

VISION SCREENINGS AND COMPREHENSIVE EYE AND VISION EXAMS

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House Bill 5297 (H-1) as referred to second committee
Sponsor: Rep. Pamela Hornberger
1st Committee: Health Policy
2nd Committee: Ways and Means
Complete to 12-2-20

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5297 would amend the Revised School Code to require vision screenings when school performance warrants, as well as additional steps if the student's parent or guardian fails to comply with this requirement.

Currently, section 1177(2) of the code requires the parent or guardian of children entering kindergarten to submit a specified statement indicating that the child has undergone certain vision screening or an examination. (This requirement is waived in the case of religious objections.)

Under the bill, certain notifications and additional steps would have to be undertaken for the following students:

- A student for whom the required vision screening or examination demonstrated a vision deficiency.
- A student identified as a struggling reader by a teacher, administrator, or counselor.
- A student recommended for evaluation due to reading difficulties to determine if he or she has a disability.
- A student with an *individualized education program (IEP)* or *section 504 plan* (or in the process of receiving an IEP or section 504 plan).
- A student who failed to achieve a proficient score on the applicable grade-level state assessment for English language arts.

Individualized education program (IEP) would mean a written document for students with disabilities aged 3 through 25 that outlines the student's educational needs and goals and any programs and services the intermediate school district (ISD) and/or its member district will provide to help the student make educational progress.¹

Section 504 plan would mean a plan under section 504 of the federal Rehabilitation Act of 1973 that is designed to protect the rights of individuals with disabilities in programs and activities that receive federal financial assistance from the U.S. Department of Education.

¹ MDE description of IEPs: https://www.michigan.gov/mde/0,4615,7-140-6598_88186_88204---,00.html

If a student was identified as falling under any of the categories above, the following steps would have to take place:

- Within 10 days, for a student who had not passed a comprehensive eye and vision examination within the preceding two years, the student's school district or public school academy (PSA, or charter school) would have to send a **written notice** to the parent or guardian, requiring the student to receive a comprehensive eye and vision examination as described below.
- Within 60 days after receiving the notice, the parent or guardian would have to ensure that the student received a **comprehensive eye and vision exam** with an emphasis on visual functioning. (This requirement would be waived in the case of religious objections.)
- Subject to other state and federal laws, within 30 days after the exam, an *eye care professional* would have to sign and submit a **certificate to the district or PSA**, indicating that the examination occurred; the treatment, if any, recommended for the student; and confirmation that the student's parent or guardian had complied or was complying with the treatment recommendation.

Eye care professional would mean a physician licensed under either Part 170 (governing medical doctors, or MDs) or Part 175 (governing doctors of osteopathic medicine, or DOs) of the Public Health Code who specializes in ophthalmology, or an optometrist licensed under Part 174 of the Public Health Code.

If the district or PSA did not receive the certificate from the eye care professional within the 30-day time frame, it would have to submit a report to the Michigan Department of Education (MDE) identifying the student for whom the certificate has not been received and take appropriate steps, as determined by the district board or PSA board of directors, to encourage the student's parent or guardian to submit the student for the exam.

The bill would take effect 90 days after enactment.

Proposed MCL 380.1176

BACKGROUND:

In addition to the requirement in section 1177 of the Revised School Code that entering kindergartners receive vision screening, described above, Part 93 (Hearing and Vision) of the Public Health Code requires local health departments to conduct periodic hearing and vision testing and screening programs without charge for local children.² Parents are also required to ensure that their children receive screenings during an age period and at a frequency established by the Department of Health and Human Services (DHHS). The schedule set by DHHS, at which times local health departments must offer vision screenings, is when the children are between ages 3 and 5, and in 1st, 3rd, 5th, 7th, and 9th grades. Violation of these requirements is a misdemeanor punishable by imprisonment for up to 6 months or a fine of up to \$200, or both.³

² DHHS description of hearing and vision screening programs:
https://www.michigan.gov/documents/mdch/physicians_flyer_361187_7.pdf

³ See <http://legislature.mi.gov/doc.aspx?mcl-333-2261>

FISCAL IMPACT:

The bill could create short-term costs, but also could result in long-term savings, for both the state and school districts. Districts would likely incur costs to create the administrative process to notify and follow up with parents or legal guardians, receive certificates from eye care professionals, and report to MDE, as necessary. MDE would likely incur costs to direct staff time to receiving and storing reports of noncompliance. The state and districts could see long-term savings if additional examinations result in early detection of vision issues, which could reduce future special education costs.

POSITIONS:

Representatives of Michigan Optometric Association testified in support of the bill. (1-30-20)

The Michigan Association of School Boards indicated opposition to the bill. (11-10-20)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.