

Chapter 312

(Senate Bill 570)

AN ACT concerning

~~Vision Disorders~~ **Visual Impairments – Requirements for Student Vision**
Screening – ~~Revisions~~ 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 possible symptoms of certain vision disorders; 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 vision disorders; requiring the results of a certain screening for vision disorders to be made part of a certain record; certain screenings be given to the parents or guardians of certain students with certain educational materials, and reported to certain entities; requiring a specific notice be sent that certain additional information be provided to the parents or guardians of certain students who fail a certain vision screening; requiring a parent or guardian to report, on a certain form, to certain entities on the recommended services received by a student who may have possible symptoms of a vision disorder; requiring the county board of education or the county health department to report to the Maryland Department of Health the results of screenings for the symptoms of vision disorders; 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 vision disorders 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) ~~(H)~~ 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 POSSIBLE SYMPTOMS OF VISION DISORDERS.~~

~~2. A SCREENING FOR VISION DISORDERS SHALL INCLUDE, AT 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 THE SYMPTOMS OF VISION DISORDERS UNDER SUBSECTION (A)(1)(II)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 POSSIBLE SYMPTOMS OF VISION DISORDERS~~ 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 ~~EDUCATION~~ 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 ~~THE SYMPTOMS OF VISION DISORDERS~~ VISUAL IMPAIRMENTS AND AN EXPLANATION OF THE POTENTIAL EDUCATIONAL IMPACT OF UNTREATED ~~VISION DISORDERS~~ 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 NOTICE SHALL BE SENT~~ ADDITIONAL INFORMATION SHALL BE PROVIDED TO THE PARENTS OR GUARDIANS OF A STUDENT WHO FAILS THE VISION SCREENING ~~FOR SYMPTOMS OF A VISION DISORDER~~ THAT INCLUDES:

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

~~(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.~~

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

(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 ~~OR WHO MAY HAVE POSSIBLE SYMPTOMS OF A VISION DISORDER.~~

(e) 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 SYMPTOMS OF VISION DISORDERS~~ and, to the extent practicable, the number of students receiving the recommended services.

(f) 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) A student whose parent or guardian objects in writing to hearing and vision screening ~~OR A SCREENING FOR SYMPTOMS OF VISION DISORDERS~~ 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.