

Department of Legislative Services  
 Maryland General Assembly  
 2019 Session

FISCAL AND POLICY NOTE  
 First Reader

House Bill 1242 (Delegate Hill, *et al.*)

Ways and Means and Health and  
 Government Operations

Public School Students - Vision Services and the Vision for Maryland Program

This bill establishes the Vision for Maryland Program in the Maryland Department of Health (MDH) to provide eye examinations and (if necessary) eyeglasses to public school students who fail the required vision screening. The program must submit an annual report to specified committees of the General Assembly. Additionally, local boards of education and local health departments (LHDs) must provide eye examinations for specified students. **The bill takes effect July 1, 2019.**

Fiscal Summary

**State Effect:** General fund expenditures increase, likely by *at least* \$2.2 million in FY 2020 for staff and to provide eye examinations and eyeglasses to eligible students. Future years reflect ongoing costs. Revenues are likely not affected.

(\$ in millions)	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	2.2	2.2	2.2	2.2	2.2
Net Effect	(\$2.2)	(\$2.2)	(\$2.2)	(\$2.2)	(\$2.2)

*Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** Expenditures for local boards of education and LHDs increase significantly beginning in FY 2020 to provide eye examinations for eligible students. Local revenues are not affected. **This bill imposes a mandate on a unit of local government.**

**Small Business Effect:** Potential minimal.

## Analysis

**Bill Summary:** MDH must carry out the Vision for Maryland Program in consultation with Johns Hopkins University, local boards of education, and LHDs.

The program must provide eye examinations to students who fail the required vision screening and eyeglasses if determined necessary by the examination. These services must be provided (1) at no cost to the student or the student's parent or legal guardian; (2) on the premises of the school in which the student is enrolled; and (3) after the program receives written consent for the examination from the student's parent or legal guardian.

The program may receive funding from (1) State appropriations; (2) grants or other assistance from local education agencies and institutions of higher education; (3) federal grants; and (4) any other grants or contributions from public or private entities. The program must report on the number of students who received eye examinations or eyeglasses in the immediately preceding calendar year to specified committees of the General Assembly by January 1, 2021, and annually thereafter.

If a student fails the required vision screening, the student's parents or guardians received notice, and the student did not receive recommended services, each local board of education must coordinate with the Vision for Maryland Program to ensure the student receives an eye examination and, if necessary, eyeglasses.

Each local board of education or LHD must provide an eye examination for a student in a public school who:

- has an individualized education program (IEP) or a 504 plan when (1) the program or plan is established or (2) the parent or legal guardian notifies the school that there is a specified change to the student's medical history;
- is identified as having problem behavior and is in need of a behavior intervention plan; or
- is not demonstrating grade-appropriate skill and content mastery and whose academic performance continues to decline despite intervention by the school.

## **Current Law:**

### *Required Hearing and Vision Screenings*

Each local board of education or LHD must provide hearing and vision screenings for all students in local public schools, and each LHD must provide and fund the screenings for private and nonpublic schools in the jurisdiction. Unless evidence is presented that a student has been tested within the past year, the screenings must take place in the years that a child enters a school system, enters the first grade, and enters the eighth or ninth grade. Further screenings must be done in accordance with the bylaws adopted by the State Board of Education or policies adopted by a local board of education or LHD. A student whose parent or guardian objects in writing to a hearing or vision screening on religious grounds may not be required to take the screening.

Results of screenings go in each child's permanent record and are reported to the local board of education or LHD. Additionally, the parents or guardians of each student must be provided with the results of the hearing and vision screenings, regardless of whether the student passes or fails the screenings, as well as educational materials that include (1) a disclaimer that a vision screening is not a substitute for a comprehensive eye examination; (2) an overview of visual impairments and an explanation of the potential educational impact of untreated visual impairments; and (3) a list of at-risk groups that are encouraged to have a comprehensive eye examination.

Additional information must be provided to the parents or guardians of a student who fails the vision screening that includes (1) notice that the results of the screening indicate that the student may have a vision disorder; (2) a recommendation that the student be tested by an optometrist or an ophthalmologist; (3) a description of the warning signs, symptoms, risk factors, and behavioral problems associated with vision disorders or eye conditions; (4) a description of the difference between eye examinations and vision screenings; (5) information on how to enroll in Medicaid; and (6) information on locally available free or low-cost programs that provide eye examinations and eyeglasses for children, if any.

