

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 543
Ways and Means
(Delegate Taveras)

**County Boards of Education - Substance Abuse Treatment - Student Information
Disclosure Policy**

This bill requires each local board of education to establish a policy to authorize the disclosure of a student’s “directory information” or “personally identifiable information” for the purpose of substance abuse treatment for a student. The bill authorizes a student’s directory information to be disclosed by a public school to a detoxification center or a hospital for the purpose of substance abuse treatment if the student consents to such treatment, unless a parent or guardian opts out via a specified process. A student’s personally identifiable information must be disclosed by a public school to a detoxification center or a hospital for the purpose of substance abuse treatment if the student is experiencing a health emergency event, as specified, and the disclosure is necessary to protect the health and safety of the student. **The bill takes effect July 1, 2025.**

Fiscal Summary

State Effect: None. The bill only affects local boards of education and school systems.

Local Effect: Local school systems can update policies and procedures on the disclosure of directory information and personally identifiable information with existing budgeted resources. Revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary: “Directory information” means an individual’s name, address, telephone number, date and place of birth, and dates of attendance. “Personally identifiable

information” means any information that can be used to identify a particular individual, including the individual’s name, Social Security number, date and place of birth, parent’s or guardian’s information, and health records.

The policy established in accordance with the bill must provide notice to parents or guardians of students in the local school system that (1) a public school may disclose a student’s directory information to a detoxification center or hospital for the purpose of substance abuse treatment of a student under specified circumstances and (2) a parent or guardian of a student may opt out of such disclosure and include the process for opting out.

Current Law:

Consent by Minors

A minor has the same capacity as an adult to consent to medical or dental treatment if the minor is (1) married; (2) the parent of a child; or (3) living separate and apart from the minor’s parent(s) or guardian and self-supporting.

A minor has the same capacity as an adult to consent to (1) treatment for or advice about venereal disease, pregnancy, contraception other than sterilization, drug abuse, and alcoholism; (2) physical examination and treatment of injuries from, or to obtain evidence of, an alleged rape or sexual offense; (3) initial medical screening and physical examination on and after admission of the minor into a detention center; and (4) treatment for the prevention of human immunodeficiency virus.

A minor also has the same capacity as an adult to consent to medical treatment if, in the judgment of the attending physician, the life or health of the minor would be affected adversely by a delay of treatment to obtain another individual’s consent. A licensed health care practitioner who treats a minor is not liable for civil damages or subject to any criminal or disciplinary penalty solely because the minor did not have capacity to consent.

Without the consent of or over the express objection of a minor, a licensed health care practitioner is authorized (but not required) to give certain information regarding treatment (except for information about an abortion) to a minor’s parent, step-parent, guardian, or custodian.

Family Educational Rights and Privacy Act

At the federal level, the Family Educational Rights and Privacy Act (FERPA) of 1974 governs the privacy of student data. FERPA generally prohibits the disclosure by schools that receive federal education funding of personally identifiable information from a student’s education record, unless the educational institution has obtained signed and dated

written consent from a parent or eligible student or one of FERPA's exceptions applies. An education record includes a range of information about a student.

Federal regulations (34 CFR 99.36) specifically authorize an institution to disclose personally identifiable information from an education record to appropriate parties, including parents of an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. Additionally, federal regulations (34 CFR 99.37) authorize disclosure of a student's directory information if the institution gave prior public notice to the student's parent or guardian that the school discloses directory information and gave the parent an opportunity to opt out.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland State Department of Education; Maryland Department of Health; Maryland Association of County Health Officers; Baltimore City Public Schools; Anne Arundel County Public Schools; Montgomery County Public Schools; Prince George's County Public Schools; Wicomico County Public Schools; St. Mary's County Public Schools; Department of Legislative Services

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rh/jc

Analysis by: Michael E. Sousane

Direct Inquiries to:
(410) 946-5510
(301) 970-5510