
By: **Senator Klausmeier**

Introduced and read first time: February 4, 2005

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Information to Parents - Meningococcal Disease**

3 FOR the purpose of requiring each noncollegiate education institution to provide
4 certain parents with certain information about meningococcal disease at a
5 certain time; requiring the State Department of Education, in conjunction with
6 the Department of Health and Mental Hygiene, to develop certain materials
7 regarding meningococcal disease; requiring the State Board of Education to
8 require each local board of education to provide certain parents with certain
9 information about meningococcal disease at a certain time; defining a certain
10 term; and generally relating to providing parents of students with information
11 about meningococcal disease.

12 BY repealing and reenacting, with amendments,
13 Article - Education
14 Section 2-206
15 Annotated Code of Maryland
16 (2004 Replacement Volume and 2004 Supplement)

17 BY adding to
18 Article - Education
19 Section 7-421
20 Annotated Code of Maryland
21 (2004 Replacement Volume and 2004 Supplement)

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

24 **Article - Education**

25 2-206.

26 (a) In this section, "noncollegiate educational institution" means a school or
27 other institution that offers an educational program but is not an institution of
28 postsecondary education, as defined in § 10-101 of this article.

1 (b) (1) This section does not apply to:

2 (i) Apprenticeship and on-the-job training programs that are
3 subject to the approval of the Apprenticeship and Training Council;

4 (ii) Individuals or entities that offer or arrange for instruction
5 solely for avocational purposes through courses in areas such as art, music, dance,
6 drama, sports, crafts, or photography, if these courses are designed primarily for
7 developing skills for personal enrichment, recreation, or other leisure pursuits; or

8 (iii) Individuals or entities that offer or arrange for a supplemental
9 educational program or tutoring in subjects usually taught in an elementary or
10 secondary school to students concurrently enrolled in public or nonpublic schools.

11 (2) This section does not apply to these individuals or entities specified
12 in subparagraph (1)(ii) of this subsection solely on the basis that they use the word
13 "school" as a part of their name, in literature or publications such as advertisements,
14 brochures, catalogs or bulletins, or in other pronouncements.

15 (c) With the advice of the State Superintendent, the State Board shall adopt
16 bylaws, rules, and regulations for the approval and accreditation of all public schools.

17 (d) With the advice of the State Superintendent, the State Board shall
18 establish minimum requirements for issuing certificates and diplomas by public and
19 private noncollegiate educational institutions in this State.

20 (e) (1) A noncollegiate educational institution may not operate in this State
21 without a certificate of approval from the State Board.

22 (2) The State Board shall issue a certificate of approval to a
23 noncollegiate educational institution if it finds that the facilities, conditions of
24 entrance and scholarship, and educational qualifications and standards are adequate
25 and appropriate for:

26 (i) The purposes of the institution;

27 (ii) The programs, training, and courses to be taught by the
28 institution; and

29 (iii) The certificates and diplomas to be issued by it.

30 (3) The State Board may not issue a certificate of approval to an
31 institution that practices discrimination based on race, color, or national origin.

32 (4) This subsection does not apply to an institution operated by a bona
33 fide church organization, including the Amish and Mennonite church parochial
34 schools. However, an institution that does not have a certificate of approval from the
35 State Board may not receive State funds, except that an institution operated by a
36 bona fide church organization is not required to have a certificate to receive State

1 funds for eligible students in the food service program who are enrolled in nursery
2 school through the eighth grade.

3 (f) (1) If the State Board believes that a noncollegiate educational
4 institution that applies for a certificate of approval does not meet the conditions or
5 standards necessary for the issuance of the certificate, it shall give the institution
6 written notice of the specific deficiencies.

7 (2) Within 20 days of receipt of a notice of deficiencies, the institution
8 may request a hearing before the Board, and, within 60 days of receipt of the request,
9 the Board shall hold a hearing to determine if the certificate of approval should be
10 issued.

11 (3) If, within 6 months from the date on which the application for
12 certification was submitted to the State Board, the institution has received neither a
13 certificate of approval under subsection (e) of this section nor written notice of
14 deficiencies under this subsection, it may request, within 20 days, a hearing before
15 the Board to determine if the certificate of approval should be issued.

16 (g) (1) If the State Board believes that a noncollegiate educational
17 institution does not meet the conditions or standards on which its certificate of
18 approval was based, it shall give the institution written notice of this belief.

19 (2) The notice shall specify the alleged deficiencies and direct the
20 institution to correct them within a period of not less than 30 days as set by the
21 Board. If the institution requests a hearing within 20 days of the notice, the Board
22 shall hold a hearing to determine the matter.

23 (3) The order to correct the deficiencies shall be stayed until a
24 determination is made after the hearing.

25 (h) (1) The State Board may order a noncollegiate educational institution to
26 end operations if the institution fails to correct the specified deficiencies within the
27 period set by the Board and if:

28 (i) A hearing is not requested; or

29 (ii) After a hearing, the Board finds that the institution does not
30 meet the conditions or standards.

31 (2) The order takes effect 15 days after it is issued.

32 (i) (1) An institution has the right to judicial review of any State Board
33 determination under this section as provided by the Administrative Procedure Act.

34 (2) The decision of the State Board is presumed correct and proper and
35 the institution has the burden of proving otherwise.

36 (3) The State Board shall be a party to the proceeding.

1 (j) A noncollegiate educational institution shall:

2 (1) Be open for inspection by the State Superintendent or his designee at
3 all reasonable times; and

4 (2) Furnish the reports and information required by the State
5 Superintendent on the forms provided by the State Superintendent.

6 (k) (1) Each noncollegiate educational institution, in conjunction with the
7 county health department, shall provide scoliosis screening tests for all of their
8 students at least once in grades 6 through 8.

9 (2) Each noncollegiate educational institution shall comply with the
10 provisions of § 7-405(c) through (e) of this article.

11 (L) AT THE BEGINNING OF EACH SCHOOL YEAR, EACH NONCOLLEGIATE
12 EDUCATIONAL INSTITUTION SHALL PROVIDE PARENTS OR GUARDIANS OF
13 STUDENTS WITH INFORMATION ON MENINGOCOCCAL DISEASE DEVELOPED BY THE
14 DEPARTMENT IN ACCORDANCE WITH § 7-421 OF THIS ARTICLE.

15 7-421.

16 (A) IN THIS SECTION, "MENINGOCOCCAL DISEASE" MEANS A BACTERIAL
17 INFECTION THAT IS CAUSED BY A BACTERIA CALLED NEISSERIA MENINGITIDIS.

18 (B) THE DEPARTMENT, IN CONJUNCTION WITH THE DEPARTMENT OF
19 HEALTH AND MENTAL HYGIENE, SHALL DEVELOP MATERIALS THAT PROVIDE
20 EDUCATIONAL INFORMATION ABOUT MENINGOCOCCAL DISEASE INCLUDING:

21 (1) CAUSES;

22 (2) SYMPTOMS;

23 (3) RISKS; AND

24 (4) THE AVAILABILITY AND EFFECTIVENESS OF VACCINATIONS.

25 (C) THE STATE BOARD SHALL REQUIRE EACH LOCAL BOARD OF EDUCATION
26 TO PROVIDE PARENTS OR GUARDIANS OF STUDENTS WITHIN THE LOCAL BOARD'S
27 JURISDICTION WITH THE EDUCATIONAL INFORMATION REGARDING
28 MENINGOCOCCAL DISEASE DEVELOPED UNDER SUBSECTION (B) OF THIS SECTION
29 AT THE BEGINNING OF EACH SCHOOL YEAR.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 July 1, 2005.