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State Superintendent of Schools

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**TO:** Members of the Maryland State Board of Education

**FROM:** Nancy S. Grasmick *Nancy*

**DATE:** May 25-26, 2010

**SUBJECT:** Program of Pupil Services  
COMAR 13A.05.05.06 (AMEND)  
COMAR 13A.05.05.07 (AMEND and REPEAL)  
Student Health Services Standards – Definitions and  
Student Health Services Standards – For All Students  
**ADOPTION**

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**PURPOSE:**

The 2008 Maryland General Assembly amended Section 7-401 of the Education Article, Annotated Code of Maryland requiring the amendment of the implementing regulations contained in COMAR 13A.05.05.06 and COMAR 13A.05.05.07 (ATTACHMENT I) which define and describe school health standards for all students. The purpose of this communication is to seek adoption of these amended regulations from the Maryland State Board of Education bringing them in alignment with State law.

**BAKGROUND/HISTORICAL PERSPECTIVE:**

COMAR 13A.05.05.06 and COMAR 13A.05.05.07 were adopted in 1991 as part of School Health Standards in accordance with §7-401 of the Education Article, Maryland Annotated Code. Under the Code, MSDE and the Department of Health and Mental Hygiene were required to jointly develop public standards and guidelines for school health programs. These standards included the provision of hearing and vision screenings and screening for scoliosis.

As the result of action taken by the General Assembly in 2008, new requirements related to the hearing and vision screening were placed into statute (§7-404). The new law for early intervention hearing and vision screenings became effective on October 1, 2008 and required screenings when a student enters a school system, enters first grade, and enters eighth or ninth grade.

The statute requiring scoliosis screening was repealed. This repeal became effective in law as of October 1, 2006. The Maryland Chapter of the American Academy of Pediatrics advocated the elimination of scoliosis screening based on findings from the U.S. Preventive Services Task Force (part of the Agency for Healthcare Research and Quality in the US Department of Health and Human Services). The Task Force found that scoliosis screening for adolescents is not evidence-based.

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**EXECUTIVE SUMMARY:**

The attached document contains the amended regulations which are aligned with the new law and incorporate feedback that has been provided by the local school system superintendents based on their review. During the open comment period there were no public comments received.

**ACTION:**

Request adoption of COMAR 13A.05.05.06 and COMAR 13A.05.05.07

NSG:AM:mw  
Attachments

Regs Adoption\_HV\_Scoliosis\_Transmittal\_May142010

**Title 13A**  
**STATE BOARD OF EDUCATION**

**Subtitle 05 SPECIAL INSTRUCTIONAL PROGRAMS**

**13A.05.05 Programs of Pupil Services**

Authority: Education Article, §§2-205(b), 7-401—7-404, 7-409, and 7-426,  
Annotated Code of Maryland

**Notice of Proposed Action**

[10-115-P]

The Maryland State Board of Education proposes to amend Regulations .06 and .07 under **COMAR 13A.05.05 Programs of Pupil Services**. This action was considered at the Maryland State Board of Education meeting on January 26, 2010.

**Statement of Purpose**

The purpose of this action is to align the regulations with changes to Education Article, §7-404, Annotated Code of Maryland, pertaining to the provision of early intervention of Hearing and Vision Screening, and the repeal of Education Article, §7-405, Annotated Code of Maryland (Scoliosis Screenings).

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Alicia Mezu, RN, MSN/ED, Health Services Specialist, Division of Student, Family and School Support, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-0353, or email to [amezu@msde.state.md.us](mailto:amezu@msde.state.md.us), or fax to 410-333-8148. Comments will be accepted through April 26, 2010. A public hearing has not been scheduled.

**Open Meeting**

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on May 25-26, 2010, at 200 West Baltimore Street, Baltimore, MD 21201.

## **.06 School Health Services Standards—Definitions.**

A. (text unchanged)

B. Terms Defined.

(1)—(9) (text unchanged)

[(10) “Scoliosis” means a lateral curvature of the spine, which can develop into a permanent crippling disability if left untreated.]

[(11)] (10)—[(14)] (13) (text unchanged)

## **.07 School Health Services Standards—For All Students.**

A.—B. (text unchanged)

C. Health Appraisal. A health appraisal for students identified through the review of records as having health problems or concerns shall be conducted by the designated school health services professional. The health appraisal may include health observations, interviews, and conferences with parents/guardians, students, educators, and other health professionals. Health appraisals shall be conducted as follows:

(1)—(2) (text unchanged)

(3) Screening of students shall be carried out according to mandated or recommended screening programs established by the Department of Education and the Department of Health and Mental Hygiene. These shall include:

(a) Hearing and Vision Screening Tests. The local board of education or local health department shall provide and fund hearing and vision screenings for all students in the public schools. The local health department shall provide and fund hearing and vision screenings for all students in any private school that has received a certificate of approval under Education Article, §2-206, Annotated Code of Maryland, and students in any nonpublic educational facility in this State approved as a special education facility by the Department.

(b) Unless evidence is presented that a student has been tested within the past year, these *hearing and vision* screenings shall be given in the years that a student enters a school system, enters the *first* [fourth, fifth, or sixth] grade, and enters the *eighth*, or ninth grade. *Additional screenings may be required under the policies adopted by the local board of education or local health department.*

(c) The results of the hearing and vision screenings shall be made a part of the permanent record file of each student and given to the parents of any student who fails the screenings and reported to the local board of education or the local health department. *If a student fails the screenings, the parent/guardian shall report on the recommended services received by the student to the local board of education or local health department on an approved form.*

(d) The local board of education or local health department shall report to the Department of Health and Mental Hygiene the results of the hearing and vision screenings and, to the extent practicable, the number of students receiving the recommended services.

(e) Students may be exempt from these *hearing and vision* screenings if the parent/guardian objects in writing on the ground that it conflicts with the tenets and practice of a recognized church or religious denomination of which the parent/guardian is a member.

[(b) Scoliosis. The local board of education, in conjunction with the local health department, shall provide scoliosis screening tests for all students in public schools at least once in grades 6 through 8. If a student is suspected of having scoliosis, a copy of the screening report shall be given to the parent or guardian of the student with information about idiopathic scoliosis, the significance of treating scoliosis at an early stage, and services available for treatment after diagnosis, and a copy of the screening report shall be sent to the local health department. The local health department shall ascertain if the services recommended based on the results of the scoliosis screening have been obtained, determine if additional services are needed, and report the results of the scoliosis screening and the number of students receiving the recommended services to the Department of Health and Mental Hygiene. A student whose parent or guardian objects in writing to the screening may not be required to be screened. A person who performs any scoliosis screening required by law is not liable for any civil damages resulting from acts or omissions in the screening not amounting to gross negligence.]

(4)—(7) (text unchanged)

D.—F. (text unchanged)

NANCY S. GRASMICK  
State Superintendent of Schools

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