWORK OR AN ASSESSMENT THAT INCLUDES THE FOLLOWING ACTIONS CONDUCTED ON A LIVE OR DEAD ANIMAL OR THE SEVERED PART OF A DEAD ANIMAL:

1 (I) DISSECTION;

2 (II) VIVISECTION;

3 (III) INCUBATION;

4 (IV) INFLECTION OF HARM;

5 (V) CAPTURE; OR

6 (VI) DESTRUCTION.

7 (2) A STUDENT MAY EXERCISE A RIGHT OF REFUSAL ON THE DAY THE
8 CLASSWORK OR ASSESSMENT IS SCHEDULED TO BE PERFORMED.

9 (3) (I) A STUDENT WHO EXERCISES A RIGHT OF REFUSAL UNDER
10 PARAGRAPH (1) OF THIS SUBSECTION SHALL BE REQUIRED TO COMPLETE THE
11 REQUIRED CLASSWORK OR ASSESSMENT BY AN ALTERNATE EDUCATIONAL METHOD
12 DETERMINED BY THE TEACHER OF THE CLASS TO PROVIDE THE NECESSARY
13 INFORMATION, KNOWLEDGE, AND SKILLS OR TO ASSESS THE STUDENT'S
14 INFORMATION, KNOWLEDGE, AND SKILLS.

15 (II) AN ASSIGNMENT OR ASSESSMENT GIVEN BY A TEACHER
16 USING AN ALTERNATE EDUCATIONAL METHOD UNDER SUBPARAGRAPH (I) OF THIS
17 PARAGRAPH SHALL BE COMPARABLE:

18 1. IN TIME AND EFFORT TO COMPLETE BY THE STUDENT
19 AS THE ORIGINAL CLASSWORK OR ASSESSMENT; AND

20 2. IN GRADING METHODOLOGY BY THE TEACHER.

21 (C) A STUDENT WHO EXERCISES A RIGHT OF REFUSAL UNDER SUBSECTION
22 (B) OF THIS SECTION MAY NOT BE PENALIZED OR DISCRIMINATED AGAINST BY THE
23 TEACHER OR PUBLIC SCHOOL OR NONPUBLIC SCHOOL FOR EXERCISING THIS RIGHT
24 BY:

25 (1) ASSIGNING A LOWER GRADE SOLELY BECAUSE THE STUDENT
26 EXERCISED THE RIGHT OF REFUSAL; OR

27 (2) REMOVING A STUDENT FROM CLASS UNLESS THE REMOVAL IS
28 REQUIRED TO ASSIST IN THE STUDENT'S RIGHT OF REFUSAL TO PARTICIPATE IN OR
29 OBSERVE THE CLASSWORK OR ASSESSMENT.

1 **(D) (1) ON OR BEFORE SEPTEMBER 1 EACH YEAR, THE DEPARTMENT**
2 **SHALL SEND A NOTICE TO EACH COUNTY BOARD OF THE PROVISIONS OF THIS**
3 **SECTION.**

4 **(2) A COUNTY BOARD SHALL:**

5 **(I) DISTRIBUTE TO EACH PUBLIC SCHOOL UNDER ITS**
6 **JURISDICTION A COPY OF THE NOTICE UNDER PARAGRAPH (1) OF THIS SUBSECTION;**
7 **AND**

8 **(II) REQUIRE EACH PUBLIC SCHOOL TO DISTRIBUTE TO THE**
9 **STUDENTS AND PARENTS OF STUDENTS IN THE PUBLIC SCHOOL A COPY OF THE**
10 **NOTICE:**

11 **1. AT THE BEGINNING OF EACH PUBLIC SCHOOL**
12 **SEMESTER; AND**

13 **2. AT LEAST 3 WEEKS BEFORE THE DAY ANY CLASS IS**
14 **SCHEDULED TO PERFORM CLASSWORK TO WHICH A STUDENT MAY EXERCISE A**
15 **RIGHT OF REFUSAL UNDER SUBSECTION (B) OF THIS SECTION.**

16 **(E) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT**
17 **THIS SECTION AS IT APPLIES TO PUBLIC SCHOOLS.**

18 **(2) A NONPUBLIC SCHOOL MAY ESTABLISH A POLICY TO IMPLEMENT**
19 **THE PROVISIONS OF THIS SECTION.**

20 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July**
21 **1, 2017.**