

HOUSE BILL 1557

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By: **Delegate Hill**

Introduced and read first time: February 7, 2020

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools – Health Services – County Boards of Education and Health**
3 **Departments**

4 FOR the purpose of requiring a county board of education to provide adequate school health
5 services as designated by the county health department under certain
6 circumstances; requiring each county health department to provide certain health
7 services in certain schools; authorizing a county health department to designate
8 certain responsibilities to a county board; authorizing the Maryland Department of
9 Health to authorize a county board to provide certain health services under certain
10 circumstances; requiring a county board to remit to a certain county health
11 department a certain amount of certain State funding under certain circumstances;
12 establishing certain health specialist positions in the State Department of Education
13 and the Maryland Department of Health; specifying the responsibilities of the health
14 specialists; providing for the funding of the health specialist positions; requiring a
15 county health department to keep and maintain certain data; authorizing a county
16 health department to delegate a certain responsibility to a county board; requiring a
17 school health services program coordinator to work with the county health
18 department to implement certain health policies; requiring certain policies or
19 changes to certain policies to be reviewed and approved by the county health
20 department before the beginning of a certain school year; requiring each county
21 health department, in consultation with the county board, to develop a certain
22 automated external defibrillator program for certain schools in the county to be
23 implemented by the county board; requiring a certain program to include a certain
24 provision; requiring a certain policy to be reviewed and approved by a certain county
25 health department under certain circumstances; requiring a county board, in
26 conjunction with a county health department, to develop and implement a policy and
27 procedures for the collection and sharing of certain student data for certain purposes
28 before the beginning of a certain school year; requiring a certain policy to include
29 certain provisions; requiring certain policies and procedures to comply with the
30 requirements of certain federal laws; and generally relating to health services in
31 public schools.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – Education
3 Section 7–401 and 7–425
4 Annotated Code of Maryland
5 (2018 Replacement Volume and 2019 Supplement)

6 BY adding to
7 Article – Education
8 Section 7–401.1, 7–421(d), 7–426.1(f), 7–426.2(f), 7–426.5(g), and 7–446
9 Annotated Code of Maryland
10 (2018 Replacement Volume and 2019 Supplement)

11 BY repealing and reenacting, without amendments,
12 Article – Education
13 Section 7–421(b), 7–426.1(b), 7–426.2(b), and 7–426.5(a)
14 Annotated Code of Maryland
15 (2018 Replacement Volume and 2019 Supplement)

16 BY adding to
17 Article – Health – General
18 Section 2–107.1
19 Annotated Code of Maryland
20 (2019 Replacement Volume)

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

23 **Article – Education**

24 7–401.

25 (a) With the assistance of the county health department, each county board shall
26 provide:

27 (1) Adequate school health services, **AS DESIGNATED BY THE COUNTY**
28 **HEALTH DEPARTMENT UNDER SUBSECTION (B) OF THIS SECTION;**

29 (2) Instruction in health education, including the importance of physical
30 activity in maintaining good health; and

31 (3) A healthful school environment.

32 **(B) (1) EXCEPT AS OTHERWISE PROVIDED, EACH COUNTY HEALTH**
33 **DEPARTMENT SHALL PROVIDE ADEQUATE SCHOOL HEALTH SERVICES IN EACH**
34 **SCHOOL UNDER THE JURISDICTION OF THE COUNTY BOARD.**

1 **(2) A COUNTY HEALTH DEPARTMENT MAY DESIGNATE TO THE**
2 **COUNTY BOARD THE RESPONSIBILITY FOR PROVIDING ANY SCHOOL HEALTH**
3 **SERVICES THAT WOULD BE PROVIDED BY THE COUNTY HEALTH DEPARTMENT**
4 **UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

5 **(3) THE MARYLAND DEPARTMENT OF HEALTH MAY AUTHORIZE A**
6 **COUNTY BOARD RATHER THAN THE COUNTY HEALTH DEPARTMENT TO PROVIDE THE**
7 **SCHOOL HEALTH SERVICES UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THE**
8 **COUNTY BOARD DEMONSTRATES THAT THE SCHOOL HEALTH SERVICES IT WILL**
9 **PROVIDE ADEQUATELY MEET THE REQUIREMENTS OF ANY APPLICABLE LAW.**

