

---

**By: Senator Hollinger**

Introduced and read first time: January 30, 1996

Assigned to: Economic and Environmental Affairs and Finance

---

A BILL ENTITLED

1 AN ACT concerning

2 **Primary and Secondary Education - School Health Services - School Health 2000**  
3 **Partnership Committees**

4 FOR the purpose of encouraging each county school board with the assistance of local  
5 health departments to set goals to ensure adequate school health services in each  
6 county; requiring school nurses to perform certain duties; requiring each county  
7 board of education and the Board of School Commissioners of Baltimore City to  
8 establish a School Health 2000 Partnership Committee; establishing the  
9 composition and responsibilities of a School Health 2000 Partnership Committee;  
10 requiring each county board and the Board of School Commissioners of Baltimore  
11 City to establish a School Health 2000 Partnership Fund; specifying the purpose of  
12 a School Health 2000 Partnership Fund; authorizing the use of contributions to the  
13 School Health 2000 Partnership Fund to cover certain costs; requiring each county  
14 board and the Board of School Commissioners of Baltimore City to adopt certain  
15 regulations for the administration of a School Health 2000 Partnership Fund;  
16 establishing certain procedures for the disbursement of money and materials  
17 donated to a School Health 2000 Partnership Fund; providing a subtraction  
18 modification under certain circumstances for contributions made to a School Health  
19 2000 Partnership Fund for purposes of determining Maryland taxable income; and  
20 generally relating to the establishment and administration of school health plans,  
21 School Health 2000 Partnership Committees, and School Health 2000 Partnership  
22 Funds.

23 BY adding to

24 Article - Education  
25 Section 7-419 and 7-420  
26 Annotated Code of Maryland  
27 (1992 Replacement Volume and 1995 Supplement)

28 BY repealing and reenacting, without amendments,

29 Article - Tax - General  
30 Section 10-207(a) and 10-307(a)  
31 Annotated Code of Maryland  
32 (1988 Volume and 1995 Supplement)

33 BY adding to

2

1 Article - Tax - General  
2 Section 10-207(s) and 10-307(h)  
3 Annotated Code of Maryland  
4 (1988 Volume and 1995 Supplement)

5 Preamble

6 WHEREAS, The health problems of students attending elementary schools, middle  
7 schools, and high schools in this State have increased in number and severity; and

8 WHEREAS, Teen pregnancy rates and the number of students who abuse drugs  
9 and alcohol throughout the State have increased; and

10 WHEREAS, Many students lack health insurance and consequently do not receive  
11 adequate health care services; and

12 WHEREAS, Due to the high cost of health care services, many students utilize  
13 school health services as their initial and primary source of health care; and

14 WHEREAS, The demonstrated relationship between good health and education  
15 achievement renders less healthy students less likely to perform as well as those students  
16 who receive adequate health care services; and

17 WHEREAS, The establishment of tax incentives for making financial and in-kind  
18 contributions to improve school health services will prompt individuals, organizations,  
19 and businesses to make these contributions; and

20 WHEREAS, State and local governments should work together to encourage  
21 financial and in-kind contributions to improve the quality of school health services; and

22 WHEREAS, It is incumbent upon the State and local governments to address the  
23 inadequacies of the health care services currently provided to students and to establish  
24 goals to be met by the year 2000 for the setting of ratios of the number of school nurses  
25 provided to serve students in each public school in the State; now, therefore,

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

28 **Article - Education**

29 7-419.

30 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
31 INDICATED.

32 (2) "FUND" MEANS A SCHOOL HEALTH 2000 PARTNERSHIP FUND.

33 (3) "INTERAGENCY COLLABORATION" MEANS THE REFERRAL OF A  
34 STUDENT WITH SPECIAL HEALTH NEEDS FOR ADDITIONAL ASSISTANCE FROM  
35 OTHER STATE AND LOCAL GOVERNMENT AGENCIES.

3

1 (4) "INTRASCHOOL COLLABORATION" MEANS THAT A SCHOOL NURSE  
2 OR QUALIFIED HEALTH PERSONNEL INFORMS THE APPROPRIATE SCHOOL  
3 PERSONNEL THAT A STUDENT:

4 (I) HAS A HEALTH PROBLEM THAT MAY IMPEDE THE LEARNING  
5 OF THE STUDENT; AND

6 (II) MAY BE IN NEED OF SPECIFIED ASSISTANCE.

7 (5) "SCHOOL NURSE" MEANS AN INDIVIDUAL:

8 (I) LICENSED BY THE STATE BOARD OF NURSING TO PRACTICE  
9 REGISTERED NURSING IN ACCORDANCE WITH TITLE 8, SUBTITLE 3 OF THE HEALTH  
10 OCCUPATIONS ARTICLE; OR

11 (II) CERTIFIED BY THE STATE BOARD OF NURSING AS A CERTIFIED  
12 NURSE PRACTITIONER IN ACCORDANCE WITH TITLE 8, SUBTITLE 3 OF THE HEALTH  
13 OCCUPATIONS ARTICLE.

