

# HOUSE BILL 1233

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By: **Delegate Hill**

Introduced and read first time: February 11, 2022

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools – Health and Vision Services – Required Screenings and Eye**  
3 **Examinations**

4 FOR the purpose of altering the requirements for vision screenings for students in public  
5 schools; requiring a certain health form to include space for certain information;  
6 requiring a county board of education to ensure that certain students receive an eye  
7 examination and eyeglasses under certain circumstances and in coordination with  
8 certain programs, if necessary; requiring a county board or county health  
9 department to provide students with certain information when the student registers  
10 for school; establishing the Pediatric Vision Program; establishing the Vision for  
11 Maryland Program; requiring the Maryland State School Health Council to evaluate  
12 how the Council can partner with various stakeholders to address certain issues;  
13 requiring the State Department of Education and the Maryland Department of  
14 Health to examine and report on certain auditory support programs; and generally  
15 relating to health and vision services for students in public schools.

16 BY repealing and reenacting, with amendments,  
17 Article – Education  
18 Section 5–240(a)(2) and 7–404  
19 Annotated Code of Maryland  
20 (2018 Replacement Volume and 2021 Supplement)

21 BY adding to  
22 Article – Education  
23 Section 7–401.1, 7–404.1, and 7–404.2  
24 Annotated Code of Maryland  
25 (2018 Replacement Volume and 2021 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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Article – Education

2 5–240.

3 (a) (2) (i) 1. The Department shall designate a primary contact  
4 employee for school–based health centers.

5 2. The Department’s primary contact employee shall:

6 A. Assist individuals involved in school–based health centers  
7 who interact with the Department;

8 B. Provide technical assistance to support the establishment  
9 and expansion of school–based health centers; [and]

10 C. ENSURE THE IMPLEMENTATION AND OVERSIGHT OF  
11 THE VISION FOR MARYLAND PROGRAM ESTABLISHED UNDER § 7–404.2 OF THIS  
12 ARTICLE; AND

13 [C.] D. Coordinate the Department’s efforts with those of  
14 the Maryland Department of Health and other government agencies to build a robust  
15 network of school–based health centers in the State.

16 (ii) 1. The Maryland Department of Health shall designate a  
17 primary contact employee for school–based health centers.

18 2. The Maryland Department of Health’s primary contact  
19 employee shall:

20 A. Assist individuals involved in school–based health centers  
21 who interact with the Maryland Department of Health;

22 B. Provide technical assistance to support the establishment  
23 and expansion of school–based health centers; [and]

24 C. ENSURE THE IMPLEMENTATION AND OVERSIGHT OF  
25 THE VISION FOR MARYLAND PROGRAM ESTABLISHED UNDER § 7–404.2 OF THIS  
26 ARTICLE; AND

27 [C.] D. Coordinate the Maryland Department of Health’s  
28 efforts with those of the Department and other government agencies to build a robust  
29 network of school–based health centers in the State.

30 7–401.1.

31 IF A COUNTY BOARD CREATES A STUDENT HEALTH FORM THAT REQUIRES

1 COMPLETION BY A LICENSED HEALTH CARE PROVIDER, THE FORM SHALL INCLUDE  
2 A PLACE TO DESCRIBE:

3 (1) ANY IDENTIFIED HEALTH ISSUES THAT MAY INTERFERE WITH  
4 THE STUDENT'S ACADEMIC PERFORMANCE; AND

5 (2) THE PLAN TO ADDRESS THE STUDENT'S HEALTH ISSUES.

6 7-404.

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

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

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

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

15 (b) (1) (I) Unless evidence is presented that a student has been tested by  
16 an optometrist or ophthalmologist within the past year, the screenings required under  
17 subsection (a) of this section shall be given in the year that a student enters [a]:

18 1. A school system[, enters the];

19 2. THE first grade[.];

20 3. THE THIRD OR FOURTH GRADE; and [enters the]

21 4. THE eighth or ninth grade.

