

HOUSE BILL 1231

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CF 2lr2990

By: **Delegates Ebersole, Belcastro, Guyton, Hill, Patterson, Ruth, Terrasa, Watson,
and P. Young**

Introduced and read first time: February 11, 2022

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools – Student Health Professional Retention Program – Established**

3 FOR the purpose of establishing and providing for the administration of and funding for
4 the Student Health Professional Retention Program; requiring certain provisions in
5 the Program to be implemented on or before certain dates; requiring the State
6 Department of Education, in coordination with certain persons, to study, make
7 recommendations, establish a plan, evaluate, and report to the General Assembly on
8 certain matters regarding the Program on or before a certain date; and generally
9 relating to the Student Health Professional Retention Program.

10 BY adding to

11 Article – Education

12 Section 6–1101 through 6–1104 to be under the new subtitle “Subtitle 11. Student
13 Health Professional Retention Program”

14 Annotated Code of Maryland

15 (2018 Replacement Volume and 2021 Supplement)

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

18 **Article – Education**

19 **SUBTITLE 11. STUDENT HEALTH PROFESSIONAL RETENTION PROGRAM.**

20 **6–1101.**

21 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
22 **INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (B) "ADVANCED CREDENTIAL" MEANS THE ACHIEVEMENT OF:

2 (1) A NATIONALLY CERTIFIED SCHOOL PSYCHOLOGIST CREDENTIAL
3 ISSUED BY THE NATIONAL ASSOCIATION OF SCHOOL PSYCHOLOGISTS; OR

4 (2) (I) A CERTIFIED SOCIAL WORKER-CLINICAL LICENSE FROM
5 THE STATE BOARD OF SOCIAL WORK EXAMINERS; AND

6 (II) A REGISTRATION WITH THE STATE BOARD OF SOCIAL
7 WORK EXAMINERS AS A SUPERVISOR.

8 (C) "PROGRAM" MEANS THE STUDENT HEALTH PROFESSIONAL
9 RETENTION PROGRAM.

10 (D) "STUDENT HEALTH PROFESSIONAL" MEANS AN INDIVIDUAL WHO IS
11 LICENSED OR CERTIFIED TO PROVIDE SERVICES TO STUDENTS IN A PUBLIC
12 PREKINDERGARTEN OR PUBLIC PRIMARY OR SECONDARY SCHOOL AND IS:

13 (1) A SCHOOL PSYCHOLOGIST;

14 (2) AN OCCUPATIONAL THERAPIST;

15 (3) A PHYSICAL THERAPIST;

16 (4) A SPEECH-LANGUAGE PATHOLOGIST;

17 (5) AN AUDIOLOGIST; OR

18 (6) A SOCIAL WORKER.

19 6-1102.

20 (A) (1) ON OR BEFORE JULY 1, 2025, EACH COUNTY BOARD SHALL
21 IMPLEMENT A PROGRAM THAT MEETS THE REQUIREMENTS OF THIS SUBTITLE.

22 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE
23 REQUIREMENTS OF THIS SUBTITLE SHALL BECOME EFFECTIVE IN A COUNTY ON THE
24 DATE THE COUNTY BOARD ADOPTS A RETENTION PROGRAM UNDER PARAGRAPH (1)
25 OF THIS SUBSECTION.

26 (B) (1) THERE IS A STUDENT HEALTH PROFESSIONAL RETENTION
27 PROGRAM FOR PUBLIC PREKINDERGARTEN, PRIMARY, OR SECONDARY STUDENT

1 HEALTH PROFESSIONALS THAT WORK IN A PUBLIC EDUCATION SETTING IN THE
2 STATE.

3 (2) THE PURPOSE OF THE PROGRAM IS TO:

4 (I) TRANSFORM THE STUDENT HEALTH PROFESSION INTO A
5 HIGH-STATUS PROFESSION IN THE STATE;

6 (II) ATTRACT HIGH-PERFORMING STUDENTS TO PURSUE A
7 HIGH-STATUS STUDENT HEALTH PROFESSION;

8 (III) RETAIN HIGH-QUALITY STUDENT HEALTH
9 PROFESSIONALS;

10 (IV) PROVIDE STUDENTS WITH HIGH-QUALITY SCHOOL HEALTH
11 SERVICES; AND

12 (V) ENSURE THAT STUDENTS HAVE THE HEALTH SUPPORT
13 THEY NEED TO DEVELOP THE SKILLS NECESSARY TO SUCCEED IN THE GLOBAL
14 ECONOMY.

