

# SENATE BILL 827

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CF HB 1056

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By: **Senators Waldstreicher and Hettleman**

Introduced and read first time: February 9, 2021

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Nonpublic Schools – Adequate Health Services – Eligibility for Reimbursement**

3 FOR the purpose of providing that a certain nonpublic school that provides adequate health  
4 services to certain students is eligible for certain reimbursement from a certain  
5 county government under certain circumstances; establishing qualifications for  
6 certain nonpublic schools to qualify for certain reimbursement; providing that a  
7 nonpublic school that does not meet certain qualifications is ineligible for certain  
8 reimbursement; prohibiting a nonpublic school student from being compelled to  
9 receive certain services, except under certain circumstances; providing for the  
10 construction of certain provisions of law; defining certain terms; and generally  
11 relating to reimbursement for adequate health services in nonpublic schools.

12 BY repealing and reenacting, without amendments,  
13 Article – Education  
14 Section 7–401  
15 Annotated Code of Maryland  
16 (2018 Replacement Volume and 2020 Supplement)

17 BY adding to  
18 Article – Education  
19 Section 7–401.1  
20 Annotated Code of Maryland  
21 (2018 Replacement Volume and 2020 Supplement)

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

24 **Article – Education**

25 7–401.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (1) Adequate school health services;

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

6 (3) A healthful school environment.

7 (b) The Department of Education and the Maryland Department of Health jointly  
8 shall:

9 (1) Develop public standards and guidelines for school health programs;  
10 and

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

13 (c) (1) (i) Each county board shall designate a school health services  
14 program coordinator.

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

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

18 (i) Implement State and local health policies in the public schools;

19 (ii) Ensure that public schools adhere to local health services  
20 guidelines; and

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

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

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

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

1 (d) On or before December 1, 2015, and every 5 years thereafter, the Department  
2 shall report to the Governor and, subject to § 2–1257 of the State Government Article, to  
3 the General Assembly a summary of the information reported to the State Superintendent  
4 during the COMAR certification process.

5 **7–401.1.**

6 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
7 INDICATED.

8 (2) “ADEQUATE HEALTH SERVICES” MEANS THE SCHOOL HEALTH  
9 SERVICES PROVIDED TO PUBLIC SCHOOL STUDENTS BY A COUNTY BOARD THROUGH  
10 THE SCHOOL HEALTH PROGRAM IN ACCORDANCE WITH § 7–401 OF THIS SUBTITLE.

11 (3) (I) “AVERAGE PER PUPIL EXPENDITURE” MEANS THE AMOUNT  
12 OF STATE, LOCAL, AND FEDERAL FUNDS EXPENDED IN THE IMMEDIATELY  
13 PRECEDING SCHOOL YEAR DIVIDED BY THE NUMBER OF STUDENTS ENROLLED IN  
14 THE PUBLIC SCHOOL IN THE COUNTY AS CALCULATED BY THE DEPARTMENT FOR  
15 EACH COUNTY EACH YEAR.

16 (II) “AVERAGE PER PUPIL EXPENDITURE” DOES NOT INCLUDE  
17 EXPENSES FOR SPECIAL EDUCATION, AS DETERMINED BY THE DEPARTMENT.

18 (4) “DESIGNATED SCHOOL HEALTH SERVICES PROFESSIONAL”  
19 MEANS A LICENSED PHYSICIAN, A CERTIFIED NURSE PRACTITIONER, OR A LICENSED  
20 REGISTERED NURSE WITH EXPERIENCE OR TRAINING WORKING WITH CHILDREN OR  
21 FAMILIES IN COMMUNITY OR SCHOOL HEALTH PROGRAMS.

22 (5) “NONPUBLIC SCHOOL” MEANS A NONCOLLEGIATE EDUCATIONAL  
23 INSTITUTION THAT OFFERS AN ELEMENTARY OR SECONDARY LEVEL EDUCATIONAL  
24 PROGRAM THAT:

25 (I) IS NOT A PUBLIC SCHOOL; AND

26 (II) HOLDS A CERTIFICATE OF APPROVAL ISSUED BY THE STATE  
27 BOARD.

