

UNOFFICIAL COPY OF HOUSE BILL 119

HOUSE BILL 119

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3lr0901

(PRE-FILED)

By: **Delegate Atterbeary**

Requested: November 18, 2022

Introduced and read first time: January 11, 2023

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 ~~Primary and Secondary Education - Comprehensive Health Education -~~
3 ~~Framework Established~~ County Boards of Education - Curriculum Guides
and Courses of Study - Requirements

4 FOR the purpose of requiring ~~the State Department of Education, in collaboration with the~~
5 ~~Maryland Department of Health, to develop a comprehensive health education~~
6 ~~framework; requiring each county board of education to create an age-appropriate~~
7 ~~curriculum that is consistent with the comprehensive health education framework;~~
8 ~~requiring each county board to establish a method by which a parent or guardian~~
9 ~~may opt out of certain topics, subject to certain requirements; requiring each county~~
10 ~~board to report each year to the State Department of Education on certain actions;~~
11 ~~and generally relating to the establishment of a comprehensive health education~~
12 ~~framework in public schools~~ each county board of education to follow the policy and guidelines
for the program of instruction for public schools established by the State Board of Education; requiring
the State Superintendent to provide notice to a county board if the State Superintendent determines that
the county board is not following the State Board policy and guidelines or is authorizing students to
opt-out of instruction in a manner that is not approved by the State Board; requiring the State
Superintendent to direct the State Comptroller to withhold certain funds from the county board if the
county board does not resolve the discrepancy within certain periods of time; requiring the State
Comptroller to release funds withheld if the State Superintendent determines that the county board has
resolved the discrepancy; and generally relating to a county board of education's curriculum guides and
courses of study.

13 BY repealing and reenacting, with amendments,
14 Article - Education
15 Section ~~7-401~~ 4-111 and 4-205(i)
16 Annotated Code of Maryland
17 (2022 Replacement Volume)

BY repealing and reenacting, without amendments,
Article - Education
Section 4-205(a) and (h)
Annotated Code of Maryland
(2022 Replacement Volume)

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

20 **Article - Education**

21 ~~7-401.~~

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

24 ~~(1) Adequate school health services;~~

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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~~
 5 ~~jointly shall:~~

6 ~~(1) Develop public standards and guidelines for school health programs;~~
 7 ~~and~~

8 ~~(2) Offer assistance to the county boards and county health departments~~
 9 ~~in their implementation.~~

10 ~~(c) (1) THE DEPARTMENT, IN CONSULTATION WITH THE MARYLAND~~
 11 ~~DEPARTMENT OF HEALTH, SHALL DEVELOP A COMPREHENSIVE HEALTH~~
 12 ~~EDUCATION FRAMEWORK.~~

13 ~~(2) THE DEPARTMENT SHALL UPDATE THE COMPREHENSIVE~~
 14 ~~HEALTH EDUCATION FRAMEWORK IN THE MANNER AND AT THE TIME THE STATE~~
 15 ~~SUPERINTENDENT DETERMINES IS NECESSARY.~~

16 ~~(3) THE COMPREHENSIVE HEALTH EDUCATION FRAMEWORK SHALL,~~
 17 ~~AT A MINIMUM, INCLUDE THE FOLLOWING TOPICS:~~

18 ~~(I) HEALTH PROMOTION;~~

19 ~~(II) MENTAL AND EMOTIONAL HEALTH;~~

20 ~~(III) SUBSTANCE ABUSE PREVENTION;~~

21 ~~(IV) FAMILY LIFE AND HUMAN SEXUALITY;~~

22 ~~(V) GENDER IDENTITY AND SEXUAL ORIENTATION;~~

23 ~~(VI) SAFETY AND VIOLENCE PREVENTION;~~

24 ~~(VII) HEALTHY EATING; AND~~

25 ~~(VIII) DISEASE PREVENTION AND CONTROL.~~

26 ~~(4) (i) EACH COUNTY BOARD SHALL CREATE AN~~
 27 ~~AGE APPROPRIATE CURRICULUM THAT IS CONSISTENT WITH THE COMPREHENSIVE~~