15 (C) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE PROGRAM IS
16 SUBJECT TO COLLECTIVE BARGAINING.

17 (D) THE GUIDING PRINCIPLES FOR DEVELOPMENT OF THE PROGRAM ARE:

18 (1) PROGRESSION OF STUDENT HEALTH PROFESSIONALS ALONG THE
19 LEVELS OF THE PROGRAM IN A MANNER THAT INCENTIVIZES CONTINUING TO
20 PROVIDE SERVICES TO STUDENTS RATHER THAN MOVING INTO ADMINISTRATIVE
21 ROLES OR OTHER FIELDS OF SERVICE;

22 (2) A STUDENT HEALTH PROFESSIONAL SALARY THAT ATTRACTS NEW
23 STUDENT HEALTH PROFESSIONALS TO THE PROFESSION; AND

24 (3) A STUDENT HEALTH PROFESSIONAL SALARY THAT RETAINS
25 EXPERIENCED PROVIDERS.

26 6-1103.

27 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE LEVELS OF THE
28 PROGRAM ARE AS FOLLOWS:

1 **(1) LEVEL ONE IS A STATE CERTIFIED OR LICENSED STUDENT**
2 **HEALTH PROFESSIONAL;**

3 **(2) LEVEL TWO IS A STUDENT HEALTH PROFESSIONAL WHO MEETS**
4 **THE REQUIREMENTS OF LEVEL ONE OF THE PROGRAM AND HOLDS AN ADVANCED**
5 **CREDENTIAL; AND**

6 **(3) LEVEL THREE IS A STUDENT HEALTH PROFESSIONAL WHO MEETS**
7 **THE REQUIREMENTS OF LEVEL TWO OF THE PROGRAM AND HOLDS A DOCTORAL**
8 **DEGREE FROM AN ACCREDITED INSTITUTION OF HIGHER EDUCATION IN A**
9 **SPECIALTY FIELD.**

10 **(B) (1) MOVEMENT FROM ONE LEVEL OF THE PROGRAM TO ANOTHER**
11 **SHALL DEPEND ON:**

12 **(I) THE STUDENT HEALTH PROFESSIONAL'S PERFORMANCE IN**
13 **PROVIDING SERVICES TO STUDENTS; AND**

14 **(II) THE STUDENT HEALTH PROFESSIONAL'S EXPERIENCE.**

15 **(2) A STUDENT HEALTH PROFESSIONAL MAY NOT BE PROMOTED TO**
16 **THE NEXT LEVEL IN THE PROGRAM UNLESS:**

17 **(I) THE MOST RECENT EVALUATION OF THE STUDENT HEALTH**
18 **PROFESSIONAL WAS SATISFACTORY, AS DEFINED BY THE COUNTY BOARD;**

19 **(II) THE STUDENT HEALTH PROFESSIONAL, PRINCIPAL,**
20 **SUPERVISOR, OR ANY OTHER INDIVIDUAL, AS DETERMINED BY THE COUNTY BOARD,**
21 **AGREES THAT THE STUDENT HEALTH PROFESSIONAL IS READY TO TAKE ON**
22 **ADDITIONAL RESPONSIBILITIES REQUIRED BY THE NEXT LEVEL; AND**

23 **(III) THERE IS AN OPEN POSITION AT THE NEXT LEVEL.**

24 **(3) PROMOTION IN THE PROGRAM IS NOT GUARANTEED.**

25 **(C) MOVEMENT FROM ONE LEVEL TO A HIGHER LEVEL IN THE PROGRAM**
26 **SHALL RESULT IN A SALARY INCREASE CONSISTENT WITH § 6-1104 OF THIS**
27 **SUBTITLE.**

28 **6-1104.**

1 **(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, BEGINNING**
2 **JULY 1, 2023, STUDENT HEALTH PROFESSIONAL SALARY INCREASES ASSOCIATED**
3 **WITH THE PROGRAM SHALL, AT A MINIMUM, INCLUDE THE FOLLOWING:**

4 **(I) BECOMING A LEVEL TWO STUDENT HEALTH PROFESSIONAL**
5 **– \$10,000 SALARY INCREASE;**

6 **(II) BECOMING A LEVEL THREE STUDENT HEALTH**
7 **PROFESSIONAL – \$12,000 SALARY INCREASE; AND**

8 **(III) A STUDENT HEALTH PROFESSIONAL PROVIDING SERVICES**
9 **TO STUDENTS IN A LOW-PERFORMING SCHOOL AS IDENTIFIED BY THE COUNTY**
10 **BOARD – \$7,000 SALARY INCREASE.**