The parent or guardian of a student who does not pass a screening must report on the recommended services received by the student, and the report must be submitted on a form provided by the local board of education or LHD. The local board of education or LHD must report the results of screenings and the number of students receiving recommended services to MDH. MDH is required to (1) review hearing and vision screening reports from local boards of education and LHDs and (2) in counties where fewer than 50% of students who have failed the screenings are receiving recommended services, coordinate with the local board of education or LHD to implement measures to improve the number of students receiving the recommended services.

## *Individualized Education Programs*

The federal Individuals with Disabilities Education Act (IDEA) requires that a child with disabilities be provided a free appropriate public education in the least restrictive environment from birth through the end of the school year in which the student turns 21 years old, in accordance with an individualized family service plan (IFSP) or IEP specific to the individual needs of the child. An IFSP is for children with disabilities from birth up to age 3, and up to age 5 under Maryland's Extended IFSP Option if a parent chooses the option. An IEP is for students with disabilities age 3 through 21. Local school systems are required to make a free appropriate public education available to students with disabilities from age 3 through 21. However, the State, under its supervisory authority required by IDEA, has the ultimate responsibility for ensuring that this obligation is met.

### *504 Plans*

Under [Section 504 of the federal Rehabilitation Act of 1973](#), an organization that receives federal money, including public and many private schools, may not discriminate against a person on the basis of a disability. Section 504 requires schools to make a “reasonable accommodation” for students with disabilities to allow them to participate in school and school-related activities. Section 504 plans can be created to help students with disabilities receive accommodations that are not covered by their IEP. Students with disabilities who do not need an IEP may still receive accommodations through a Section 504 plan.

For example, a student who has diabetes may have a Section 504 plan that includes a schedule for getting medication. A student who uses a wheelchair may have a Section 504 plan that provides for special transportation during field trips.

### *Behavior Intervention Plans*

A “behavior intervention plan” is a proactive plan designed to address problem behavior exhibited by a student in the education setting through the use of positive behavioral interventions, strategies, and supports.

**Background:** Vision screenings are provided by either the local board of education or LHD, depending on the jurisdiction. LHDs conduct screenings in all but four jurisdictions. In one jurisdiction, the local school system contracts with a local hospital to perform the screenings. Vision screenings test for myopia, color vision, and depth perception. These routine screenings do not test all visual skills or for symptoms of visual disorders.

The American Academy of Ophthalmology (AAO) [advises](#) that good vision is key to a child's physical development, success in school, and overall well-being. The vision system is not fully formed in babies and young children, and equal input from both eyes is

necessary for the brain's vision centers to develop normally. If a young child's eyes cannot send clear images to the brain, his or her vision may become limited in ways that cannot be corrected later in life. However, if problems are detected early, it is usually possible to treat them effectively. AAO [notes](#) that some symptoms of vision problems are not obvious. For example, a vision problem could result in a child having a short attention span, losing his or her place when reading, avoiding reading and other close activities, and turning his or her head to the side.

Vision for Baltimore is a partnership between the Baltimore City Health Department (BCHD), Johns Hopkins University, Vision to Learn (VTL), and Warby Parker. For students who do not pass the vision screenings provided by BCHD, the program provides, with the consent of a parent or guardian, an eye examination in VTL's mobile vision clinic, which goes to the school. Students who need eyeglasses pick the style and color of their frames in the mobile clinic. The eyeglasses are manufactured by eyewear provider Warby Parker and delivered to students in their schools. All services are available regardless of ability to pay, and parents are not charged.

**State Expenditures:** General fund expenditures increase, likely by at least \$2,231,889 in fiscal 2020 to pay for eye examinations and eyeglasses for eligible students, and for MDH administrative costs, as discussed below.

#### *Costs to Provide Eye Examinations and Eyeglasses for Eligible Students*

Under the bill, the Vision for Maryland Program must provide eye examinations to specified students who fail required vision screenings, and eyeglasses, if necessary, at no costs to the student or the student's parent or guardian. The cost of these examinations and eyeglasses are estimated to be at least \$2.0 million. This estimate is based on the following information and assumptions:

- During the 2017-2018 school year, 38,628 students failed a vision screening.
- At least one-third of these students (12,876) will require an eye examination and eyeglasses under the bill.
- Based on several Medicaid billing codes, the cost of one eye examination, frames, and lenses is approximately \$141.08.
- General funds are used to pay for the eye examinations and eyeglasses.