22 (II) IF A STUDENT PROVIDES DOCUMENTATION OF HAVING  
23 BEEN TESTED BY AN OPTOMETRIST OR OPHTHALMOLOGIST WITHIN THE PAST YEAR,  
24 THE FOLLOWING INFORMATION SHALL BE INCLUDED IN THE STUDENT'S SCHOOL  
25 HEALTH RECORD:

26 1. THE RESULTS OF ANY TESTS OR SCREENINGS;

27 2. ANY RECOMMENDATION FOR EYEGLASSES OR OTHER  
28 VISION SUPPORTS; AND

29 3. WHETHER THE STUDENT RECEIVED THE

**1 RECOMMENDED EYEGLASSES OR VISION SUPPORTS.**

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

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

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

6 (C) (1) IN ADDITION TO THE VISION SCREENINGS REQUIRED BY  
7 SUBSECTIONS (A) AND (B) OF THIS SECTION, EACH COUNTY BOARD OR COUNTY  
8 HEALTH DEPARTMENT SHALL PROVIDE A VISION SCREENING FOR A PUBLIC SCHOOL  
9 STUDENT WHO:

10 (I) HAS AN INDIVIDUALIZED EDUCATION PROGRAM, AS  
11 DEFINED IN § 8-408 OF THIS ARTICLE, OR A 504 PLAN, AS PROVIDED UNDER THE  
12 FEDERAL REHABILITATION ACT OF 1973, WHEN THE PROGRAM OR PLAN FOR THE  
13 STUDENT IS ESTABLISHED;

14 (II) IS IDENTIFIED AS:

15 1. HAVING PROBLEM BEHAVIOR AND IN NEED OF A  
16 BEHAVIOR INTERVENTION PLAN, AS DEFINED IN § 7-1101 OF THIS TITLE; AND

17 2. DESPITE A BEHAVIOR INTERVENTION PLAN,  
18 CONTINUES TO EXHIBIT PROBLEM BEHAVIOR;

19 (III) HAS DEMONSTRATED A DECLINE IN GRADE-APPROPRIATE  
20 SKILL AND CONTENT MASTERY AND WHOSE ACADEMIC PERFORMANCE CONTINUES  
21 TO DECLINE DESPITE OTHER INTERVENTIONS BY THE SCHOOL; OR

22 (IV) HAS A CHANGE IN MEDICAL HISTORY THAT IS EXPECTED TO:

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

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

26 A. ACADEMIC PERFORMANCE;

27 B. SOCIAL INTERACTIONS; OR

28 C. ABILITY TO MEET SCHOOL EXPECTATIONS OR  
29 REQUIREMENTS.

1           **(2) (I) IF A STUDENT FAILS A VISION SCREENING REQUIRED**  
2 **UNDER THIS SUBSECTION OR SHOWS SIGNS AND SYMPTOMS DURING THE**  
3 **SCREENING THAT JUSTIFY AN EYE EXAMINATION, THE COUNTY BOARD SHALL**  
4 **ENSURE THAT THE STUDENT:**

5                   **1. RECEIVES AN EYE EXAMINATION; AND**

6                   **2. IF RECOMMENDED BY THE EXAMINING OPTOMETRIST**  
7 **OR OPHTHALMOLOGIST, RECEIVES EYEGLASSES.**

8                   **(II) A COUNTY BOARD MAY COORDINATE WITH THE VISION FOR**  
9 **MARYLAND PROGRAM ESTABLISHED UNDER § 7-404.2 OF THIS SUBTITLE OR ANY**  
10 **OTHER PUBLIC, PRIVATE, OR NONPROFIT ENTITY TO MEET THE REQUIREMENTS OF**  
11 **SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

12           **[(c)] (D) (1)** The results of the hearing and vision screenings required by this  
13 section shall be:

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

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

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

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

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

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

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

26                   **[(i)] 1.** Notice that the results of the screening indicate that the  
27 student may have a vision disorder;

28                   **[(ii)] 2.** A recommendation to the parent or guardian that the  
29 student be tested by an optometrist or ophthalmologist;

30                   **[(iii)] 3.** A description of the warning signs, symptoms, risk factors,

1 and behavioral problems associated with vision disorders or eye conditions;

2                    [(iv)] 4.     A description of the difference between eye examinations  
3 and the vision screenings required under this section;

4                    [(v)] 5.     Information on how to enroll in the Maryland Medical  
5 Assistance Program; [and]

6                    [(vi)] 6.     Information on locally available free or low-cost nonprofit  
7 programs that provide eye examinations and eyeglasses for children, if any;

