

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
State Board of Education**
(DLS Control No. 16-029)

Overview and Legal and Fiscal Impact

These regulations update the provisions of the Comprehensive Health Education Instructional Program for grades prekindergarten through 12 to incorporate instruction in cardiopulmonary resuscitation (CPR).

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

State Board of Education:

Specific Subjects: Program in Comprehensive Health Education:
COMAR 13A.04.18.01 and .02

Legal Analysis

Background

Among other things, Chapters 175 and 176 of 2014 required public high school students, beginning with students entering grade 9 in the 2015-2016 school year, to complete specified instruction in CPR as part of the health or physical education curriculum. Each county board of education must provide the CPR instruction as part of the health or physical education curriculum in every public school that enrolls students in any of the grades 9 through 12. The Maryland State Department of Education must develop a process to monitor implementation of the CPR requirements.

According to the State Board of Education, policy and guidance will be provided to local school systems to ensure that all of the specific requirements of Chapters 175 and 176 are met, including the use of a nationally recognized instructional program and hands-on practicing to support cognitive learning. The State board further advises that the regulations were considered during a public meeting on February 12, 2016. Consideration of final action on the regulations is scheduled for a public meeting on June 28, 2016.

Summary of Regulations

These regulations require each local school system to include instruction in CPR in the comprehensive health education instructional program for grades 9 through 12 if the instruction is not offered in the physical education program. The CPR instruction must include hands-only CPR and the use of an automated external defibrillator (AED). The regulations also require students to complete the CPR instruction. In addition, by September 2016, and every 5 years thereafter, each local superintendent of schools must certify to the State Superintendent of Schools that the instructional programming includes the required CPR instruction.

Legal Issues

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The State board cites §§ 2-205(h), 7-401, 7-410, 7-411, 7-411.1, and 7-413 of the Education Article as statutory authority for the regulations. More specifically, § 2-205(h) requires the State board, with the advice of the State Superintendent of Schools, to establish basic policy and guidelines for the program of instruction for public schools. Section 7-401 requires each county board of education, with the assistance of the county health department, to provide adequate school health services, instruction in health education, and a healthful school environment. The Maryland State Department of Education and the Department of Health and Mental Hygiene must jointly develop public standards and guidelines for school health programs and offer assistance to the county boards of education and county health departments in their implementation. Section 7-410 requires each public school to have a program of safety education that is organized and administered under the bylaws, rules, and regulations of the State board. The remaining cited authority is not relevant to these regulations.

Although not cited by the State board, §§ 2-205(c) and 7-205.2 of the Education Article provide additional authority for these regulations. Section 2-205(c) requires the State board to adopt regulations for the administration of the public schools. Section 7-205.2 requires, among other things, that (1) students to complete CPR instruction, including hands-only CPR and the use of an AED, as part of the health or physical education curriculum; (2) each county board to provide CPR instruction in every public school in the county that enrolls students in any of the grades 9 through 12; (3) the CPR instruction to be conducted by a certain individual; and (4) the department to develop a process to monitor the implementation of the CPR requirements.

With the addition of §§ 2-205(c) and 7-205.2, the cited authority is correct and complete. The regulations comply with the legislative intent of the law.

Technical Corrections and Special Notes

Please note that the State board has indicated that it will submit a replacement page to add §§ 2-205(c) and 7-205.2 of the Education Article to the cited statutory authority.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulations, in part, implement Chapters 175 and 176 of 2014 (Senate Bill 503 and House Bill 1366) and, thus, have no fiscal impact on State or local governments. The Department of Legislative Services concurs that there is no fiscal impact beyond that noted in the fiscal note for that legislation. The fiscal and policy note advises that local school system expenditures will increase to ensure that current instruction encompasses hand-on practice in cardiopulmonary resuscitation (CPR) and use of an automated external defibrillator (AED). The department further advises that all 24 local superintendents have certified that, as of the 2015-2016 school year, all local school systems provide, as part of the health or physical education curriculum, instruction in hands-only CPR and use of an AED.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

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