11 **(2) IF A STUDENT HEALTH PROFESSIONAL IS ASSIGNED TO MULTIPLE**
12 **SCHOOLS, A COUNTY BOARD MAY PRORATE THE \$7,000 SALARY INCREASE UNDER**
13 **PARAGRAPH (1)(III) OF THIS SUBSECTION ACCORDING TO THE AMOUNT OF TIME THE**
14 **STUDENT HEALTH PROFESSIONAL SPENDS AT THE LOW-PERFORMING SCHOOL AS**
15 **COMPARED TO OTHER SCHOOLS.**

16 **(B) (1) IF A STUDENT HEALTH PROFESSIONAL IS ELIGIBLE FOR MORE**
17 **THAN ONE SALARY INCREASE UNDER SUBSECTION (A) OF THIS SECTION, THE**
18 **STUDENT HEALTH PROFESSIONAL SHALL RECEIVE ALL SALARY INCREASES THAT**
19 **APPLY.**

20 **(2) A STUDENT HEALTH PROFESSIONAL THAT RECEIVES A SALARY**
21 **INCREASE UNDER SUBSECTION (A)(1)(III) OF THIS SECTION FOR PROVIDING**
22 **SERVICES TO STUDENTS IN A LOW-PERFORMING SCHOOL MAY NOT LOSE THAT**
23 **SALARY INCREASE WHILE PROVIDING SERVICES AT THE SCHOOL EVEN IF THE**
24 **SCHOOL CEASES TO BE LOW-PERFORMING.**

25 **(C) ON OR BEFORE JULY 1, 2027, EACH COUNTY BOARD SHALL**
26 **DEMONSTRATE TO THE ACCOUNTABILITY AND IMPLEMENTATION BOARD**
27 **ESTABLISHED UNDER § 5-402 OF THIS ARTICLE THAT, DURING THE PERIOD FROM**
28 **JULY 1, 2022, THROUGH JUNE 30, 2027, EACH STUDENT HEALTH PROFESSIONAL IN**
29 **THE COUNTY RECEIVED A 10% SALARY INCREASE ABOVE THE NEGOTIATED**
30 **SCHEDULE OF SALARY INCREASES BETWEEN THE PUBLIC SCHOOL EMPLOYER AND**
31 **THE EXCLUSIVE REPRESENTATIVE FOR THE EMPLOYEE ORGANIZATION.**

32 **(D) BEGINNING JULY 1, 2026, THE MINIMUM STUDENT HEALTH**
33 **PROFESSIONAL SALARY FOR ALL STUDENT HEALTH PROFESSIONALS SHALL BE**
34 **\$60,000.**

1 **(E) (1) IN THIS SUBSECTION, “TOTAL PROGRAM AMOUNT” MEANS THE**
2 **SUM OF, FOR EACH ITEM UNDER SUBSECTION (A)(1) OF THIS SECTION:**

3 **(I) THE STUDENT HEALTH PROFESSIONAL SALARY INCREASE**
4 **MULTIPLIED BY THE NUMBER OF STUDENT HEALTH PROFESSIONALS RECEIVING**
5 **THE SALARY INCREASE; AND**

6 **(II) ROUNDED TO THE NEAREST WHOLE DOLLAR.**

7 **(2) THE INCREASE IN THE SALARY REQUIRED UNDER SUBSECTION (A)**
8 **OF THIS SECTION SHALL BE A SHARED COST BETWEEN THE STATE AND THE COUNTY**
9 **IN ACCORDANCE WITH THIS SUBSECTION.**

10 **(3) THE REQUIRED STATE SHARE FOR EACH COUNTY IS THE RESULT**
11 **OF THE FOLLOWING CALCULATION MULTIPLIED BY 0.5 AND ROUNDED TO THE**
12 **NEAREST WHOLE DOLLAR:**

13 **(I) THE SALARY INCREASE MULTIPLIED BY THE NUMBER OF**
14 **STUDENT HEALTH PROFESSIONALS ELIGIBLE TO RECEIVE THE SALARY INCREASE IN**
15 **THE PRIOR FISCAL YEAR;**