8                    7.     **A LIST OF OPTOMETRISTS AND OPHTHALMOLOGISTS**  
9 **WHO PARTICIPATE IN THE PEDIATRIC VISION PROGRAM UNDER § 7-404.1 OF THIS**  
10 **SUBTITLE; AND**

11                    8.     **AN EYE EXAM FORM TO BE COMPLETED AND**  
12 **RETURNED AFTER THE STUDENT RECEIVES AN EYE EXAM.**

13                    (II)   **IF A STUDENT DOES NOT RETURN THE EYE EXAM FORM TO**  
14 **THE COUNTY BOARD OR THE COUNTY HEALTH DEPARTMENT WITHIN 30 DAYS AFTER**  
15 **RECEIVING THE FORM, THE SCHOOL SHALL NOTIFY THE STUDENT SUPPORT TEAM**  
16 **WHERE THE STUDENT ATTENDS SCHOOL.**

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

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

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

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

25                    (2)     The Maryland Department of Health shall:

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

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

31                    (G)    (1)     **A COUNTY BOARD OR COUNTY HEALTH DEPARTMENT SHALL**

1 PROVIDE THE FOLLOWING INFORMATION TO THE PARENTS OR GUARDIANS OF A  
2 STUDENT WHEN THE STUDENT REGISTERS FOR SCHOOL:

3 (I) THE INFORMATION LISTED IN SUBSECTION (D)(1)(II) OF  
4 THIS SECTION;

5 (II) AN EYE EXAM FORM; AND

6 (III) A LIST OF OPTOMETRISTS AND OPHTHALMOLOGISTS WHO  
7 PARTICIPATE IN THE PEDIATRIC VISION PROGRAM.

8 (2) THE EYE EXAM FORM IN PARAGRAPH (1)(II) OF THIS SUBSECTION  
9 SHALL BE RETURNED TO THE COUNTY BOARD OR THE COUNTY HEALTH  
10 DEPARTMENT BEFORE THE STUDENT MAY BE ENROLLED IN SCHOOL.

11 [(f) In cooperation with the Maryland Department of Health, the Department of  
12 Education shall adopt standards, rules, and regulations to carry out the provisions of this  
13 section.]

14 [(g) (H) A student whose parent or guardian objects in writing to hearing and  
15 vision screening on the ground that it conflicts with the tenets and practice of a recognized  
16 church or religious denomination of which he is an adherent or member may not be required  
17 to take these screenings.

18 (I) IN COOPERATION WITH THE MARYLAND DEPARTMENT OF HEALTH, THE  
19 DEPARTMENT SHALL ADOPT STANDARDS, RULES, AND REGULATIONS TO CARRY OUT  
20 THIS SECTION.

21 7-404.1.

22 (A) IN THIS SECTION, "PROGRAM" MEANS THE PEDIATRIC VISION  
23 PROGRAM.

24 (B) THERE IS A PEDIATRIC VISION PROGRAM IN THE DEPARTMENT.

25 (C) THE DEPARTMENT AND THE MARYLAND DEPARTMENT OF HEALTH  
26 SHALL DEVELOP A CENTRAL REPOSITORY SYSTEM THAT ALLOWS:

27 (1) PEDIATRIC OPTOMETRISTS AND OPHTHALMOLOGISTS TO  
28 REPORT THE RESULTS OF EYE EXAMINATIONS REQUIRED UNDER § 7-404 OF THIS  
29 SUBTITLE; AND

30 (2) SCHOOL HEALTH STAFF TO ACCESS THE RESULTS OF EYE  
31 EXAMINATIONS REQUIRED UNDER § 7-404 OF THIS SUBTITLE.

1           **(D) THE DEPARTMENT SHALL:**

2                   **(1) PROVIDE NOTICE OF THE PROGRAM TO PEDIATRIC**  
3 **OPTOMETRISTS AND OPHTHALMOLOGISTS ACROSS THE STATE; AND**

4                   **(2) ESTABLISH A LIST OF PEDIATRIC OPTOMETRISTS AND**  
5 **OPHTHALMOLOGISTS WHO AGREE TO PARTICIPATE IN THE PROGRAM.**

6           **(E) THE DEPARTMENT AND THE MARYLAND DEPARTMENT OF HEALTH**  
7 **SHALL MODEL THE CENTRAL REPOSITORY SYSTEM AFTER THE VISION PROGRAM IN**  
8 **THE MOTOR VEHICLE ADMINISTRATION.**