This estimate does not reflect any additional costs associated with providing the examinations on the premises of the school where the student is enrolled as required under

the bill. To the extent that MDH must purchase equipment or mobile units, expenditures increase by significantly more in fiscal 2020 with ongoing maintenance costs in future years. However, some nonprofit organizations provide mobile examinations; therefore, MDH may not need to purchase such equipment.

*Maryland Department of Health Administrative Expenditures*

General fund expenditures increase by \$231,889 in fiscal 2020 for MDH administrative expenditures, which accounts for the bill's July 1, 2019 effective date. This estimate reflects the cost to hire three full-time permanent employees: one program manager, one coordinator of special programs, and one epidemiologist to (1) coordinate with Johns Hopkins University, local boards of education, and LHDs to identify eligible students; (2) manage program finances and maximize existing available services; and (3) track services provided, evaluate program effectiveness, and prepare the required annual report. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Positions	3.0
Salaries and Fringe Benefits	\$215,344
Operating Expenses	<u>16,545</u>
<b>Total FY 2020 MDH Administrative Costs</b>	<b>\$231,889</b>

Future year expenditures reflect full salaries with annual increases and employee turnover and ongoing operating expenses.

To the extent MDH obtains grants, other assistance from local education agencies and institutions of higher education, or any other grants or contributions to fund the program, general fund expenditures are reduced accordingly.

**Local Expenditures:** Some LHDs and local boards of education already provide vision services for students. For example, as mentioned above, Baltimore City has the Vision for Baltimore program, which the Baltimore City Public Schools advises exceeds the standards set forth under the bill.

However, many LHDs and local boards of education only provide vision screenings, not eye examinations. For any county that does not provide eye examinations, expenditures increase, potentially significantly.

Under the bill, each local board of education or LHD must provide an eye examination for each student who has an IEP or a 504 plan when the program or plan is established or the parent or legal guardian notifies the school that there is a specified change to the student's medical history, as well as students in need of a behavior intervention plan, and specified

students who are not demonstrating grade-appropriate skill and content mastery. Since the bill does not require the Maryland Vision Program to pay for these examinations, this estimate assumes that local boards of education and LHDs bear the costs to provide the required eye examinations.

*For illustrative purposes only*, local expenditures increase by at least \$903,840 annually, beginning in fiscal 2020 to provide eye examinations to eligible students. This estimate is based on the following information and assumptions:

- Although not specified, it is assumed that these examinations are provided free of charge to eligible students.
- Based on several Medicaid billing codes, an eye examination costs approximately \$86.08.
- According to the Maryland State Department of Education's 2018 *Maryland Report Card*, there were approximately 33,000 students with 504 plans, and 103,300 students with IEPs in 2018.
- The bill does not require an initial examination for *all* 136,300 students with an IEP or 504 plan in the first year, but rather only when the IEP or 504 plan is established or the school is notified of a specified change in the student's medical history.
- Assuming an estimated 1/13 of IEPs and 504 plans are established annually, local boards of education and LHDs must provide an eye examination to approximately 10,500 students each year.
- This estimate does not reflect the number of students who have been identified as needing a behavior intervention plan or the number of students who are not demonstrating grade-appropriate skill and content mastery and whose academic performance continues to decline despite intervention by the school, as this information is unknown.
- This estimate also does not account for eligible students who attend school in a jurisdiction that already provides eye examinations, as this information is unknown.

The bill also likely results in increased administrative costs for local boards of education and LHDs to coordinate with MDH to provide the required services under the bill.

## **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 915 (Senators Lam and Young) - Education, Health, and Environmental Affairs.

**Information Source(s):** Maryland Association of County Health Officers; Maryland Association of Counties; Maryland State Department of Education; Baltimore City Community College; University System of Maryland; Morgan State University; Maryland Department of Health; Baltimore City Public Schools; Anne Arundel County Public Schools; Montgomery County Public Schools; American Academy of Ophthalmology; U.S. Centers for Disease Control and Prevention; Department of Legislative Services

**Fiscal Note History:** First Reader - March 6, 2019  
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Analysis by: Kathleen P. Kennedy

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