

BILL: Senate Bill 856
TITLE: Public Schools - Health Services - School Nurses
DATE: March 8, 2022
POSITION: OPPOSE
COMMITTEE: Education, Health, and Environmental Affairs
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The Maryland Association of Boards of Education (MABE) opposes Senate Bill 856, which would require the placement of a registered nurse in every public school.

MABE generally opposes efforts by the General Assembly to legislate on a state-wide basis the inherently local personnel policies and administrative decisions based on local priorities available resources. Senate Bill 856 would do so by establishing a new mandate that local boards of education provide a full-time registered nurse in each public school. The bill would impose this mandate effective July 1, 2022 and provide no additional state funding to support the hiring, by either a local health department or school system, of new registered nurses. In addition, the bill does not address the consequences the bill would have for other school health staff whose positions, and offices, would presumably be filled by these new registered nurses. MABE's opposition to this bill does not rest on an evaluation of the merits of hiring registered nurses to lead and provide school health service operations in schools across the state. Rather, MABE's opposition is grounded in support for local governance and policy-making authority in personnel matters.

Local boards have always placed a very high priority on providing school facilities, school meals, and programs of instruction designed to promote the physical and behavioral health and fitness of students and to prepare them to maintain a healthy lifestyle as adults. MABE advocates that legislation addressing specific student health issues such as diabetes, allergies, medical cannabis, and other chronic and acute conditions reflect the input of school health professionals and the consideration of available staff and resources.

For the past two 2 years the pandemic has presented enormous challenges in meeting the physical and mental health needs of students, requiring major changes in school meal programs, responses to the trauma caused by the economic, health, and educational impacts of the pandemic. In addition, the pandemic is imposing extraordinary burdens on school health personnel. MABE believes it is critical that state and local budgets recognize these burdens and the associated costs.

Local boards also recognize the state role in governing student and school health issues through laws and regulations and advocates that such requirements should not be overly prescriptive, costly, or burdensome. MABE advocates that local school systems and our dedicated school nurses and other health professionals are consulted as new requirements for board policies and school-based practices are considered. Student health issues addressed in this manner include diabetes, anaphylactic allergies, sickle cell disease, medical cannabis, and concussions.

Under current law and regulations, school health services must be overseen by a “designated school health services professional” but may also be provided by “school health services aide”. The definition of "designated school health services professional" includes a physician, certified nurse practitioner, or registered nurse, or all of these, with experience or special training, or both, in working with children and families in community or school health programs and practices in accordance with the current medical and nursing standards of care” (COMAR 13A.05.05.06).

The definition of “school health services aide” does include an “unlicensed person who functions under the supervision of a designated school health services professional.” However, the regulations clearly provide that “The designated school health professional shall determine the required degree of supervision on an individual basis. A school health services aide, at a minimum, shall be certified in cardiopulmonary resuscitation annually and a basic first aid course every 3 years.” Regarding the administration of medication, the regulations found under COMAR 13A.15.11.04 also ensure the direct supervision by health professions, including registered nurses.

Again, MABE is concerned that placing a universal mandate on systems to reallocate funding to create new positions would create undue hardship on local school system budgets. Each of Maryland’s local boards and school systems have the governance authority to hire and designate personnel, including school nurses, and MABE strongly supports their continued authority in this area.

For these reasons, MABE requests an unfavorable report on Senate Bill 856.