

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 901 (Senator Young)
Education, Health, and Environmental Affairs

**Public and Nonpublic Schools - Classwork and Assessment Involving Live and
Dead Animals - Student Right of Refusal**

This bill allows a student in a public or nonpublic school to refuse to participate in or observe, in whole or in part, classwork or an assessment that includes specified actions (including dissection) conducted on a live or dead animal or the severed part of a dead animal. The Maryland State Department of Education (MSDE) must adopt regulations, and a nonpublic school may establish a policy, to implement the bill.

The bill takes effect July 1, 2016.

Fiscal Summary

State Effect: None. MSDE can develop regulations and disseminate the provisions of the bill with existing budgeted resources. No effect on revenues.

Local Effect: None. County boards of education can disseminate the necessary information with existing resources. No effect on local revenues.

Small Business Effect: None.

Analysis

Bill Summary: A student may refuse to participate if the classwork or assessment involves:

- dissection;
- vivisection;

- incubation;
- infliction of harm;
- capture; or
- destruction.

The student can exercise the right of refusal on the day the classwork or assessment is scheduled to be performed. Any student who exercises a right of refusal must complete the required classwork or assessment by an “alternate education method,” which is defined as 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. An alternate educational method may use videos, films, models, books, photographs, computers, live observation, field trips, site visits, or other tools. A student who exercises a right of refusal under the bill may not be penalized or discriminated against by the teacher or school in any manner specified by the bill.

By September 1 of each year, MSDE must send a notice to each county board of education with the provisions of the bill. Each county board must distribute the notice to each school, and require each school to distribute the notice to students and parents at the beginning of each semester and at least three weeks before a class is to perform any of the relevant activities.

Current Law/Background: There is no State law or policy allowing students to refuse to participate in the activities addressed by the bill. However, MSDE advises that all county boards of education except one have policies or procedures in place that allow students to refuse to participate in assignments that involve live or dead animals. MSDE’s survey on the issue did not record responses by county, so it is not known which county does not have such a policy.

According to the American Anti-Vivisection Society, 11 states have statutory provisions allowing students to refuse to participate in classwork involving live and/or dead animals under different conditions. Six other states and the District of Columbia have policies in place that allow students to refuse to participate.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Department of Education, American Anti-Vivisection Society, Department of Legislative Services

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