

# HOUSE BILL 1242

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By: **Delegates Hill, Atterbeary, Bridges, Feldmark, Guyton, Haynes, Jalisi, Jones, J. Lewis, Luedtke, Moon, Pendergrass, Qi, Smith, Sydnor, Terrasa, Turner, and Wilson**

Introduced and read first time: February 8, 2019

Assigned to: Ways and Means and Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public School Students – Vision Services and the Vision for Maryland Program**

3 FOR the purpose of requiring each county board of education to coordinate with the Vision  
4 for Maryland Program to ensure that certain students are able to receive eye  
5 examinations and, if necessary, eyeglasses; requiring each county board or county  
6 health department to provide eye examinations for certain students; establishing the  
7 Vision for Maryland Program; requiring the Maryland Department of Health to carry  
8 out the Program in consultation with certain entities; requiring the Program to  
9 provide eye examinations and eyeglasses to certain students under certain  
10 circumstances; requiring certain services to be provided in a certain manner;  
11 authorizing the Program to receive funding from certain sources; requiring the  
12 Program to report certain information to certain committees of the General Assembly  
13 on or before a certain date each year; and generally relating to vision services for  
14 students in public schools.

15 BY repealing and reenacting, with amendments,  
16 Article – Education  
17 Section 7–404  
18 Annotated Code of Maryland  
19 (2018 Replacement Volume and 2018 Supplement)

20 BY adding to  
21 Article – Health – General  
22 Section 13–3901 to be under the new subtitle “Subtitle 39. Vision for Maryland  
23 Program”  
24 Annotated Code of Maryland  
25 (2015 Replacement Volume and 2018 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Education**

4 7–404.

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

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

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

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

13 (b) (1) Unless evidence is presented that a student has been tested by an  
14 optometrist or ophthalmologist within the past year, the screenings required under  
15 subsection (a) of this section shall be given in the year that a student enters a school system,  
16 enters the first grade, and enters the eighth or ninth grade.

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

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

19 (ii) Policies adopted by a county board or a county health  
20 department.

21 (c) (1) The results of the hearing and vision screenings required by this section  
22 shall be:

23 (i) Made a part of the permanent record file of each student;

24 (ii) Given to the parents or guardians of each student, with  
25 educational materials that include the following:

26 1. A disclaimer that a vision screening is not a substitute for  
27 a comprehensive eye exam performed by an optometrist or ophthalmologist;

28 2. An overview of visual impairments and an explanation of  
29 the potential educational impact of untreated visual impairments; and

30 3. A list of at-risk groups that are encouraged to have a  
31 comprehensive eye examination by an optometrist or ophthalmologist; and

1 (iii) Reported to the county board or the county health department.

2 (2) Additional information shall be provided to the parents or guardians of  
3 a student who fails the vision screening that includes:

4 (i) Notice that the results of the screening indicate that the student  
5 may have a vision disorder;

6 (ii) A recommendation to the parent or guardian that the student be  
7 tested by an optometrist or ophthalmologist;

8 (iii) A description of the warning signs, symptoms, risk factors, and  
9 behavioral problems associated with vision disorders or eye conditions;

10 (iv) A description of the difference between eye examinations and the  
11 vision screenings required under this section;

12 (v) Information on how to enroll in the Maryland Medical Assistance  
13 Program; and

14 (vi) Information on locally available free or low-cost nonprofit  
15 programs that provide eye examinations and eyeglasses for children, if any.

16 **(D) EACH COUNTY BOARD SHALL COORDINATE WITH THE VISION FOR**  
17 **MARYLAND PROGRAM UNDER § 13-3901 OF THE HEALTH – GENERAL ARTICLE TO**  
18 **ENSURE THAT THE FOLLOWING STUDENTS ARE ABLE TO RECEIVE AN EYE**  
19 **EXAMINATION AND, IF NECESSARY, EYEGLASSES:**

20 **(1) STUDENTS WHO FAILED THE VISION SCREENING REQUIRED**  
21 **UNDER THIS SECTION;**

22 **(2) STUDENTS WHOSE PARENTS OR GUARDIANS RECEIVED THE**  
23 **NOTICE REQUIRED UNDER SUBSECTION (C) OF THIS SECTION; AND**

24 **(3) STUDENTS WHO DID NOT RECEIVE THE RECOMMENDED**  
25 **SERVICES.**

26 **(E) EACH COUNTY BOARD OR COUNTY HEALTH DEPARTMENT SHALL**  
27 **PROVIDE AN EYE EXAMINATION FOR A STUDENT IN A PUBLIC SCHOOL WHO:**

28 **(1) HAS AN INDIVIDUALIZED EDUCATION PROGRAM, AS DEFINED IN §**  
29 **8-408 OF THIS ARTICLE, OR A 504 PLAN, AS PROVIDED UNDER THE FEDERAL**  
30 **REHABILITATION ACT OF 1973, WHEN:**

1                   **(I) THE PROGRAM OR PLAN FOR THE STUDENT IS**  
2 **ESTABLISHED; OR**

3                   **(II) THE PARENT OR LEGAL GUARDIAN NOTIFIES THE SCHOOL**  
4 **THAT THERE IS A CHANGE TO THE STUDENT'S MEDICAL HISTORY THAT IS EXPECTED**  
5 **TO:**