16 **(II) DIVIDE THE RESULT CALCULATED UNDER ITEM (I) OF THIS**
17 **PARAGRAPH BY THE RATIO, ROUNDED TO SEVEN DECIMAL PLACES, OF LOCAL**
18 **WEALTH PER PUPIL TO STATEWIDE WEALTH PER PUPIL AS DEFINED IN §**
19 **5–201 OF THIS ARTICLE; AND**

20 **(III) MULTIPLY THE RESULT CALCULATED UNDER ITEM (II) OF**
21 **THIS PARAGRAPH BY THE RESULT, ROUNDED TO SEVEN DECIMAL PLACES, THAT**
22 **RESULTS FROM DIVIDING THE TOTAL PROGRAM AMOUNT BY THE SUM OF ALL THE**
23 **RESULTS CALCULATED UNDER ITEM (II) OF THIS PARAGRAPH FOR ALL COUNTIES.**

24 **(4) THE REQUIRED LOCAL SHARE IS EQUAL TO THE TOTAL PROGRAM**
25 **AMOUNT FOR EACH COUNTY MINUS THE STATE SHARE CALCULATED UNDER**
26 **PARAGRAPH (3) OF THIS SUBSECTION AND ROUNDED TO THE NEAREST WHOLE**
27 **DOLLAR.**

28 **(5) GRANTS RECEIVED FROM THE COORDINATED COMMUNITY**
29 **SUPPORTS PARTNERSHIP FUND UNDER § 7–447.1 OF THIS ARTICLE THAT ARE USED**
30 **TO SUPPORT THE SALARY INCREASES REQUIRED UNDER THIS SECTION MAY BE**
31 **COUNTED TOWARD THE REQUIRED LOCAL SHARE.**

32 **(F) (1) BEGINNING IN FISCAL YEAR 2024, THE STATE SHALL DISTRIBUTE**
33 **TO EACH COUNTY BOARD THE STATE SHARE OF THE STUDENT HEALTH**

1 PROFESSIONAL SALARY INCREASES AS CALCULATED UNDER SUBSECTION (E) OF
2 THIS SECTION.

3 (2) BEGINNING IN FISCAL YEAR 2024, THE COUNTY SHALL
4 DISTRIBUTE TO EACH COUNTY BOARD THE LOCAL SHARE OF THE STUDENT HEALTH
5 PROFESSIONAL SALARY INCREASES AS CALCULATED UNDER SUBSECTION (E) OF
6 THIS SECTION.

7 (3) BEGINNING IN FISCAL YEAR 2024, THE COUNTY BOARD SHALL
8 DISTRIBUTE TO THE SCHOOL IN WHICH THE STUDENT HEALTH PROFESSIONAL
9 WORKS THE STATE AND THE LOCAL SHARE OF THE STUDENT HEALTH
10 PROFESSIONAL SALARY INCREASE.

11 (G) A COUNTY BOARD MAY NOT RECEIVE FUNDING FROM THE STATE FOR
12 THE IMPLEMENTATION OF THE PROGRAM UNDER THIS SECTION UNLESS THE
13 COUNTY BOARD IMPLEMENTS A PROGRAM THAT MEETS THE REQUIREMENTS OF
14 THIS SUBTITLE.

15 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2023,
16 the State Department of Education shall:

17 (1) in coordination with the Maryland Department of Health, the health
18 occupations boards established under the Health Occupations Article, and other interested
19 stakeholders:

20 (i) study and make recommendations on credentials that may be
21 used as indicators for the following individuals to advance in the Student Health
22 Professional Retention Program established under Title 6, Subtitle 11 of the Education
23 Article, as enacted by Section 1 of this Act, either by adding to the levels established in the
24 Code or by establishing new levels:

- 25 1. occupational therapists;
- 26 2. physical therapists;
- 27 3. speech–language pathologists;
- 28 4. audiologists; and
- 29 5. nurses;

30 (ii) establish a plan for ensuring that all services provided by a
31 student health professional, as defined in § 6–1101 of the Education Article, as enacted by
32 Section 1 of this Act, in a public prekindergarten or public primary or secondary school are
33 billed to the Maryland Medical Assistance Program; and

1 (iii) evaluate whether billing health services to the Maryland Medical
2 Assistance Program under item (ii) of this item can be used to cover any costs of
3 implementing the Student Health Professional Retention Program; and

4 (2) report to the General Assembly, in accordance with § 2-1257 of the
5 State Government Article, on its findings, recommendations, and plan under item (1) of
6 this section.

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
8 1, 2022.