

HOUSE BILL 798

F1, J1

8lr2243

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

Introduced and read first time: February 1, 2018

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 10, 2018

CHAPTER _____

1 AN ACT concerning

2 **Visual Impairments – Requirements for ~~Student Screening~~ Student Vision**
3 **Screening and Information**
4 **(Atticus Act)**

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

22 BY repealing and reenacting, with amendments,

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.



1 Article – Education
 2 Section 7–404
 3 Annotated Code of Maryland
 4 (2014 Replacement Volume and 2017 Supplement)

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

7 **Article – Education**

8 7–404.

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

11 ~~(H) 1. A VISION SCREENING SHALL INCLUDE THE~~
 12 ~~ADMINISTRATION OF A SCREENING THAT IS DESIGNED TO DETECT VISUAL~~
 13 ~~IMPAIRMENTS.~~

14 ~~2. A SCREENING FOR VISUAL IMPAIRMENTS SHALL~~
 15 ~~INCLUDE, AT A MINIMUM, SCREENING FOR SYMPTOMS OF THE FOLLOWING VISION~~
 16 ~~DISORDERS:~~

17 ~~A. ACCOMMODATIVE DYSFUNCTION;~~

18 ~~B. AMBLYOPIA;~~

19 ~~C. ANISOCORIA;~~

20 ~~D. ANISOMETROPIA;~~

21 ~~E. ASTIGMATISM;~~

22 ~~F. CONVERGENCE INSUFFICIENCY;~~

23 ~~G. HYPEROPIA;~~

24 ~~H. MYOPIA;~~

25 ~~I. NYSTAGMUS;~~

26 ~~J. OCULOMOTOR DYSFUNCTION; AND~~

27 ~~K. STRABISMUS.~~

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

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

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

7 (b) (1) Unless evidence is presented that a student has been tested **BY AN**
8 **OPTOMETRIST OR OPHTHALMOLOGIST OR SCREENED FOR VISUAL IMPAIRMENTS**
9 ~~UNDER SUBSECTION (A)(1)(II)2 OF THIS SECTION~~ within the past year, the screenings
10 required under subsection (a) of this section shall be given in the year that a student enters
11 a school system, enters the first grade, and enters the eighth or ninth grade.

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

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

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

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

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

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

22 **1. A DISCLAIMER THAT A VISION SCREENING IS NOT A**
23 **SUBSTITUTE FOR A COMPREHENSIVE EYE EXAM PERFORMED BY AN OPTOMETRIST**
24 **OR OPHTHALMOLOGIST;**

25 **2. AN OVERVIEW OF VISUAL IMPAIRMENTS AND AN**
26 **EXPLANATION OF THE POTENTIAL EDUCATIONAL IMPACT OF UNTREATED VISUAL**
27 **IMPAIRMENTS; AND**

28 **3. A LIST OF AT-RISK GROUPS THAT ARE ENCOURAGED**
29 **TO HAVE A COMPREHENSIVE EYE EXAMINATION BY AN OPTOMETRIST OR**
30 **OPHTHALMOLOGIST; and**

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

1 **(2) ~~A SEPARATE LETTER SHALL BE SENT~~ ADDITIONAL INFORMATION**
 2 **SHALL BE PROVIDED TO THE PARENTS OR GUARDIANS OF A STUDENT WHO FAILS**
 3 **THE VISION SCREENING FOR VISUAL IMPAIRMENTS THAT INCLUDES:**

4 **(I) NOTICE THAT THE RESULTS OF THE SCREENING INDICATE**
 5 **THAT THE STUDENT MAY HAVE A VISION DISORDER;**

6 **~~(H) A DETAILED SUMMARY OF THE POTENTIAL VISION~~**
 7 **~~DISORDER THAT THE STUDENT MAY HAVE AND AN EXPLANATION OF THE IMPACT~~**
 8 **~~THE VISION DISORDER MAY HAVE ON THE STUDENT'S EDUCATIONAL~~**
 9 **~~PERFORMANCE;~~**

10 **~~(HH) NOTICE THAT THERE ARE TREATMENTS FOR VISION~~**
 11 **~~DISORDERS;~~**

12 **~~(IV)~~ (II) A RECOMMENDATION TO THE PARENT OR GUARDIAN**
 13 **THAT THE STUDENT BE TESTED BY AN OPTOMETRIST OR OPHTHALMOLOGIST; ~~AND~~**

14 **~~(V) GENERAL INSTRUCTIONS ON WHERE AND HOW PARENTS~~**
 15 **~~AND GUARDIANS CAN GET MORE INFORMATION.~~**

16 **(III) A DESCRIPTION OF THE WARNING SIGNS, SYMPTOMS, RISK**
 17 **FACTORS, AND BEHAVIORAL PROBLEMS ASSOCIATED WITH VISION DISORDERS OR**
 18 **EYE CONDITIONS;**

19 **(IV) A DESCRIPTION OF THE DIFFERENCE BETWEEN EYE**
 20 **EXAMINATIONS AND THE VISION SCREENINGS REQUIRED UNDER THIS SECTION;**

21 **(V) INFORMATION ON HOW TO ENROLL IN THE MARYLAND**
 22 **MEDICAL ASSISTANCE PROGRAM; AND**

23 **(VI) INFORMATION ON LOCALLY AVAILABLE FREE OR LOW-COST**
 24 **NONPROFIT PROGRAMS THAT PROVIDE EYE EXAMINATIONS AND EYEGLASSES FOR**
 25 **CHILDREN, IF ANY.**

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

29 **~~[(e)]~~ (e) The county board or the county health department shall report to the**
 30 **Maryland Department of Health the results of the hearing and vision screenings ~~AND~~**
 31 **~~SCREENINGS FOR VISUAL IMPAIRMENTS~~ and, to the extent practicable, the number of**
 32 **students receiving the recommended services.**

1 ~~[(f)] (E)~~ In cooperation with the Maryland Department of Health, the
2 Department of Education shall adopt standards, rules, and regulations to carry out the
3 provisions of this section.

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

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
9 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.