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~~1 HEALTH EDUCATION FRAMEWORK.~~

2 ~~(H) IN DEVELOPING A CURRICULUM UNDER THIS PARAGRAPH,~~
 3 ~~EACH COUNTY BOARD SHALL ESTABLISH A COMMITTEE COMPOSED OF EDUCATORS,~~
 4 ~~HEALTH EXPERTS, AND MEMBERS OF THE LOCAL COMMUNITY TO REVIEW AND~~
 5 ~~COMMENT ON WHETHER CURRICULUM MATERIALS ARE CONSISTENT WITH THE~~
 6 ~~COMPREHENSIVE HEALTH EDUCATION FRAMEWORK.~~

7 ~~(5) (H) SUBJECT TO SUBPARAGRAPHS (H) AND (H) OF THIS~~
 8 ~~PARAGRAPH, EACH COUNTY BOARD SHALL ESTABLISH POLICIES, GUIDELINES, AND~~
 9 ~~PROCEDURES FOR A PARENT OR GUARDIAN TO OPT OUT OF THE FAMILY LIFE AND~~
 10 ~~HUMAN SEXUALITY OR THE GENDER IDENTITY AND SEXUAL ORIENTATION TOPICS~~
 11 ~~FOR THE PARENT OR GUARDIAN'S STUDENT IN EACH GRADE IN WHICH THOSE~~
 12 ~~TOPICS ARE TAUGHT.~~

13 ~~(H) THE COUNTY BOARD MAY NOT AUTHORIZE A PARENT OR~~
 14 ~~GUARDIAN TO OPT THE PARENT OR GUARDIAN'S STUDENT OUT OF EDUCATION~~
 15 ~~RELATING TO HIV AND AIDS PREVENTION.~~

16 ~~(HH) EACH COUNTY BOARD SHALL IDENTIFY APPROPRIATE~~
 17 ~~ALTERNATIVE LEARNING OBJECTIVES AND MEASURABLE GOALS THAT MEET STATE~~
 18 ~~AND LOCAL HEALTH EDUCATION REQUIREMENTS FOR A STUDENT WHOSE PARENT~~
 19 ~~OR GUARDIAN HAS ELECTED TO OPT THE STUDENT OUT OF A PARTICULAR TOPIC~~
 20 ~~UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.~~

21 ~~(6) ON OR BEFORE JUNE 15, 2024, AND EACH JUNE 15 THEREAFTER,~~
 22 ~~EACH COUNTY BOARD SHALL SUBMIT A REPORT TO THE DEPARTMENT DESCRIBING~~
 23 ~~THE ACTIONS TAKEN BY THE COUNTY BOARD TO COMPLY WITH THE REQUIREMENTS~~
 24 ~~IN PARAGRAPHS (4) AND (5) OF THIS SUBSECTION.~~

25 ~~(D) (1) (i) Each county board shall designate a school health services~~
 26 ~~program coordinator.~~

27 ~~(ii) A county board may authorize the county health department to~~
 28 ~~designate the school health services program coordinator.~~

29 ~~(2) The school health services program coordinator shall:~~

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

31 ~~(ii) Ensure that public schools adhere to local health services~~
 32 ~~guidelines; and~~

33 ~~(iii) Communicate State and local health policies to the parents and~~

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1 ~~guardians of public school students.~~

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

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

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

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

4-111.

(a) Subject to the applicable provisions of this article and the bylaws, basic policies, and guidelines established by the State Board, each county board, on the written recommendation of the county superintendent, shall:

(1) Establish curriculum guides and courses of study for the schools under its jurisdiction, including appropriate programs of instruction or training for mentally or physically handicapped children; and

(2) Supply printed copies of these materials to any teacher or interested citizen.