10 **(4) IF A COUNTY BOARD RECEIVES STATE FUNDING TO PROVIDE**
11 **SCHOOL HEALTH SERVICES UNDER SUBSECTION (A)(1) OF THIS SECTION, THE**
12 **COUNTY BOARD SHALL REMIT TO THE COUNTY HEALTH DEPARTMENT AN AMOUNT**
13 **OF THE STATE FUNDING EQUAL TO THE PROPORTION OF SCHOOL HEALTH SERVICES**
14 **PROVIDED BY THE COUNTY HEALTH DEPARTMENT IN COMPARISON TO THE SCHOOL**
15 **HEALTH SERVICES PROVIDED BY THE COUNTY BOARD.**

16 **[(b)] (C)** The Department of Education and the Maryland Department of Health
17 jointly shall:

18 (1) Develop public standards and guidelines for school health programs;
19 and

20 (2) Offer assistance to the county boards and county health departments
21 in their implementation.

22 **[(c)] (D)** (1) (i) Each county board shall designate a school health services
23 program coordinator.

24 (ii) A county board may authorize the county health department to
25 designate the school health services program coordinator.

26 (2) The school health services program coordinator shall:

27 (i) **[Implement] WORK WITH THE COUNTY HEALTH**
28 **DEPARTMENT TO IMPLEMENT** State and local health policies in the public schools;

29 (ii) Ensure that public schools adhere to local health services
30 guidelines; and

31 (iii) Communicate State and local health policies to the parents and
32 guardians of public school students.

1 (3) (i) Except as provided in subparagraph (ii) of this paragraph, the
2 county board shall grant the school health services program coordinator the authority to
3 carry out the provisions of this subsection.

4 (ii) The county board shall consult with a county superintendent
5 before any change in the hiring or termination of personnel in connection with a school
6 health services program.

7 (4) The Department of Education shall conduct at least two meetings
8 annually with all school health services program coordinators in the State.

9 [(d)] (E) On or before December 1, 2015, and every 5 years thereafter, the
10 Department shall report to the Governor and, subject to § 2-1257 of the State Government
11 Article, to the General Assembly a summary of the information reported to the State
12 Superintendent during the COMAR certification process.

13 **7-401.1.**

14 **(A) THERE IS A HEALTH SPECIALIST POSITION IN THE DEPARTMENT.**

15 **(B) THE HEALTH SPECIALIST, IN COORDINATION WITH THE HEALTH
16 SPECIALIST IN THE MARYLAND DEPARTMENT OF HEALTH, SHALL:**

17 **(1) DEVELOP THE INFRASTRUCTURE FOR AND COLLECT, ANALYZE,
18 AND RESPOND TO DATA TRENDS CONCERNING STUDENT HEALTH SERVICES IN
19 MARYLAND PUBLIC SCHOOLS;**

20 **(2) ENSURE THAT STUDENTS RECEIVE NECESSARY VISION AND
21 AUDITORY EXAMINATIONS, EYEGLASSES, AND HEARING AIDS; AND**

22 **(3) ENSURE THAT QUALITY AND EFFECTIVE SCHOOL HEALTH
23 SERVICES ARE DELIVERED THROUGHOUT THE STATE.**

24 **(C) (1) THE HEALTH SPECIALIST SHALL BE A NEW POSITION
25 ESTABLISHED IN ADDITION TO THE EXISTING STAFF POSITIONS IN THE
26 DEPARTMENT.**

27 **(2) THE HEALTH SPECIALIST POSITION SHALL BE FULLY FUNDED
28 USING:**

29 **(I) FUNDS ALLOCATED TO INITIATIVES ENCOMPASSED IN THE
30 RECOMMENDATIONS OF THE COMMISSION ON INNOVATION AND EXCELLENCE IN
31 EDUCATION;**

1 **(II) NEW FEDERAL REVENUES; OR**

2 **(III) NON-STATE GRANTS.**

3 **(3) FUNDING FOR THE HEALTH SPECIALIST POSITION SHALL BE**
4 **SUPPLEMENTAL TO, AND MAY NOT SUPPLANT, FUNDS APPROPRIATED TO THE**
5 **DEPARTMENT FOR OTHER PURPOSES.**

6 7-421.

7 (b) (1) Subject to the provisions of this subsection, each public school system
8 shall adopt a written policy authorizing a student to possess and self-administer
9 medication while:

10 (i) In school;

11 (ii) At school-sponsored activities; or

12 (iii) On a school bus or other school property.

13 (2) (i) A student who self-administers medication must have a prior
14 written order from the student's health care provider and, if the student is a minor, the
15 prior written approval of the student's parent or guardian.

16 (ii) The health care provider's order must be maintained in the
17 student's educational record at the school.