14 (B) IT IS THE POLICY OF THIS STATE TO ENCOURAGE THAT EACH COUNTY  
15 BOARD, WITH THE ASSISTANCE OF THE LOCAL HEALTH DEPARTMENT, SET GOALS  
16 FOR ADEQUATE HEALTH CARE SERVICES FOR STUDENTS IN PUBLIC SCHOOLS IN  
17 ACCORDANCE WITH § 7-401 OF THIS SUBTITLE.

18 (C) A SCHOOL NURSE SHALL PERFORM THE FOLLOWING DUTIES AT THE  
19 SCHOOL THAT THE NURSE IS ASSIGNED:

20 (1) DEVELOPMENT OF A SCHOOL HEALTH PLAN THAT INCLUDES:

21 (I) A REVIEW OF THE HEALTH NEEDS OF THE STUDENT  
22 POPULATION OF THE SCHOOL BASED ON THE REVIEW OF STUDENTS' HEALTH  
23 RECORDS;

24 (II) STRATEGIES FOR THE IMPLEMENTATION OF THE PLAN; AND

25 (III) PROVISIONS FOR INTRASCHOOL AND INTERAGENCY  
26 COLLABORATION;

27 (2) PROMOTE COMPLIANCE WITH THE:

28 (I) PHYSICAL EXAMINATION REQUIREMENTS OF § 7-401.1 OF THIS  
29 SUBTITLE;

30 (II) IMMUNIZATION REQUIREMENTS OF § 7-402 OF THIS SUBTITLE;

31 (III) HEARING AND VISION SCREENING TEST REQUIREMENTS OF §  
32 7-403 OF THIS SUBTITLE; AND

33 (IV) SCOLIOSIS SCREENING TEST REQUIREMENTS OF § 7-403.1 OF  
34 THIS SUBTITLE; AND

35 (3) MEET STUDENTS' HEALTH NEEDS AS PRESENTED TO THE NURSE.

4

1 (D) EACH COUNTY BOARD SHALL ANNUALLY REPORT TO THE GOVERNOR  
2 AND THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1312 OF THE STATE  
3 GOVERNMENT ARTICLE, ON THE IMPLEMENTATION OF THIS SECTION.

4 7-420.

5 (A) (1) IN ORDER TO IMPLEMENT THE GOALS EACH COUNTY BOARD SHALL  
6 ESTABLISH A SCHOOL HEALTH 2000 PARTNERSHIP COMMITTEE.

7 (2) THE PURPOSE OF THE SCHOOL HEALTH 2000 PARTNERSHIP  
8 COMMITTEE IS TO ENCOURAGE PRIVATE SECTOR GROUPS AND INDIVIDUALS TO  
9 MAKE FINANCIAL AND IN-KIND CONTRIBUTIONS TO SUPPORT SCHOOL HEALTH  
10 PROGRAMS.

11 (3) THE SCHOOL HEALTH 2000 PARTNERSHIP COMMITTEE SHALL:

12 (I) SEEK TO IMPROVE PUBLIC AWARENESS OF THE TAX  
13 DEDUCTIONS AVAILABLE UNDER §§ 10-207 AND 10-307 OF THE TAX - GENERAL  
14 ARTICLE;

15 (II) ENCOURAGE INDIVIDUALS, BUSINESSES, ASSOCIATIONS, AND  
16 CHARITABLE ORGANIZATIONS TO MAKE CONTRIBUTIONS TO THE SCHOOL HEALTH  
17 2000 PARTNERSHIP FUND ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION;

18 (III) IDENTIFY THE NEED FOR SCHOOL NURSES, QUALIFIED  
19 HEALTH PERSONNEL, SUPPLIES, AND SERVICES IN EACH SCHOOL IN THE AREA  
20 SERVED; AND

21 (IV) SUBMIT AN ANNUAL WRITTEN REPORT ON THE ACTIVITIES OF  
22 THE COMMITTEE TO THE COUNTY BOARD.

23 (4) THE SCHOOL HEALTH 2000 PARTNERSHIP COMMITTEE SHALL  
24 INCLUDE BUT NOT BE LIMITED TO, THE FOLLOWING EIGHT MEMBERS, APPOINTED  
25 BY THE COUNTY BOARD:

26 (I) ONE MEMBER OF THE COUNTY BOARD;

27 (II) ONE REPRESENTATIVE OF THE LOCAL HEALTH DEPARTMENT;

28 (III) ONE SCHOOL PRINCIPAL;

29 (IV) ONE SCHOOL NURSE OR SCHOOL HEALTH EMPLOYEE;

30 (V) ONE STUDENT ENROLLED IN A SCHOOL WITHIN THE  
31 JURISDICTION OF THE COUNTY BOARD;

32 (VI) ONE PARENT OR GUARDIAN OF A STUDENT ENROLLED IN A  
33 SCHOOL WITHIN THE JURISDICTION OF THE COUNTY BOARD; AND

34 (VII) TWO MEMBERS OF THE PUBLIC WITH GENERAL OR  
35 PROFESSIONAL INTEREST IN IMPROVING THE HEALTH OF SCHOOL AGE STUDENTS.

