

Department of Legislative Services  
Maryland General Assembly  
2018 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

House Bill 798  
Ways and Means

(Delegate Kittleman, *et al.*)

Education, Health, and Environmental Affairs

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Visual Impairments - Requirements for Student Vision Screening and  
Information (Atticus Act)

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This bill alters notice requirements related to student hearing and vision screenings. Notice and specified educational materials must be given to parents *or guardians* for *all* students receiving hearing and vision screenings. For students who fail the vision screening, additional information must be provided, as specified. Vision and hearing screenings must be administered unless evidence is presented that a student has been tested by an optometrist or ophthalmologist within the past year. **The bill takes effect July 1, 2018.**

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Fiscal Summary

**State Effect:** The bill does not materially affect State operations or finances.

**Local Effect:** Minimal increase in expenditures for local health departments (LHDs) and local boards of education beginning in FY 2019 to send additional vision and hearing screening results and provide additional educational materials. Local revenues are not affected. **This bill imposes a mandate on a unit of local government.**

**Small Business Effect:** Potential minimal.

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Analysis

**Bill Summary:** 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 exam; (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 exam.

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.

**Current Law:** 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.

Results of screenings go in each child's permanent record, are given to the parents of any student who fails the screenings, and are reported to the local board of education or LHD. 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. 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.

**Background:** Vision screenings are provided by either the local school board 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.

**Local Expenditures:** Local government expenditures for both LHDs and school systems increase minimally, beginning in fiscal 2019, to prepare and distribute the additional notices to the parents or guardians of all students who receive hearing and vision screenings with the educational materials required under the bill.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Association of County Health Officers; Carroll, Harford, Montgomery, and Queen Anne's counties; Maryland State Department of Education; Maryland Association of Boards of Education; Maryland Department of Health; Department of Legislative Services

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