

HOUSE BILL 1383

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By: **Delegates Turner, Boteler, Mosby, and Palakovich Carr**

Introduced and read first time: February 7, 2020

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Students With Traumatic Brain Injury – Reports**

3 FOR the purpose of requiring each county board of education to include certain questions
4 regarding a student’s history of brain injury or neurologic insult on a certain form;
5 requiring certain questions to be developed by the State Department of Education in
6 consultation with the State Traumatic Brain Injury Advisory Board; requiring each
7 county board to report certain information to the Maryland Department of Health
8 each year; requiring a certain physical examination for certain children to include
9 certain questions; requiring each public school to submit a certain report to the
10 county board or a county health department each year; requiring the county board
11 or county health department to report certain findings to the Maryland Department
12 of Health; requiring a certain evaluation to include certain questions; and generally
13 relating to reports of student traumatic brain injury.

14 BY adding to

15 Article – Education

16 Section 4–138

17 Annotated Code of Maryland

18 (2018 Replacement Volume and 2019 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article – Education

21 Section 7–402 and 8–404

22 Annotated Code of Maryland

23 (2018 Replacement Volume and 2019 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

25 That the Laws of Maryland read as follows:

26 **Article – Education**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 4-138.

2 (A) EACH COUNTY BOARD SHALL INCLUDE ON THE EMERGENCY CONTACT
3 FORM SENT TO THE PARENT OR LEGAL GUARDIAN OF EACH STUDENT EACH YEAR
4 QUESTIONS REGARDING THE STUDENT'S HISTORY OF BRAIN INJURY OR
5 NEUROLOGIC INSULT.

6 (B) THE QUESTIONS REQUIRED UNDER SUBSECTION (A) OF THIS SECTION
7 SHALL BE DEVELOPED BY THE DEPARTMENT IN CONSULTATION WITH THE STATE
8 TRAUMATIC BRAIN INJURY ADVISORY BOARD.

9 (C) (1) FOR EACH SCHOOL YEAR, EACH PUBLIC SCHOOL SHALL REPORT
10 TO THE COUNTY BOARD THE NUMBER OF STUDENTS WHO REPORT HAVING A BRAIN
11 INJURY OR NEUROLOGIC INSULT ON THE FORM UNDER SUBSECTION (A) OF THIS
12 SECTION.

13 (2) FOR EACH SCHOOL YEAR, EACH COUNTY BOARD SHALL REPORT
14 TO THE MARYLAND DEPARTMENT OF HEALTH THE NUMBER OF STUDENTS WHO
15 HAVE A HISTORY OF BRAIN INJURY OR NEUROLOGIC INSULT.

16 7-402.

17 (a) (1) The Department of Education in consultation with the Maryland
18 Department of Health shall adopt regulations requiring a physical examination for children
19 entering the Maryland Public School System for the first time.

20 (2) THE PHYSICAL EXAMINATION REQUIRED UNDER PARAGRAPH (1)
21 OF THIS SUBSECTION SHALL INCLUDE QUESTIONS REGARDING THE CHILD'S
22 HISTORY OF BRAIN INJURY OR NEUROLOGIC INSULT.

23 (b) The regulations shall require each child entering the Maryland Public School
24 System for the first time to have a physical examination completed within:

25 (1) The 9-month period before entering the public school system; or

26 (2) The 6-month period after entering the public school system.

27 (c) The physical examination required under subsection (b) of this section shall
28 be completed by:

29 (1) A physician; or

30 (2) A certified nurse practitioner.

1 (d) (1) For each school year each public school shall report to the county board
2 or county health department the number of children entering the public school system for
3 the first time who [have]:

4 (I) HAVE not had a physical examination because of:

5 [(i)] 1. The lack of access to health care;

6 [(ii)] 2. Insufficient financial resources; or

7 [(iii)] 3. Any other reason, including a religious reason, as the
8 public school deems appropriate; AND

9 (II) HAVE A HISTORY OF BRAIN INJURY OR NEUROLOGIC
10 INSULT.

11 (2) The county board or county health department shall report the
12 information obtained under paragraph (1) of this subsection to the Maryland Department
13 of Health.

14 8-404.

15 (a) The State Board shall adopt, as regulations, standards for the identification,
16 evaluation, educational placement, and the provision of a free appropriate public education
17 of each child in this State who has begun the school year under the age of 21 and is found
18 to need special education and related services, whether or not the child is receiving
19 nonduplicative services from another governmental agency.

20 (b) Before these standards are adopted, the State Board shall consult with public
21 and private agencies and persons who are concerned with and knowledgeable about the
22 educational needs of children with disabilities who require special education and related
23 services.

24 (c) The standards for the education of a child with a disability who is enrolled in
25 a school that is operated by an agency other than a local school system may not be lower
26 than the standards for the education of a child with a disability who is enrolled in a school
27 that is operated by a local school system. The standards for the approval of schools located
28 in jurisdictions outside Maryland shall be the same as standards applicable to the approval
29 of schools within Maryland. However, no school located in a jurisdiction outside Maryland
30 shall be approved if the charges for pupils approved by the Department are higher than
31 charges for pupils from any other state for the same services, unless waived by the State
32 Superintendent.

33 (d) The standards shall include:

34 (1) The required qualifications for teachers, administrators, and other

1 professionals serving a child with a disability;

2 (2) Procedures for the identification, evaluation, educational placement,
3 and provision of a free appropriate public education for a child with a disability who
4 requires the provision of special education and related services;

5 (3) Guidelines for curricula, instructional materials, equipment, and the
6 organization, administration, and supervision of the program, including accounting,
7 auditing, and reporting procedures;

8 (4) Provisions for local, regional, and State day and residential centers for
9 children with disabilities who cannot be served appropriately in the public schools;

10 (5) Coordination of these special education services with services given by
11 any other government agency; and

12 (6) Guidelines for approval of placement in nonpublic schools or facilities if
13 appropriate public services are not available.

14 **(E) (1) DURING THE INITIAL EVALUATION OF A CHILD TO DETERMINE**
15 **WHETHER THE CHILD IS IN NEED OF SPECIAL EDUCATION SERVICES, THE**
16 **EVALUATION SHALL INCLUDE QUESTIONS REGARDING THE STUDENT'S HISTORY OF**
17 **BRAIN INJURY OR NEUROLOGIC INSULT.**

18 **(2) THE QUESTIONS REQUIRED UNDER PARAGRAPH (1) OF THIS**
19 **SUBSECTION SHALL BE DEVELOPED BY THE DEPARTMENT IN CONSULTATION WITH**
20 **THE STATE TRAUMATIC BRAIN INJURY ADVISORY BOARD.**

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
22 1, 2020.