

BILL: House Bill 671
TITLE: Criminal Law – Display of Obscene Material to Minors – Prohibition
DATE: February 14, 2024
POSITION: OPPOSE
COMMITTEE: Ways and Means
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The Maryland Association of Boards of Education (MABE) opposes House Bill 671, which would criminalize the decisions of educators, administrators, and school principals regarding the subjective content of instructional and library materials. MABE opposes this bill in favor of preserving current law and each local board's governance role and authority to develop educational policies and guidelines in this area.

MABE's top legislative priority focuses on strong support for governance authority for local boards of education to adopt education policies and school system budgets reflecting local priorities and resources. MABE supports broad discretion for local board decision-making authority in exercising legislative, judicial, and executive functions in accord with state and federal law and principles of equity and excellence for all students. Specifically, MABE advocates that state and local initiatives not reduce local board governance or budgetary authority or create unfunded mandates.

MABE recognizes that the program and service proposed to be mandated under this legislation is already quite commonly provided by local school systems throughout Maryland, and firmly believes that the local policy-making decision to do so should remain within the purview of each local board of education. MABE believes the principle of local governance by boards of education is fundamental to a sound system of public education; and that a sound system of public education is fundamental to sustaining the well-educated citizenry essential to a flourishing democracy. By retaining decision-making authority at the local level, local boards of education can best balance educational practices, available resources to implement those practices, public input, and academic and financial accountability.

State law provides that "educational matters that affect the counties shall be under the control of a county board of education" and that local boards "determine, with the advice of the county superintendent, the educational policies of the county school system." Local boards exercise this governance authority in compliance with state and federal laws and in conjunction with the policies and regulations adopted by the State Board of Education.

Each local board plays a vital role in governing the local school system and engaging local communities and promoting participation by parents and other community members in the education process. Local boards are the primary advocates for local, state, and federal funding to support the teaching and learning of students and efficient and effective school system administration. Through MABE's board development program and other professional development activities, each board is striving to continuously improve its ability to govern in a manner that best meets the needs of all students in the local school system.

Local governance authority of boards of education in Maryland and throughout the nation is often challenged by state, federal, and private sector initiatives. MABE advocates that the General Assembly, Governor, and State Board engage in collaborative development of new policies and programs. MABE appreciates the strong historical record of the General Assembly's recognition and support for the governance role of local boards.

For these reasons, MABE requests an unfavorable report on House Bill 671.