36 (B) (1) EACH COUNTY BOARD SHALL ESTABLISH A SCHOOL HEALTH 2000  
37 PARTNERSHIP FUND CONSISTING SOLELY OF DONATED FUNDS AND MATERIALS.

5

1 (2) THE FUND IS ESTABLISHED TO ASSIST EACH SCHOOL TO PROVIDE  
2 ADEQUATE HEALTH CARE SERVICES TO THE STUDENTS ENROLLED IN THE SCHOOL.

3 (3) CONTRIBUTIONS TO THE FUND MAY BE USED TO COVER THE COST  
4 OF ADMINISTERING THE FUND.

5 (4) EACH COUNTY BOARD SHALL ADOPT REGULATIONS FOR THE  
6 EFFICIENT ADMINISTRATION OF THE FUND.

7 (5) THE FUND IS SUBJECT TO THE ANNUAL AUDIT CONDUCTED IN  
8 ACCORDANCE WITH § 5-108 OF THIS ARTICLE.

9 (6) (I) THE COUNTY BOARD, IN CONSULTATION WITH THE SCHOOL  
10 HEALTH 2000 PARTNERSHIP COMMITTEE, SHALL DISBURSE THE MONEY AND  
11 MATERIAL DONATED TO THE FUND.

12 (II) MONEY AND MATERIAL FROM THE FUND SHALL BE  
13 DISBURSED AMONG THE SCHOOLS IN EACH COUNTY BASED ON THE HEALTH NEEDS  
14 OF THE STUDENT POPULATION AS DETERMINED UNDER § 7-419(C) OF THIS  
15 SUBTITLE.

16 (7) (I) IF A SCHOOL NURSE SPENDS THE MAJORITY OF EACH WORK  
17 DAY PROVIDING HEALTH SERVICES DIRECTLY TO STUDENTS, THE FUND MAY BE  
18 USED TO PAY THE SALARY OF THE SCHOOL NURSE.

19 (II) IF A DONATION IS MADE TO THE FUND WITH THE INTENTION  
20 THAT IT BE USED TO FULLY FUND AN INDIVIDUAL PROVIDING SCHOOL HEALTH  
21 SERVICES DIRECTLY TO STUDENTS, THE DONOR MAY DESIGNATE THE TITLE OF THE  
22 POSITION OF THE EMPLOYEE.

23 (C) MONEY AND MATERIAL DONATED TO THE FUND SHALL BE USED TO  
24 SUPPLEMENT STATE AND LOCAL FUNDING OF SCHOOL HEALTH SERVICES.

25 **Article - Tax - General**

26 10-207.

27 (a) To the extent included in federal adjusted gross income, the amounts under  
28 this section are subtracted from the federal adjusted gross income of a resident to  
29 determine Maryland adjusted gross income.

30 (S) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE  
31 SUBTRACTION UNDER SUBSECTION (A) OF THIS SECTION INCLUDES CONTRIBUTIONS  
32 MADE TO THE SCHOOL HEALTH 2000 PARTNERSHIP FUND UNDER TITLE 7, SUBTITLE  
33 4 OF THE EDUCATION ARTICLE.

34 (2) THE AMOUNT THAT MAY BE SUBTRACTED UNDER THIS SUBSECTION  
35 SHALL INCLUDE THE DOLLAR AMOUNT GIVEN TO THE SCHOOL HEALTH 2000  
36 PARTNERSHIP FUND OR THE FAIR MARKET VALUE OF AN IN-KIND CONTRIBUTION.

37 (3) THE SUBTRACTION UNDER THIS SUBSECTION IS NOT ALLOWED FOR  
38 ANY CONTRIBUTION THAT THE TAXPAYER CLAIMS AS A DEDUCTION FOR FEDERAL  
39 INCOME TAX PURPOSES.

6

1 10-307.

2 (a) To the extent included in federal taxable income, the amounts under this  
3 section are subtracted from the federal taxable income of a corporation to determine  
4 Maryland modified income.

5 (H) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE  
6 SUBTRACTION UNDER SUBSECTION (A) OF THIS SECTION INCLUDES CONTRIBUTIONS  
7 MADE TO THE SCHOOL HEALTH 2000 PARTNERSHIP FUND UNDER TITLE 7, SUBTITLE  
8 4 OF THE EDUCATION ARTICLE.

9 (2) THE AMOUNT THAT MAY BE SUBTRACTED UNDER THIS SUBSECTION  
10 SHALL INCLUDE THE DOLLAR AMOUNT GIVEN TO THE SCHOOL HEALTH 2000  
11 PARTNERSHIP FUND OR THE FAIR MARKET VALUE OF AN IN-KIND CONTRIBUTION.

12 (3) THE SUBTRACTION UNDER THIS SUBSECTION IS NOT ALLOWED FOR  
13 ANY CONTRIBUTION THAT THE TAXPAYER CLAIMS AS A DEDUCTION FOR FEDERAL  
14 INCOME TAX PURPOSES.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 1996.