

HOUSE BILL 119

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3lr0901

(PRE-FILED)

By: **Delegate Atterbeary**

Requested: November 18, 2022

Introduced and read first time: January 11, 2023

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Primary and Secondary Education – Comprehensive Health Education**
3 **Framework – Established**

4 FOR the purpose of requiring the State Department of Education, in collaboration with the
5 Maryland Department of Health, to develop a comprehensive health education
6 framework; requiring each county board of education to create an age-appropriate
7 curriculum that is consistent with the comprehensive health education framework;
8 requiring each county board to establish a method by which a parent or guardian
9 may opt out of certain topics, subject to certain requirements; requiring each county
10 board to report each year to the State Department of Education on certain actions;
11 and generally relating to the establishment of a comprehensive health education
12 framework in public schools.

13 BY repealing and reenacting, with amendments,
14 Article – Education
15 Section 7-401
16 Annotated Code of Maryland
17 (2022 Replacement Volume)

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

20 **Article – Education**

21 7-401.

22 (a) With the assistance of the county health department, each county board shall
23 provide:

24 (1) Adequate school health services;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) Instruction in health education, including the importance of physical
2 activity in maintaining good health; and

3 (3) A healthful school environment.

4 (b) The Department [of Education] and the Maryland Department of Health
5 jointly shall:

6 (1) Develop public standards and guidelines for school health programs;
7 and

8 (2) Offer assistance to the county boards and county health departments
9 in their implementation.

10 (c) **(1) THE DEPARTMENT, IN CONSULTATION WITH THE MARYLAND**
11 **DEPARTMENT OF HEALTH, SHALL DEVELOP A COMPREHENSIVE HEALTH**
12 **EDUCATION FRAMEWORK.**

13 **(2) THE DEPARTMENT SHALL UPDATE THE COMPREHENSIVE**
14 **HEALTH EDUCATION FRAMEWORK IN THE MANNER AND AT THE TIME THE STATE**
15 **SUPERINTENDENT DETERMINES IS NECESSARY.**

16 **(3) THE COMPREHENSIVE HEALTH EDUCATION FRAMEWORK SHALL,**
17 **AT A MINIMUM, INCLUDE THE FOLLOWING TOPICS:**

18 **(I) HEALTH PROMOTION;**

19 **(II) MENTAL AND EMOTIONAL HEALTH;**

20 **(III) SUBSTANCE ABUSE PREVENTION;**

21 **(IV) FAMILY LIFE AND HUMAN SEXUALITY;**

22 **(V) GENDER IDENTITY AND SEXUAL ORIENTATION;**

23 **(VI) SAFETY AND VIOLENCE PREVENTION;**

24 **(VII) HEALTHY EATING; AND**

25 **(VIII) DISEASE PREVENTION AND CONTROL.**

26 **(4) (I) EACH COUNTY BOARD SHALL CREATE AN**
27 **AGE-APPROPRIATE CURRICULUM THAT IS CONSISTENT WITH THE COMPREHENSIVE**

1 **HEALTH EDUCATION FRAMEWORK.**

2 **(II) IN DEVELOPING A CURRICULUM UNDER THIS PARAGRAPH,**
3 **EACH COUNTY BOARD SHALL ESTABLISH A COMMITTEE COMPOSED OF EDUCATORS,**
4 **HEALTH EXPERTS, AND MEMBERS OF THE LOCAL COMMUNITY TO REVIEW AND**
5 **COMMENT ON WHETHER CURRICULUM MATERIALS ARE CONSISTENT WITH THE**
6 **COMPREHENSIVE HEALTH EDUCATION FRAMEWORK.**

7 **(5) (I) SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS**
8 **PARAGRAPH, EACH COUNTY BOARD SHALL ESTABLISH POLICIES, GUIDELINES, AND**
9 **PROCEDURES FOR A PARENT OR GUARDIAN TO OPT OUT OF THE FAMILY LIFE AND**
10 **HUMAN SEXUALITY OR THE GENDER IDENTITY AND SEXUAL ORIENTATION TOPICS**
11 **FOR THE PARENT OR GUARDIAN'S STUDENT IN EACH GRADE IN WHICH THOSE**
12 **TOPICS ARE TAUGHT.**

13 **(II) THE COUNTY BOARD MAY NOT AUTHORIZE A PARENT OR**
14 **GUARDIAN TO OPT THE PARENT OR GUARDIAN'S STUDENT OUT OF EDUCATION**
15 **RELATING TO HIV AND AIDS PREVENTION.**

16 **(III) EACH COUNTY BOARD SHALL IDENTIFY APPROPRIATE**
17 **ALTERNATIVE LEARNING OBJECTIVES AND MEASURABLE GOALS THAT MEET STATE**
18 **AND LOCAL HEALTH EDUCATION REQUIREMENTS FOR A STUDENT WHOSE PARENT**
19 **OR GUARDIAN HAS ELECTED TO OPT THE STUDENT OUT OF A PARTICULAR TOPIC**
20 **UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

21 **(6) ON OR BEFORE JUNE 15, 2024, AND EACH JUNE 15 THEREAFTER,**
22 **EACH COUNTY BOARD SHALL SUBMIT A REPORT TO THE DEPARTMENT DESCRIBING**
23 **THE ACTIONS TAKEN BY THE COUNTY BOARD TO COMPLY WITH THE REQUIREMENTS**
24 **IN PARAGRAPHS (4) AND (5) OF THIS SUBSECTION.**

25 **(D) (1) (i) Each county board shall designate a school health services**
26 **program coordinator.**

27 **(ii) A county board may authorize the county health department to**
28 **designate the school health services program coordinator.**

29 **(2) The school health services program coordinator shall:**

30 **(i) Implement State and local health policies in the public schools;**

31 **(ii) Ensure that public schools adhere to local health services**
32 **guidelines; and**

33 **(iii) Communicate State and local health policies to the parents and**

1 guardians of public school students.

2 (3) (i) Except as provided in subparagraph (ii) of this paragraph, the
3 county board shall grant the school health services program coordinator the authority to
4 carry out the provisions of this subsection.

5 (ii) The county board shall consult with a county superintendent
6 before any change in the hiring or termination of personnel in connection with a school
7 health services program.

8 (4) The Department of Education shall conduct at least two meetings
9 annually with all school health services program coordinators in the State.

10 **[(d)] (E)** On or before December 1, 2015, and every 5 years thereafter, the
11 Department shall report to the Governor and, subject to § 2–1257 of the State Government
12 Article, to the General Assembly a summary of the information reported to the State
13 Superintendent during the COMAR certification process.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
15 1, 2023.