

HOUSE BILL 1530

F1, J1

8lr1113

By: **Delegates Flanagan, Conaway, Hayes, Waldstreicher, and M. Washington**

Introduced and read first time: February 9, 2018

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2018

CHAPTER _____

1 AN ACT concerning

2 **Education – ~~Student Health Screenings – Brain Injury~~ Identification of**
3 **Students With Traumatic Brain Injury – Study and Report**

4 FOR the purpose of ~~requiring county boards of education and county health departments~~
5 ~~to provide brain injury screenings to certain students; requiring county health~~
6 ~~departments to fund brain injury screenings for certain students; requiring that~~
7 ~~brain injury screenings be given to students in certain years; authorizing certain~~
8 ~~screenings in accordance with certain policies; requiring a county board or a county~~
9 ~~health department to report to the Maryland Department of Health the results of~~
10 ~~certain brain injury screenings and the number of students receiving certain~~
11 ~~services; requiring that a certain brain injury screening be developed by the~~
12 ~~Department, in consultation with the State Traumatic Brain Injury Advisory Board~~
13 ~~and include a certain minimum number of questions; and generally relating to~~
14 ~~student health screenings for brain injuries in schools~~ requiring the Maryland
15 Department of Health, the State Department of Education, and the State Traumatic
16 Brain Injury Advisory Board jointly to study the under-identification of traumatic
17 brain injuries among school-aged children and to recommend a process to identify
18 certain children; requiring the Maryland Department of Health, the State
19 Department of Education, and the State Traumatic Brain Injury Advisory Board to
20 consult with interested stakeholders; requiring the Maryland Department of Health,
21 the State Department of Education, and the State Traumatic Brain Injury Advisory
22 Board to report their findings and recommendations to the Governor and the General
23 Assembly on or before a certain date; providing for the termination of this Act; and
24 generally relating to the identification of students with traumatic brain injuries.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~BY repealing and reenacting, with amendments,
Article — Education
Section 7-404
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)~~

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

~~Article — Education~~

~~7-404.~~

~~(a) (1) Each county board or county health department shall provide hearing,
[and] vision, AND BRAIN INJURY screenings for all students in the public schools.~~

~~(2) Each county health department shall provide and fund hearing, [and]
vision, AND BRAIN INJURY screenings for all students.~~

~~(i) In any private school that has received a certificate of approval
under § 2-206 of this article; and~~

~~(ii) In any nonpublic educational facility in this State approved as a
special education facility by the Department.~~

~~(b) (1) Unless evidence is presented that a student has been tested within the
past year, the screenings required under subsection (a) of this section shall be given in the
year that a student enters a school system, enters the first grade, and enters the eighth or
ninth grade.~~

~~(2) Further screening shall be done in accordance with:~~

~~(i) The bylaws adopted by the State Board; or~~

~~(ii) Policies adopted by a county board or a county health
department.~~

~~(c) The results of the hearing, [and] vision, AND BRAIN INJURY screenings
required by this section shall be:~~

~~(1) Made a part of the permanent record file of each student;~~

~~(2) Given to the parents of any student who fails the screenings; and~~

~~(3) Reported to the county board or the county health department.~~

1 ~~(d) On a form provided by the county board or the county health department, a~~
2 ~~parent or guardian shall report to the county board or the county health department on the~~
3 ~~recommended services received by a student who failed the screenings.~~

4 ~~(e) The county board or the county health department shall report to the~~
5 ~~Maryland Department of Health the results of the hearing, [and] vision, AND BRAIN~~
6 ~~INJURY screenings and, to the extent practicable, the number of students receiving the~~
7 ~~recommended services.~~

8 ~~(f) [In] SUBJECT TO SUBSECTION (H) OF THIS SECTION, IN cooperation with~~
9 ~~the Maryland Department of Health, the Department of Education shall adopt standards,~~
10 ~~rules, and regulations to carry out the provisions of this section.~~

11 ~~(g) A student whose parent or guardian objects in writing to hearing and vision~~
12 ~~screening on the ground that it conflicts with the tenets and practice of a recognized church~~
13 ~~or religious denomination of which he is an adherent or member may not be required to~~
14 ~~take these screenings.~~

15 ~~(H) THE BRAIN INJURY SCREENING REQUIRED UNDER THIS SECTION~~
16 ~~SHALL:~~

17 ~~(1) BE DEVELOPED BY THE MARYLAND DEPARTMENT OF HEALTH, IN~~
18 ~~CONSULTATION WITH THE STATE TRAUMATIC BRAIN INJURY ADVISORY BOARD,~~
19 ~~FOR THE PURPOSE OF SCREENING STUDENTS FOR BRAIN INJURIES; AND~~

20 ~~(2) INCLUDE AT LEAST TWO QUESTIONS.~~

21 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July~~
22 ~~1, 2018.~~

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
24 That:

25 (a) The Maryland Department of Health, the State Department of Education, and
26 the State Traumatic Brain Injury Advisory Board jointly shall:

27 (1) study the under-identification of traumatic brain injuries among
28 school-aged children; and

29 (2) recommend a process to identify children with existing traumatic brain
30 injuries in public schools.

31 (b) In fulfilling the duties required under subsection (a) of this section, the
32 Maryland Department of Health, the State Department of Education, and the State
33 Traumatic Brain Injury Advisory Board shall consult with interested stakeholders.

1 (c) On or before January 1, 2019, the Maryland Department of Health, the State
 2 Department of Education, and the State Traumatic Brain Injury Advisory Board shall
 3 report their findings and recommendations to the Governor and, in accordance with §
 4 2-1246 of the State Government Article, the General Assembly.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
 6 1, 2018. It shall remain effective for a period of 1 year and 1 month and, at the end of June
 7 30, 2019, this Act, with no further action required by the General Assembly, shall be
 8 abrogated and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.