(b) **(1) IN ESTABLISHING CURRICULUM GUIDES AND COURSES OF STUDY, EACH COUNTY BOARD SHALL FOLLOW THE POLICY AND GUIDELINES FOR THE PROGRAM OF INSTRUCTION FOR PUBLIC SCHOOLS ESTABLISHED BY THE STATE BOARD.**

(2) IF THE STATE SUPERINTENDENT DETERMINES THAT A COUNTY BOARD IS NOT FOLLOWING EVERY ELEMENT OF THE POLICY AND GUIDELINES ESTABLISHED BY THE STATE BOARD OR IS AUTHORIZING A STUDENT TO OPT-OUT OF A COURSE OF INSTRUCTION IN A MANNER THAT IS NOT APPROVED BY THE STATE BOARD, THE STATE SUPERINTENDENT SHALL NOTIFY THE COUNTY BOARD.

(3) A COUNTY BOARD THAT IS NOTIFIED UNDER THIS SUBSECTION SHALL ALTER ITS CURRICULUM GUIDES AND COURSE OF STUDY TO RESOLVE THE DISCREPANCY IDENTIFIED BY THE STATE SUPERINTENDENT WITHIN 30 DAYS OF RECEIPT OF THE STATE SUPERINTENDENT'S NOTICE.

(4) IF A COUNTY BOARD DOES NOT ALTER ITS CURRICULUM GUIDES AND COURSE OF STUDY TO RESOLVE THE DISCREPANCY IDENTIFIED BY THE STATE SUPERINTENDENT WITHIN THE PERIOD SPECIFIED UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE STATE SUPERINTENDENT SHALL REQUIRE BY WRITTEN NOTICE THAT THE STATE COMPTROLLER WITHHOLD FROM THE COUNTY BOARD 10% OF THE FUNDS BUDGETED BY THE STATE FOR THE CURRENT FISCAL YEAR.

(5) IF A COUNTY BOARD DOES NOT ALTER ITS CURRICULUM GUIDES AND COURSE OF STUDY TO RESOLVE THE DISCREPANCY WITHIN 90 DAYS OF RECEIPT OF THE STATE SUPERINTENDENT'S NOTICE, THE STATE SUPERINTENDENT SHALL REQUIRE BY WRITTEN NOTICE THAT THE STATE COMPTROLLER WITHHOLD AN ADDITIONAL 10% OF THE FUNDS BUDGETED BY THE STATE FOR THE COUNTY BOARD FOR THE CURRENT FISCAL YEAR.

(6) THE STATE COMPTROLLER SHALL RELEASE THE FUNDS WITHHELD UNDER THIS SUBSECTION IF THE STATE SUPERINTENDENT DETERMINES THAT THE COUNTY BOARD HAS RESOLVED THE DISCREPANCY BETWEEN THE COUNTY BOARD'S CURRICULUM

GUIDES AND COURSES OF STUDY AND THOSE ADOPTED BY THE STATE BOARD.

(C) A county board may give academic credit for the study of American Sign Language.

4-205.

(a) In addition to the other powers granted and duties imposed under this article, the county superintendent has the powers and duties set forth in this section.

(h) In accordance with the applicable rules and regulations of the State Board, the county superintendent periodically shall:

(1) Evaluate the program of instruction in the public schools of the county;
and

(2) Report the superintendent's findings and recommendations to the county board.

(i) **(1)** The county superintendent shall prepare and recommend for adoption by the county board:

[(1)] **(I)** Curriculum guides;

[(2)] **(II)** Courses of study;

[(3)] **(III)** Resource material; and

[(4)] **(IV)** Other teaching aids.

(2) **ALL ITEMS PREPARED BY THE COUNTY SUPERINTENDENT UNDER THIS SUBSECTION SHALL BE IN ACCORDANCE WITH THE POLICY AND GUIDELINES FOR THE PROGRAM OF INSTRUCTION IN PUBLIC SCHOOLS ADOPTED BY THE STATE BOARD.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
15 1, 2023.