9           **(F) THE DEPARTMENT AND THE MARYLAND DEPARTMENT OF HEALTH**  
10 **JOINTLY SHALL DEVELOP REGULATIONS TO IMPLEMENT THIS SECTION.**

11 **7-404.2.**

12           **(A) IN THIS SECTION, "PROGRAM" MEANS THE VISION FOR MARYLAND**  
13 **PROGRAM.**

14           **(B) THERE IS A VISION FOR MARYLAND PROGRAM.**

15           **(C) THE PURPOSE OF THE PROGRAM IS TO EXPAND TO EACH COUNTY IN**  
16 **THE STATE VISION TO LEARN VISION SUPPORT SERVICES FOR PUBLIC SCHOOL**  
17 **STUDENTS WHO HAVE NOT RECEIVED VISION SUPPORT SERVICES THROUGH HEALTH**  
18 **INSURANCE OR OTHER MEANS.**

19           **(D) VISION TO LEARN SHALL ADMINISTER THE PROGRAM, IN**  
20 **CONSULTATION WITH THE STATE SUPERINTENDENT AND THE SECRETARY OF**  
21 **HEALTH, OR THEIR DESIGNEES.**

22           **(E) UNTIL VISION TO LEARN VISION SUPPORT SERVICES ARE AVAILABLE IN**  
23 **EVERY COUNTY IN THE STATE, EACH FISCAL YEAR THE PROGRAM SHALL ENABLE**  
24 **VISION TO LEARN TO EXPAND TO FIVE COUNTIES TO PROVIDE VISION SUPPORT**  
25 **SERVICES FOR PUBLIC SCHOOL STUDENTS IN THOSE COUNTIES WHO HAVE NOT**  
26 **RECEIVED VISION SUPPORT SERVICES THROUGH HEALTH INSURANCE OR OTHER**  
27 **MEANS.**

28           **(F) (1) FOR EACH FISCAL YEAR, THE GOVERNOR SHALL INCLUDE IN THE**  
29 **ANNUAL BUDGET BILL AN APPROPRIATION OF AT LEAST \$2,000,000 TO VISION TO**  
30 **LEARN FOR THE PROGRAM.**



1           **(2) THE PROGRAM MAY ALSO RECEIVE FUNDING FROM:**

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

4                   **(II) FEDERAL GRANTS; AND**

5                   **(III) ANY OTHER GRANTS OR CONTRIBUTIONS FROM PUBLIC OR**  
6 **PRIVATE ENTITIES.**

7           **(G) ON OR BEFORE AUGUST 1, 2027, AND EACH AUGUST 1 THEREAFTER,**  
8 **THE PROGRAM SHALL REPORT TO THE SENATE FINANCE COMMITTEE AND THE**  
9 **HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, IN ACCORDANCE**  
10 **WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON:**

11                   **(1) THE NUMBER OF COUNTIES THE PROGRAM ENABLED VISION TO**  
12 **LEARN TO EXPAND TO IN THE IMMEDIATELY PRECEDING FISCAL YEAR; AND**

13                   **(2) THE NUMBER OF PUBLIC SCHOOL STUDENTS WHO RECEIVED**  
14 **VISION SUPPORT SERVICES THROUGH THE PROGRAM IN THE IMMEDIATELY**  
15 **PRECEDING FISCAL YEAR.**

16           SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland State School  
17 Health Council shall evaluate how the Council can partner with various stakeholders to  
18 address issues that may arise when students are inadequately equipped to learn due to  
19 vision and hearing difficulties.

20           SECTION 3. AND BE IT FURTHER ENACTED, That, on or before July 1, 2023, the  
21 State Department of Education and the Maryland Department of Health shall examine and  
22 report to the Senate Finance Committee and the House Health and Government  
23 Operations Committee, in accordance with § 2-1257 of the State Government Article, on:

24                   (1) the number of public school students with hearing difficulties who have  
25 not received the auditory aids that are necessary for them to learn; and

26                   (2) whether auditory support programs similar to the programs  
27 established under Section 1 of this Act would assist public school students who have  
28 hearing difficulties.

29           SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
30 1, 2022.