

HOUSE BILL NO. 5297

December 11, 2019, Introduced by Rep. Hornberger and referred to the Committee on Health Policy.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding section 1176.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1176. (1) For a pupil for which a vision screening test
2 or examination described under section 1177(2) demonstrates that
3 the pupil has a vision deficiency; a pupil identified as a
4 struggling reader by his or her teacher, the superintendent or
5 chief administrator, or a school counselor; a pupil recommended for



1 evaluation to determine if he or she is a student with a disability
2 due to reading difficulties; a pupil with an individualized
3 education program or section 504 plan; a pupil who is in the
4 process of receiving an individualized education program or section
5 504 plan; or a pupil who failed to achieve a score of at least
6 proficient on the applicable grade-level state assessment for
7 English language arts, all of the following apply:

8 (a) Within 10 days after a pupil becomes subject to this
9 section, the school district or public school academy in which the
10 pupil is enrolled shall send a written notice to the pupil's parent
11 or legal guardian that states that the parent or legal guardian
12 shall ensure that the pupil receives a comprehensive eye and vision
13 examination as described under subdivision (b) within the timeframe
14 required under subdivision (b).

15 (b) Within 60 days after receiving the notice under
16 subdivision (a), the pupil's parent or legal guardian shall ensure
17 that the pupil receives a comprehensive eye and vision examination
18 that has an emphasis on visual functioning, including, but not
19 limited to, refractive, accommodative, binocular, and saccadic eye
20 movement, and convergence sufficiency conducted by an eye care
21 professional. A comprehensive eye and vision examination described
22 under this subdivision is not required if a parent or legal
23 guardian submits a statement to the school district or public
24 school academy signed by the parent or legal guardian to the effect
25 that the pupil cannot be submitted to the examination because of
26 religious convictions.

27 (c) Subject to all other state and federal laws, within 30
28 days after conducting the comprehensive eye and vision examination
29 under subdivision (b), an eye care professional shall submit to the



1 school district or public school academy a certificate signed by
2 the eye care professional that includes all of the following:

3 (i) An acknowledgement that the pupil received the
4 comprehensive eye and vision examination described under
5 subdivision (b).

6 (ii) A statement indicating whether the eye care professional
7 recommends vision correction, vision therapy, or other treatment
8 for the pupil.

9 (iii) If treatment is recommended for the pupil under
10 subparagraph (ii), a confirmation that the pupil's parent or legal
11 guardian has complied with, or is in the process of complying with,
12 the treatment recommendation.

13 (2) If a school district or public school academy does not
14 receive the certificate under subsection (1)(c) for a pupil within
15 the time period allowed, as applicable, the school district or
16 public school academy shall do both of the following:

17 (a) Submit a report to the department regarding the
18 noncompliance, including identification of the pupil.

19 (b) Take appropriate steps, as determined by the board of the
20 school district or board of directors of the public school academy,
21 to encourage the pupil's parent or legal guardian to take the pupil
22 to receive a comprehensive eye and vision examination described
23 under subsection (1)(b).

24 (3) As used in this section:

25 (a) "Eye care professional" means a physician licensed under
26 either part 170 of the public health code, 1978 PA 368, MCL
27 333.17001 to 333.17097, or part 175 of the public health code, 1978
28 PA 368, MCL 333.17501 to 333.17556, who specializes in
29 ophthalmology or an optometrist licensed under part 174 of the



1 public health code, 1978 PA 368, MCL 333.17401 to 333.17437.

2 (b) "Individualized education program" means that term as
3 described in R 340.1721e of the Michigan Administrative Code.

4 (c) "Section 504 plan" means a plan under section 504 of title
5 V of the rehabilitation act of 1973, 29 USC 794.

6 Enacting section 1. This amendatory act takes effect 90 days
7 after the date it is enacted into law.

