

SENATE BILL 915

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9lr3024
CF HB 1242

By: **Senators Lam and Young**

Introduced and read first time: February 14, 2019

Assigned to: Rules

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)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1

Article – Education

2 7–404.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 **(I) THE PROGRAM OR PLAN FOR THE STUDENT IS**
31 **ESTABLISHED; OR**

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

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

5 **2. ABSENT INTERVENTION, NEGATIVELY IMPACT FOR**
 6 **AN EXTENDED PERIOD OF TIME THE STUDENT’S:**

7 **A. ACADEMIC PERFORMANCE;**

8 **B. SOCIAL INTERACTIONS; OR**

9 **C. ABILITY TO MEET SCHOOL EXPECTATIONS OR**
 10 **REQUIREMENTS;**

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

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

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

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

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

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

24 (2) The Maryland Department of Health shall:

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

26 (ii) In counties where fewer than 50% of students who have failed
 27 the screenings are receiving the recommended services, coordinate with the county board
 28 or the county health department to implement measures to improve the number of students
 29 receiving the recommended services.

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

3 **(D) THE PROGRAM MAY RECEIVE FUNDING FROM THE FOLLOWING**
4 **SOURCES:**

5 **(1) STATE APPROPRIATIONS;**

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

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

9 **(4) ANY OTHER GRANTS OR CONTRIBUTIONS FROM PUBLIC OR**
10 **PRIVATE ENTITIES.**

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

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
18 1, 2019.