

HOUSE BILL 1242

F1, J1

9lr1086
CF SB 915

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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2019

CHAPTER _____

1 AN ACT concerning

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

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

19 ~~BY repealing and reenacting, with amendments,~~
20 ~~Article – Education~~
21 ~~Section 7-404~~
22 ~~Annotated Code of Maryland~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~(2018 Replacement Volume and 2018 Supplement)~~

~~BY adding to~~

~~Article — Health — General~~

~~Section 13-3901 to be under the new subtitle “Subtitle 39. Vision for Maryland Program”~~

~~Annotated Code of Maryland~~

~~(2015 Replacement Volume and 2018 Supplement)~~

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

~~Article — Education~~

~~7-404.~~

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

~~(2) Each county health department shall provide and fund hearing and vision screenings for all students.~~

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

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

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

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

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

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

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

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

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

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

3 ~~2. An overview of visual impairments and an explanation of~~
4 ~~the potential educational impact of untreated visual impairments; and~~

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

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

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

10 ~~(i) Notice that the results of the screening indicate that the student~~
11 ~~may have a vision disorder;~~

12 ~~(ii) A recommendation to the parent or guardian that the student be~~
13 ~~tested by an optometrist or ophthalmologist;~~

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

16 ~~(iv) A description of the difference between eye examinations and the~~
17 ~~vision screenings required under this section;~~

18 ~~(v) Information on how to enroll in the Maryland Medical Assistance~~
19 ~~Program; and~~

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

22 ~~(D) EACH COUNTY BOARD SHALL COORDINATE WITH THE VISION FOR~~
23 ~~MARYLAND PROGRAM UNDER § 13-3901 OF THE HEALTH GENERAL ARTICLE TO~~
24 ~~ENSURE THAT THE FOLLOWING STUDENTS ARE ABLE TO RECEIVE AN EYE~~
25 ~~EXAMINATION AND, IF NECESSARY, EYEGLASSES:~~

26 ~~(1) STUDENTS WHO FAILED THE VISION SCREENING REQUIRED~~
27 ~~UNDER THIS SECTION;~~

28 ~~(2) STUDENTS WHOSE PARENTS OR GUARDIANS RECEIVED THE~~
29 ~~NOTICE REQUIRED UNDER SUBSECTION (C) OF THIS SECTION; AND~~

30 ~~(3) STUDENTS WHO DID NOT RECEIVE THE RECOMMENDED~~
31 ~~SERVICES.~~

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

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

~~(i) THE PROGRAM OR PLAN FOR THE STUDENT IS ESTABLISHED; OR~~

~~(ii) THE PARENT OR LEGAL GUARDIAN NOTIFIES THE SCHOOL THAT THERE IS A CHANGE TO THE STUDENT'S MEDICAL HISTORY THAT IS EXPECTED TO:~~

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

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

~~A. ACADEMIC PERFORMANCE;~~

~~B. SOCIAL INTERACTIONS; OR~~

~~C. ABILITY TO MEET SCHOOL EXPECTATIONS OR REQUIREMENTS;~~

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

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

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

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

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

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

1 ~~(2) The Maryland Department of Health shall:~~

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

3 ~~(ii) In counties where fewer than 50% of students who have failed~~
 4 ~~the screenings are receiving the recommended services, coordinate with the county board~~
 5 ~~or the county health department to implement measures to improve the number of students~~
 6 ~~receiving the recommended services.~~

7 ~~[(f)] (H) In cooperation with the Maryland Department of Health, the~~
 8 ~~Department of Education shall adopt standards, rules, and regulations to carry out the~~
 9 ~~provisions of this section.~~

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

14 ~~Article Health General~~

15 ~~SUBTITLE 39. VISION FOR MARYLAND PROGRAM.~~

16 ~~13-3901.~~

17 ~~(A) THERE IS A VISION FOR MARYLAND PROGRAM.~~

18 ~~(B) THE DEPARTMENT SHALL CARRY OUT THE PROGRAM IN~~
 19 ~~CONSULTATION WITH:~~

20 ~~(1) JOHNS HOPKINS UNIVERSITY;~~

21 ~~(2) COUNTY BOARDS OF EDUCATION; AND~~

22 ~~(3) LOCAL HEALTH DEPARTMENTS.~~

23 ~~(C) (1) THE PROGRAM SHALL PROVIDE:~~

24 ~~(i) EYE EXAMINATIONS TO PUBLIC SCHOOL STUDENTS WHO~~
 25 ~~FAIL THE VISION SCREENING REQUIRED UNDER § 7-404 OF THE EDUCATION~~
 26 ~~ARTICLE; AND~~

27 ~~(ii) EYEGLASSES, IF DETERMINED NECESSARY BY THE RESULTS~~
 28 ~~OF THE EYE EXAMINATION UNDER ITEM (i) OF THIS PARAGRAPH.~~

~~(2) THE SERVICES PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE PROVIDED:~~

~~(I) AT NO COST TO THE STUDENT OR THE STUDENT'S PARENT OR LEGAL GUARDIAN;~~

~~(II) ON THE PREMISES OF THE SCHOOL IN WHICH THE STUDENT IS ENROLLED; AND~~

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

~~(D) THE PROGRAM MAY RECEIVE FUNDING FROM THE FOLLOWING SOURCES:~~

~~(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.~~

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

(a) The State Department of Education and the Maryland Department of Health jointly shall study and assess:

(1) the number of students identified in vision screenings who later receive the recommended eye exam, eyeglasses, or corrective lenses;

(2) the programs that are available for the provision of no- or low-cost eye exams or eyeglasses for children, and whether these programs are adequate to meet the needs of students; and

(3) whether and how parents are made aware of no- or low-cost eye exams and eyeglass programs.

1 (b) On or before December 1, 2019, the State Department of Education and the
2 Maryland Department of Health jointly shall report on the matters specified in subsection
3 (a) of this section to the Governor and, in accordance with § 2-1246 of the State Government
4 Article, the General Assembly.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
6 1, 2019. It shall remain effective for a period of 1 year and, at the end of June 30, 2020, this
7 Act, with no further action required by the General Assembly, shall be abrogated and of no
8 further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.