

Chapter 311

(House Bill 798)

AN ACT concerning

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

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

BY repealing and reenacting, with amendments,
Article – Education
Section 7-404
Annotated Code of Maryland
(2014 Replacement Volume and 2017 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) ~~(1)~~ Each county board or county health department shall provide hearing and vision screenings for all students in the public schools.

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

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

~~A. ACCOMMODATIVE DYSFUNCTION;~~

~~B. AMBLYOPIA;~~

~~C. ANISOCORIA;~~

~~D. ANISOMETROPIA;~~

~~E. ASTIGMATISM;~~

~~F. CONVERGENCE INSUFFICIENCY;~~

~~G. HYPEROPIA;~~

~~H. MYOPIA;~~

~~I. NYSTAGMUS;~~

~~J. OCULOMOTOR DYSFUNCTION; AND~~

~~K. STRABISMUS.~~

(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 ~~OR SCREENED FOR VISUAL IMPAIRMENTS UNDER SUBSECTION (A)(1)(H)2 OF THIS SECTION~~ 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 ~~AND SCREENING FOR VISUAL IMPAIRMENTS~~ required by this section shall be:

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

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

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

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 BY AN OPTOMETRIST OR OPHTHALMOLOGIST; and**

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

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

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

~~(II) A DETAILED SUMMARY OF THE POTENTIAL VISION DISORDER THAT THE STUDENT MAY HAVE AND AN EXPLANATION OF THE IMPACT THE VISION DISORDER MAY HAVE ON THE STUDENT'S EDUCATIONAL PERFORMANCE;~~

~~(III) NOTICE THAT THERE ARE TREATMENTS FOR VISION DISORDERS;~~

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

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

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

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

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

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

~~‡(d)~~ 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) (D)~~ The county board or the county health department shall report to the Maryland Department of Health the results of the hearing and vision screenings ~~AND SCREENINGS FOR VISUAL IMPAIRMENTS~~ and, to the extent practicable, the number of students receiving the recommended services.

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

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

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

Approved by the Governor, April 24, 2018.