18 (3) A student's parent or guardian must obtain written verification from
19 the student's health care provider confirming that the student has the knowledge and skills
20 to safely possess and self-administer the medication.

21 (4) The written statements required under this subsection shall be
22 provided to the school at least annually.

23 (5) The school nurse shall assess the student's ability to demonstrate the
24 skill level necessary to ensure proper and effective use of the medication in school.

25 (6) A student may be subject to disciplinary action if the student does not
26 use the medication in a safe and proper manner.

27 **(D) BEGINNING IN THE 2021-2022 SCHOOL YEAR, ANY POLICY OR CHANGES**
28 **TO A POLICY DEVELOPED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE**
29 **REVIEWED AND APPROVED BY THE COUNTY HEALTH DEPARTMENT.**

30 7-425.

1 (a) (1) [Each] BEFORE THE 2021–2022 SCHOOL YEAR BEGINS, EACH
2 COUNTY HEALTH DEPARTMENT, IN CONSULTATION WITH THE county board, shall
3 develop and THE COUNTY BOARD SHALL implement an automated external defibrillator
4 program that meets the requirements of § 13–517 of this article for each high school and
5 middle school in the county.

6 (2) The program required under paragraph (1) of this subsection shall
7 include provisions that:

8 (i) Ensure that an automated external defibrillator is provided on
9 site; [and]

10 (ii) An individual trained in the operation and use of an automated
11 external defibrillator is present at all school–sponsored athletic events; AND

12 (iii) PRIORITIZE HEALTH AND SAFETY WHILE TAKING INTO
13 ACCOUNT THE COUNTY BOARD’S ABILITY TO IMPLEMENT THE POLICY WITH
14 AVAILABLE RESOURCES.

15 (b) The Department, in consultation with the Maryland Department of Health,
16 the Maryland State School Health Council, and the Maryland Institute for Emergency
17 Medical Services Systems, shall adopt regulations that:

18 (1) Establish guidelines for periodic inspections and annual maintenance
19 of the automated external defibrillators; and

20 (2) Assist county boards in carrying out the provisions of this section.

21 7–426.1.

22 (b) In consultation with a school health professional, the principal of a public
23 school that has a child attending the school who has been identified to the school as having
24 an anaphylactic allergy shall:

25 (1) Monitor the strategies developed in accordance with the Maryland
26 State school health service guidelines to reduce the risk of exposure to anaphylactic
27 causative agents in classrooms and common areas;

28 (2) Designate a peanut– and tree nut–free table in the cafeteria; and

29 (3) Establish procedures for self–administration of medication by the child
30 if the child is determined to be capable of and responsible for self–administration by the
31 principal, parent or guardian of the child, and physician of the child.

32 (F) IF A COUNTY BOARD DEVELOPS A COUNTY–WIDE POLICY ON
33 ANAPHYLACTIC ALLERGIES, THE POLICY SHALL BE REVIEWED AND APPROVED BY

1 **THE COUNTY HEALTH DEPARTMENT.**

2 7-426.2.

3 (b) Each county board shall establish a policy for public schools within its
4 jurisdiction to authorize the school nurse and other school personnel to administer
5 auto-injectable epinephrine, if available, to a student who is determined to be or perceived
6 to be in anaphylaxis, regardless of whether the student:

7 (1) Has been identified as having an anaphylactic allergy, as defined in §
8 7-426.1 of this subtitle; or

9 (2) Has a prescription for epinephrine as prescribed by an authorized
10 licensed health care practitioner under the Health Occupations Article.

11 **(F) BEGINNING IN THE 2021-2022 SCHOOL YEAR, ANY POLICY OR CHANGES**
12 **TO A POLICY DEVELOPED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE**
13 **REVIEWED AND APPROVED BY THE COUNTY HEALTH DEPARTMENT.**

14 7-426.5.

15 (a) Each county board shall establish a policy in accordance with school health
16 guidelines and State laws and regulations for public schools within its jurisdiction to
17 authorize the school nurse, school health services personnel, and other school personnel to
18 administer naloxone or other overdose-reversing medication to a student or other person
19 located on school property who is reasonably believed to be experiencing an opioid overdose.