28 (B) A NONPUBLIC SCHOOL THAT PROVIDES ADEQUATE HEALTH SERVICES  
29 TO ITS STUDENTS THROUGH A DESIGNATED SCHOOL HEALTH SERVICES  
30 PROFESSIONAL IS ELIGIBLE FOR REIMBURSEMENT FROM THE COUNTY  
31 GOVERNMENT OF THE COUNTY IN WHICH THE NONPUBLIC SCHOOL IS LOCATED FOR  
32 UP TO 50% OF THE TOTAL COSTS OF THE PROVISION OF THE ADEQUATE HEALTH  
33 SERVICES IF IT MEETS THE QUALIFICATIONS UNDER SUBSECTION (C) OF THIS  
34 SECTION.

1           **(C) (1) TO QUALIFY FOR REIMBURSEMENT FOR THE COSTS OF**  
2 **PROVIDING ADEQUATE HEALTH SERVICES UNDER SUBSECTION (B) OF THIS**  
3 **SECTION, THE NONPUBLIC SCHOOL:**

4                   **(I) SHALL COMPLY WITH TITLE VI OF THE CIVIL RIGHTS ACT**  
5 **OF 1964, AS AMENDED, AND TITLE 20, SUBTITLE 6 OF THE STATE GOVERNMENT**  
6 **ARTICLE;**

7                   **(II) MAY NOT DISCRIMINATE IN STUDENT ADMISSIONS,**  
8 **RETENTION, OR EXPULSION, OR OTHERWISE DISCRIMINATE AGAINST ANY STUDENT**  
9 **ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, SEXUAL ORIENTATION, OR**  
10 **GENDER IDENTITY OR EXPRESSION;**

11                   **(III) MAY NOT CHARGE A PARTICIPATING STUDENT TUITION**  
12 **THAT IS GREATER THAN THE AVERAGE PER PUPIL EXPENDITURE FOR A PUBLIC**  
13 **SCHOOL IN THE COUNTY IN WHICH THE NONPUBLIC SCHOOL IS LOCATED;**

14                   **(IV) SHALL PROVIDE WRITTEN DOCUMENTATION AND OTHER**  
15 **RELEVANT INFORMATION REQUESTED BY THE COUNTY HEALTH DEPARTMENT TO**  
16 **DEMONSTRATE THAT THE NONPUBLIC SCHOOL PROVIDES ADEQUATE HEALTH**  
17 **SERVICES TO ITS STUDENTS WITH DESIGNATED SCHOOL HEALTH SERVICES**  
18 **PROFESSIONALS; AND**

19                   **(V) SHALL BE ELIGIBLE FOR:**

20                           **1. THE NONPUBLIC SCHOOLS TEXTBOOK AND**  
21 **TECHNOLOGY GRANTS PROGRAM; OR**

22                           **2. THE NONPUBLIC AGING SCHOOLS PROGRAM.**

23                   **(2) A NONPUBLIC SCHOOL THAT DOES NOT MEET EACH**  
24 **REQUIREMENT FOR QUALIFICATION UNDER PARAGRAPH (1) OF THIS SUBSECTION**  
25 **IS INELIGIBLE TO RECEIVE REIMBURSEMENT FOR THE PROVISION OF ADEQUATE**  
26 **HEALTH SERVICES UNDER SUBSECTION (B) OF THIS SECTION.**

27           **(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**  
28 **NONPUBLIC SCHOOL STUDENT MAY NOT BE COMPELLED OR REQUIRED TO RECEIVE**  
29 **ADEQUATE HEALTH SERVICES FROM A DESIGNATED SCHOOL HEALTH SERVICES**  
30 **PROFESSIONAL AT THE NONPUBLIC SCHOOL.**

1           **(2) A NONPUBLIC SCHOOL STUDENT MAY BE REQUIRED TO RECEIVE**  
2 **A PHYSICAL EXAMINATION ONLY TO DETERMINE WHETHER THE STUDENT HAS A**  
3 **COMMUNICABLE DISEASE.**

4           **(E) NOTHING IN THIS SECTION MAY BE CONSTRUED TO REQUIRE A**  
5 **NONPUBLIC SCHOOL TO ADOPT ANY RULE OR POLICY THAT CONFLICTS WITH ITS**  
6 **RELIGIOUS OR MORAL TEACHINGS.**

7           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
8 1, 2021.