

**Department of Legislative Services**  
Maryland General Assembly  
2018 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 369 (Senator Young)  
Education, Health, and Environmental Affairs

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**Public and Nonpublic Schools - Classwork and Assessment Involving Live and  
Dead Animals - Student Choice Policy**

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This bill allows a student in a public or nonpublic school to choose not 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 bill takes effect July 1, 2018.**

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**Fiscal Summary**

**State Effect:** None. The Maryland State Department of Education (MSDE) can handle the bill's requirements with existing resources. No effect on revenues.

**Local Effect:** None. Local boards of education can handle the bill's requirements with existing resources. No effect on local revenues.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** A student may choose not to participate if the classwork or assessment involves:

- dissection;
- vivisection;
- incubation;
- infliction of harm;

- capture; or
- destruction.

The student can exercise the right not to participate on the day the classwork or assessment is scheduled to be performed. Any student who chooses not to participate must complete the required classwork or assessment by an “alternative educational 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 chooses not to participate under the bill may not be penalized or discriminated against by the teacher or school.

By September 1, 2018, the State Board of Education must require each local school board to develop and implement a student choice policy in accordance with the bill; nonpublic schools are required to develop similar policies. A local school board or nonpublic school may provide training to teachers regarding the policy. The bill includes public notice requirements regarding the student choice policy at the beginning of each school year; nonpublic schools are encouraged to use similar public notice strategies. In addition, teachers involved in classes that involve the use of live or dead animals must notify students of the student choice policy at the beginning of each semester or quarter and at least three weeks before any class is scheduled to perform classwork or an assessment that includes the use of live or dead animals.

**Current Law/Background:** There is no State law allowing students to choose not to participate in the activities addressed by the bill. However, in a 2016 survey MSDE, found that all local 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 did not track the origin of each response, so it could not identify the one board that does not have 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. Seven other states, including Maryland, and the District of Columbia have policies in place that allow students to refuse to participate.

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### **Additional Information**

**Prior Introductions:** SB 901 of 2016, a similar bill, received an unfavorable report from the Senate Education, Health, and Environmental Affairs Committee.

**Cross File:** HB 544 (Delegate Robinson) - Ways and Means.

**Information Source(s):** Montgomery and Queen Anne's counties; Maryland State Department of Education; American Anti-Vivisection Society; Department of Legislative Services

**Fiscal Note History:** First Reader - February 5, 2018  
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