

HOUSE BILL 798

F1, J1

8lr2243

By: **Delegates Kittleman, Barkley, Hill, Metzgar, Pena–Melnyk, Rose, Sample–Hughes, Shoemaker, Valentino–Smith, and K. Young**

Introduced and read first time: February 1, 2018

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Visual Impairments – Requirements for Student Screening**

3 FOR the purpose of requiring a vision screening provided to certain students in public
4 schools to include the administration of a screening for certain visual impairments;
5 requiring screenings to be given in certain years to certain students unless evidence
6 is presented that the student has been tested by certain doctors or screened for the
7 symptoms of certain visual impairments; requiring the results of a certain screening
8 for vision impairments to be made part of a certain record, given to the parents or
9 guardians of certain students with certain educational materials, and reported to
10 certain entities; requiring that a specific notice be sent to the parents or guardians
11 of certain students who fail a certain screening; repealing a requirement that a
12 parent or guardian report, on a certain form, to certain entities on the recommended
13 services received by a student; requiring the county board of education or the county
14 health department to report to the Maryland Department of Health the results of
15 screenings for visual impairments; exempting a student whose parent or guardian
16 objects to a certain vision screening on certain grounds from taking the screening;
17 and generally relating to student screening requirements for visual impairments.

18 BY repealing and reenacting, with amendments,
19 Article – Education
20 Section 7–404
21 Annotated Code of Maryland
22 (2014 Replacement Volume and 2017 Supplement)

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

25 **Article – Education**

26 7–404.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) **(I)** Each county board or county health department shall provide
2 hearing and vision screenings for all students in the public schools.

3 **(II) 1. A VISION SCREENING SHALL INCLUDE THE**
4 **ADMINISTRATION OF A SCREENING THAT IS DESIGNED TO DETECT VISUAL**
5 **IMPAIRMENTS.**

6 **2. A SCREENING FOR VISUAL IMPAIRMENTS SHALL**
7 **INCLUDE, AT A MINIMUM, SCREENING FOR SYMPTOMS OF THE FOLLOWING VISION**
8 **DISORDERS:**

9 **A. ACCOMMODATIVE DYSFUNCTION;**

10 **B. AMBLYOPIA;**

11 **C. ANISOCORIA;**

12 **D. ANISOMETROPIA;**

13 **E. ASTIGMATISM;**

14 **F. CONVERGENCE INSUFFICIENCY;**

15 **G. HYPEROPIA;**

16 **H. MYOPIA;**

17 **I. NYSTAGMUS;**

18 **J. OCULOMOTOR DYSFUNCTION; AND**

19 **K. STRABISMUS.**

20 (2) Each county health department shall provide and fund hearing and
21 vision screenings for all students:

22 (i) In any private school that has received a certificate of approval
23 under § 2–206 of this article; and

24 (ii) In any nonpublic educational facility in this State approved as a
25 special education facility by the Department.

26 (b) (1) Unless evidence is presented that a student has been tested **BY AN**
27 **OPTOMETRIST OR OPHTHALMOLOGIST OR SCREENED FOR VISUAL IMPAIRMENTS**

1 UNDER SUBSECTION (A)(1)(II)2 OF THIS SECTION within the past year, the screenings
2 required under subsection (a) of this section shall be given in the year that a student enters
3 a school system, enters the first grade, and enters the eighth or ninth grade.

4 (2) Further screening shall be done in accordance with:

5 (i) The bylaws adopted by the State Board; or

6 (ii) Policies adopted by a county board or a county health
7 department.

8 (c) (1) The results of the hearing and vision screenings AND SCREENING FOR
9 VISUAL IMPAIRMENTS required by this section shall be:

10 [(1)] (I) Made a part of the permanent record file of each student;

11 [(2)] (II) Given to the parents OR GUARDIANS of [any] EACH student
12 [who fails the screenings], WITH EDUCATIONAL MATERIALS THAT INCLUDE THE
13 FOLLOWING:

14 1. A DISCLAIMER THAT A VISION SCREENING IS NOT A
15 SUBSTITUTE FOR A COMPREHENSIVE EYE EXAM PERFORMED BY AN OPTOMETRIST
16 OR OPHTHALMOLOGIST;

17 2. AN OVERVIEW OF VISUAL IMPAIRMENTS AND AN
18 EXPLANATION OF THE POTENTIAL EDUCATIONAL IMPACT OF UNTREATED VISUAL
19 IMPAIRMENTS; AND

20 3. A LIST OF AT-RISK GROUPS THAT ARE ENCOURAGED
21 TO HAVE A COMPREHENSIVE EYE EXAMINATION BY AN OPTOMETRIST OR
22 OPHTHALMOLOGIST; and

23 [(3)] (III) Reported to the county board or the county health department.

24 (2) A SEPARATE LETTER SHALL BE SENT TO THE PARENTS OR
25 GUARDIANS OF A STUDENT WHO FAILS THE SCREENING FOR VISUAL IMPAIRMENTS
26 THAT INCLUDES:

27 (I) NOTICE THAT THE RESULTS OF THE SCREENING INDICATE
28 THAT THE STUDENT MAY HAVE A VISION DISORDER;

29 (II) A DETAILED SUMMARY OF THE POTENTIAL VISION
30 DISORDER THAT THE STUDENT MAY HAVE AND AN EXPLANATION OF THE IMPACT
31 THE VISION DISORDER MAY HAVE ON THE STUDENT'S EDUCATIONAL

1 **PERFORMANCE;**

2 **(III) NOTICE THAT THERE ARE TREATMENTS FOR VISION**
3 **DISORDERS;**

4 **(IV) A RECOMMENDATION TO THE PARENT OR GUARDIAN THAT**
5 **THE STUDENT BE TESTED BY AN OPTOMETRIST OR OPHTHALMOLOGIST; AND**

6 **(V) GENERAL INSTRUCTIONS ON WHERE AND HOW PARENTS**
7 **AND GUARDIANS CAN GET MORE INFORMATION.**

8 [(d) On a form provided by the county board or the county health department, a
9 parent or guardian shall report to the county board or the county health department on the
10 recommended services received by a student who failed the screenings.]

11 [(e) (D) The county board or the county health department shall report to the
12 Maryland Department of Health the results of the hearing and vision screenings **AND**
13 **SCREENINGS FOR VISUAL IMPAIRMENTS** and, to the extent practicable, the number of
14 students receiving the recommended services.

15 [(f) (E) In cooperation with the Maryland Department of Health, the
16 Department of Education shall adopt standards, rules, and regulations to carry out the
17 provisions of this section.

18 [(g) (F) A student whose parent or guardian objects in writing to hearing and
19 vision screening **OR A SCREENING FOR VISUAL IMPAIRMENTS** on the ground that it
20 conflicts with the tenets and practice of a recognized church or religious denomination of
21 which he is an adherent or member may not be required to take these screenings.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
23 1, 2018.