6                   1.     **AFFECT THE STUDENT FOR MORE THAN 2 WEEKS; AND**

7                   2.     **ABSENT INTERVENTION, NEGATIVELY IMPACT FOR**  
8 **AN EXTENDED PERIOD OF TIME THE STUDENT'S:**

9                   A.     **ACADEMIC PERFORMANCE;**

10                  B.     **SOCIAL INTERACTIONS; OR**

11                  C.     **ABILITY TO MEET SCHOOL EXPECTATIONS OR**  
12 **REQUIREMENTS;**

13                  **(2) IS IDENTIFIED AS HAVING PROBLEM BEHAVIOR AND IN NEED OF A**  
14 **BEHAVIOR INTERVENTION PLAN, AS DEFINED IN § 7-1101 OF THIS TITLE; OR**

15                  **(3) IS NOT DEMONSTRATING GRADE-APPROPRIATE SKILL AND**  
16 **CONTENT MASTERY AND WHOSE ACADEMIC PERFORMANCE CONTINUES TO DECLINE**  
17 **DESPITE INTERVENTION BY THE SCHOOL.**

18           **[(d)] (F)**     On a form provided by the county board or the county health  
19 department, a parent or guardian shall report to the county board or the county health  
20 department on the recommended services received by a student who failed the screenings.

21           **[(e)] (G)**     (1)     The county board or the county health department shall report  
22 to the Maryland Department of Health:

23                   (i)     The results of the hearing and vision screenings; and

24                   (ii)    To the extent practicable, the number of students receiving the  
25 recommended services.

26                  (2)     The Maryland Department of Health shall:

27                   (i)     Review the reports submitted under this subsection; and

28                   (ii)    In counties where fewer than 50% of students who have failed  
29 the screenings are receiving the recommended services, coordinate with the county board

1 or the county health department to implement measures to improve the number of students  
2 receiving the recommended services.

3 **[(f)] (H)** In cooperation with the Maryland Department of Health, the  
4 Department of Education shall adopt standards, rules, and regulations to carry out the  
5 provisions of this section.

6 **[(g)] (I)** A student whose parent or guardian objects in writing to hearing and  
7 vision screening on the ground that it conflicts with the tenets and practice of a recognized  
8 church or religious denomination of which he is an adherent or member may not be required  
9 to take these screenings.

## 10 **Article – Health – General**

### 11 **SUBTITLE 39. VISION FOR MARYLAND PROGRAM.**

#### 12 **13-3901.**

13 **(A) THERE IS A VISION FOR MARYLAND PROGRAM.**

14 **(B) THE DEPARTMENT SHALL CARRY OUT THE PROGRAM IN**  
15 **CONSULTATION WITH:**

16 **(1) JOHNS HOPKINS UNIVERSITY;**

17 **(2) COUNTY BOARDS OF EDUCATION; AND**

18 **(3) LOCAL HEALTH DEPARTMENTS.**

19 **(C) (1) THE PROGRAM SHALL PROVIDE:**

20 **(i) EYE EXAMINATIONS TO PUBLIC SCHOOL STUDENTS WHO**  
21 **FAIL THE VISION SCREENING REQUIRED UNDER § 7-404 OF THE EDUCATION**  
22 **ARTICLE; AND**

23 **(ii) EYEGASSES, IF DETERMINED NECESSARY BY THE RESULTS**  
24 **OF THE EYE EXAMINATION UNDER ITEM (i) OF THIS PARAGRAPH.**

25 **(2) THE SERVICES PROVIDED UNDER PARAGRAPH (1) OF THIS**  
26 **SUBSECTION SHALL BE PROVIDED:**

27 **(i) AT NO COST TO THE STUDENT OR THE STUDENT'S PARENT**  
28 **OR LEGAL GUARDIAN;**

1                           **(II) ON THE PREMISES OF THE SCHOOL IN WHICH THE STUDENT**  
2 **IS ENROLLED; AND**

3                           **(III) AFTER THE PROGRAM RECEIVES WRITTEN CONSENT FOR**  
4 **THE EXAM FROM THE STUDENT'S PARENT OR LEGAL GUARDIAN.**

5           **(D) THE PROGRAM MAY RECEIVE FUNDING FROM THE FOLLOWING**  
6 **SOURCES:**

7                   **(1) STATE APPROPRIATIONS;**

8                   **(2) GRANTS OR OTHER ASSISTANCE FROM LOCAL EDUCATION**  
9 **AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION;**

10                   **(3) FEDERAL GRANTS; AND**

11                   **(4) ANY OTHER GRANTS OR CONTRIBUTIONS FROM PUBLIC OR**  
12 **PRIVATE ENTITIES.**

13           **(E) ON OR BEFORE JANUARY 1, 2021, AND EACH JANUARY 1 THEREAFTER,**  
14 **THE PROGRAM SHALL REPORT ON THE NUMBER OF STUDENTS WHO RECEIVED EYE**  
15 **EXAMINATIONS OR EYEGASSES IN THE IMMEDIATELY PRECEDING CALENDAR YEAR**  
16 **TO THE SENATE FINANCE COMMITTEE AND HOUSE HEALTH AND GOVERNMENT**  
17 **OPERATIONS COMMITTEE, IN ACCORDANCE WITH § 2-1246 OF THE STATE**  
18 **GOVERNMENT ARTICLE.**

19           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
20 1, 2019.