

SENATE BILL 419

F5, J1

3lr1593
CF 3lr1596

By: **Senator Hettleman**

Introduced and read first time: February 2, 2023

Assigned to: Education, Energy, and the Environment and Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Nonpublic Schools – School Health Services Program – Eligibility for**
3 **Participation**

4 FOR the purpose of altering the requirements of the school health services program to
5 authorize certain nonpublic schools to participate in the program in the county in
6 which the nonpublic school is located; prohibiting a county board of education from
7 expending more than a certain amount of money per student to provide certain school
8 health services to students in certain nonpublic schools; prohibiting a county board
9 from providing certain school health services in nonpublic schools that discriminate
10 in certain ways; and generally relating to nonpublic schools and school health
11 services programs.

12 BY repealing and reenacting, with amendments,
13 Article – Education
14 Section 7–401
15 Annotated Code of Maryland
16 (2022 Replacement Volume)

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

19 **Article – Education**

20 7–401.

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

23 (1) Adequate school health services;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (3) A healthful school environment.

4 (b) The Department of Education and the Maryland Department of Health jointly
5 shall:

6 (1) Develop public standards and guidelines for school health programs
7 **THAT ENSURE ADEQUATE AND EQUITABLE HEALTH SERVICES FOR PUBLIC AND**
8 **NONPUBLIC SCHOOL STUDENTS; [and]**

9 (2) Offer assistance to the county boards and county health departments
10 in their implementation; **AND**

11 **(3) DEVELOP A PROCESS FOR A NONPUBLIC SCHOOL TO APPLY TO**
12 **PARTICIPATE IN THE SCHOOL HEALTH SERVICES PROGRAM IN THE COUNTY IN**
13 **WHICH THE NONPUBLIC SCHOOL IS LOCATED.**

14 **(C) TO PARTICIPATE IN A SCHOOL HEALTH SERVICES PROGRAM, A**
15 **NONPUBLIC SCHOOL MUST BE ELIGIBLE FOR THE NONPUBLIC SCHOOLS TEXTBOOK**
16 **AND TECHNOLOGY GRANTS PROGRAM.**

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

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

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

22 (i) Implement State and local health policies in the public **AND**
23 **PARTICIPATING NONPUBLIC** schools;

24 (ii) Ensure that public **AND PARTICIPATING NONPUBLIC** schools
25 adhere to local health services guidelines; and

26 (iii) Communicate State and local health policies to the parents and
27 guardians of [public school] students **ATTENDING A PUBLIC OR NONPUBLIC SCHOOL**
28 **PARTICIPATING IN THE SCHOOL HEALTH SERVICES PROGRAM.**

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

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

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

6 **(E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A COUNTY BOARD
7 MAY NOT:**

8 **(1) BE REQUIRED TO EXPEND MORE THAN \$40 PER STUDENT,
9 ADJUSTED ANNUALLY FOR INFLATION IN ACCORDANCE WITH THE CONSUMER
10 PRICE INDEX FOR ALL URBAN CONSUMERS FOR THE WASHINGTON
11 METROPOLITAN AREA, IN PROVIDING ADEQUATE HEALTH SERVICES TO A
12 NONPUBLIC SCHOOL; AND**

13 **(2) PROVIDE ADEQUATE HEALTH SERVICES IN NONPUBLIC SCHOOLS
14 THAT DISCRIMINATE IN STUDENT ADMISSIONS, RETENTION, OR EXPULSION OR
15 AGAINST ANY STUDENT ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, SEXUAL
16 ORIENTATION, OR GENDER IDENTITY OR EXPRESSION.**

17 **(F) A NONPUBLIC SCHOOL OR A NONPUBLIC SCHOOL STUDENT MAY NOT BE
18 COMPELLED OR REQUIRED TO PARTICIPATE IN A SCHOOL HEALTH SERVICES
19 PROGRAM.**

20 **(G) FOR FISCAL YEAR 2025 AND EACH FISCAL YEAR THEREAFTER, THE
21 GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF
22 \$4,000,000, ADJUSTED FOR INFLATION IN ACCORDANCE WITH THE CONSUMER
23 PRICE INDEX FOR ALL URBAN CONSUMERS FOR THE WASHINGTON
24 METROPOLITAN AREA, TO THE DEPARTMENT FOR DISBURSEMENT TO THE
25 COUNTIES FOR PURPOSES OF FUNDING ADEQUATE HEALTH SERVICES UNDER THIS
26 SECTION.**

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

31 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect July
32 1, 2023.