20 **(G) BEGINNING IN THE 2021-2022 SCHOOL YEAR, ANY POLICY OR CHANGES**
21 **TO A POLICY DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE**
22 **REVIEWED AND APPROVED BY THE COUNTY HEALTH DEPARTMENT.**

23 **7-446.**

24 **(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A COUNTY**
25 **HEALTH DEPARTMENT SHALL KEEP AND MAINTAIN THE HEALTH DATA OF STUDENTS**
26 **IN PUBLIC SCHOOLS IN THE COUNTY.**

27 **(2) A COUNTY HEALTH DEPARTMENT MAY DELEGATE THE**
28 **RESPONSIBILITY TO KEEP AND MAINTAIN THE STUDENT HEALTH DATA TO THE**
29 **COUNTY BOARD.**

30 **(B) BEFORE THE 2021-2022 SCHOOL YEAR BEGINS, EACH COUNTY BOARD,**
31 **JOINTLY WITH THE COUNTY HEALTH DEPARTMENT, SHALL DEVELOP AND**
32 **IMPLEMENT A POLICY AND PROCEDURES FOR THE COLLECTION AND SHARING OF**
33 **STUDENT DATA FOR THE PURPOSE OF ASSISTING THE COUNTY HEALTH**

1 DEPARTMENT IN:

2 (1) IDENTIFYING, UNDERSTANDING, AND DEVELOPING PROGRAMS
3 TO IMPROVE THE PUBLIC HEALTH OUTCOMES OF STUDENTS AND OTHER
4 INDIVIDUALS IN THE COUNTY; AND

5 (2) RESPONDING TO URGENT PUBLIC HEALTH MATTERS AFFECTING
6 THE CITIZENS OF THE COUNTY AS THOSE ISSUES ARISE.

7 (C) A POLICY DEVELOPED UNDER THIS SECTION SHALL INCLUDE:

8 (1) A NOTICE TO PARENTS AND GUARDIANS EXPLAINING THE POLICY;

9 (2) AN OPPORTUNITY FOR A PARENT OR GUARDIAN TO OPT OUT OF
10 THE COLLECTION AND SHARING OF THEIR CHILD'S PERSONAL INFORMATION; AND

11 (3) PROVISIONS THAT ADDRESS THE HANDLING OF DE-IDENTIFIED
12 AND PERSONALLY IDENTIFYING DATA.

13 (D) ANY POLICIES AND PROCEDURES DEVELOPED UNDER THIS SECTION
14 SHALL COMPLY WITH THE REQUIREMENTS OF THE FEDERAL FAMILY EDUCATIONAL
15 RIGHTS AND PRIVACY ACT AND THE FEDERAL HEALTH INSURANCE PORTABILITY
16 AND ACCOUNTABILITY ACT.

17 Article – Health – General

18 2-107.1.

19 (A) THERE IS A HEALTH SPECIALIST POSITION IN THE DEPARTMENT.

20 (B) THE HEALTH SPECIALIST, IN COORDINATION WITH THE HEALTH
21 SPECIALIST IN THE STATE DEPARTMENT OF EDUCATION, SHALL:

22 (1) DEVELOP THE INFRASTRUCTURE FOR AND COLLECT, ANALYZE,
23 AND RESPOND TO DATA TRENDS CONCERNING STUDENT HEALTH SERVICES IN
24 MARYLAND PUBLIC SCHOOLS;

25 (2) ENSURE THAT STUDENTS RECEIVE NECESSARY VISION AND
26 AUDITORY EXAMINATIONS, EYEGASSES, AND HEARING AIDS; AND

27 (3) ENSURE THAT QUALITY AND EFFECTIVE SCHOOL HEALTH
28 SERVICES ARE DELIVERED THROUGHOUT THE STATE.

1 **(C) (1) THE HEALTH SPECIALIST SHALL BE A NEW POSITION**
2 **ESTABLISHED IN ADDITION TO THE EXISTING STAFF POSITIONS IN THE**
3 **DEPARTMENT.**

4 **(2) THE HEALTH SPECIALIST POSITION SHALL BE FULLY FUNDED**
5 **USING:**

6 **(I) FUNDS ALLOCATED TO INITIATIVES ENCOMPASSED IN THE**
7 **RECOMMENDATIONS OF THE COMMISSION ON INNOVATION AND EXCELLENCE IN**
8 **EDUCATION;**

9 **(II) NEW FEDERAL REVENUES; OR**

10 **(III) NON-STATE GRANTS.**

11 **(3) FUNDING FOR THE HEALTH SPECIALIST POSITION SHALL BE**
12 **SUPPLEMENTAL TO, AND MAY NOT SUPPLANT, FUNDS APPROPRIATED TO THE**
13 **DEPARTMENT FOR OTHER PURPOSES.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
15 1, 2020.