

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 827 (Senators Waldstreicher and Hettleman)
Education, Health, and Environmental Affairs

Nonpublic Schools – Adequate Health Services – Eligibility for Reimbursement

This bill specifies criteria that nonpublic schools must meet to be *eligible* for up to 50% reimbursement by a county government for providing adequate health services (as defined by the bill) to their students. A private school student may be required to receive a physical examination only to determine whether the student has a communicable disease, but otherwise may not be compelled or required to receive adequate health services from specified health professionals at the nonpublic school. **The bill takes effect July 1, 2021.**

Fiscal Summary

State Effect: None. The bill applies to reimbursements provided by local government.

Local Effect: None. The bill authorizes but does not require a county to reimburse eligible private schools, as discussed below.

Small Business Effect: None.

Analysis

Bill Summary: “Adequate health services” are equivalent to school health services that must under current law be provided to public school students. To qualify for reimbursement, the private school must be eligible for the State’s Nonpublic Textbook and Technology Grants Program or the Nonpublic Aging Schools Program, and:

- must comply with Title VI of the Civil Rights Act of 1964 and with specified State law prohibiting employment discrimination;

- may not discriminate against any student on the basis of race, color, national origin, sexual orientation; or gender identity or expression;
- may not charge a student tuition above a certain rate; and
- must provide specified documentation of the provision of adequate health services, if requested by the county health department.

Current Law: With the assistance of the local health department, each local board of education must provide adequate school health services, instruction in health education, and a healthful school environment. The Maryland State Department of Education and the Maryland Department of Health must jointly develop public standards and guidelines for school health programs and offer assistance to the local boards of education and local health departments in their implementation.

Funding for the State Nonpublic Schools Textbook and Technology and Nonpublic Aging Schools programs is not mandated, but has been provided for several years through the annual operating and capital budget bills, with accompanying budget language regarding eligibility that currently includes the provisions required by the bill.

Federal Nondiscrimination Laws

Numerous provisions of federal law prohibit discrimination in education. The federal Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, sex, religion, or national origin by public elementary and secondary schools and public institutions of higher learning. Private (nonpublic) schools receiving federal funds must comply with federal law provisions regarding discrimination. Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex by private schools receiving federal funding. Federal law includes exceptions for the admissions practices of single-sex schools. The Americans with Disabilities Act (ADA) also prohibits state and local governments from discriminating on the basis of disability. Private schools not run or controlled by religious organizations must abide by the ADA.

Local Expenditures: The bill allows for a county government to provide reimbursements to nonpublic schools for provision of adequate health services; reimbursements are limited to up to 50% of relevant costs and to schools that qualify. It is assumed that a county government may opt to provide no reimbursements to qualifying schools or reimbursements that amount to far less than 50% of relevant costs. Therefore, unless some counties presently reimburse nonpublic schools for *more* than 50% of costs covered by the bill, and, therefore, must provide less funding beginning in fiscal 2022, local government finances are not directly affected.

For illustrative purposes, following are estimates provided by local governments assuming that reimbursements as described by the bill are provided at the maximum authorized level

of 50%. Baltimore County assumes its expenditures will increase by more than \$1 million annually. Based upon costs for adequate health services for its public school students, and assuming all nonpublic schools with more than 50 students will be reimbursed for costs, Montgomery County estimates an annual expenditure increase of \$4.9 million. St. Mary's County assumes its expenditures will increase by approximately \$75,000 to cover the costs for one school nurse and certain healthcare software at a private high school in the county.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 1056 (Delegate Stein) - Appropriations.

Information Source(s): Baltimore, Carroll, Harford, Montgomery, and St. Mary's counties; Maryland State Department of Education; Maryland Department of Health; Department of Legislative Services

Fiscal Note History: First Reader - March 2, 2021
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