

Original Law: <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section57>

Section 57: Physical examination of pupils; eye examination, written report with proposed edits in H2231 or S136.

Section 57. The committee, or the board of health in those municipalities where school health services are the responsibility of the board of health, shall cause every child in the public schools, and at ~~the individual request of a parent or guardian of a pupil in~~ a private school which has been approved under section one of chapter seventy-six, and which does not discriminate in its entrance requirements on the basis of race or color cause such pupil to be separately and carefully examined in such manner and at such intervals, including original entry, as may be determined by the department of public health after consultation with the department of education and the medical profession, to ascertain defects in sight or hearing, postural and other physical defects tending to prevent his receiving the full benefit of his school work, or requiring a modification of the same in order to prevent injury to the child or to secure the best education results, and to ascertain defects of the feet which might unfavorably influence the child's health or physical efficiency, or both, during childhood, adolescence and adult years, and shall require a physical record of each child to be kept in such forms as prescribed by the provisions of section one hundred and eighty-five A of chapter one hundred and eleven. Tests ascertaining postural defects shall be administered at least once annually in grades five through nine. Tests of sight and hearing and postural defects shall be performed by teachers, physicians, optometrists, nurses or other personnel who are approved by the department of public health for the purpose, and the examination of feet shall be made by the school physicians or by podiatrists, in accordance with regulations set up by the department. Upon entering preschool or kindergarten or within 30 days of the start of the school year, the parent or guardian of each child shall present to school health personnel certification that the child within the previous 12 months has passed a vision screening conducted by personnel approved by the department of public health and trained in vision screening techniques to be developed by the department of public health in consultation with the department of education. For children who fail to pass the vision screening and for children diagnosed with neurodevelopmental delay, proof of a comprehensive eye examination performed by a licensed optometrist or ophthalmologist chosen by the child's parent or guardian indicating any pertinent diagnosis, treatment, prognosis, recommendation and evidence of follow-up treatment, if necessary, shall be provided. Any child shall be exempt on religious grounds from these examinations upon written request of parent or guardian on condition that the laws and regulations relating to communicable diseases shall not be violated.

~~Every private school that does not perform these examinations shall be required to inform each parent and guardian of every enrolled pupil that the school does not conduct these examinations and shall recommend that the parent consult with the child's health care provider or local school committee or board of health to ensure that these examinations are conducted.~~

Any person who conducts an eye examination of a child in response to such child having failed an eye examination given in accordance with the provisions of this section shall forward a written report of the results of the examination to the school health personnel and the children's vision registry established in section 238A of chapter 111, and a copy of said report to a parent or guardian of such child. Said report shall include, but not be limited to, the following:

- (a) date of the report;
- (b) name and address of the child;
- (c) name of the child's school;
- (d) type of examination;

(e) a summary of significant findings, including diagnoses, medication used, duration of action of medication, treatment, prognosis, whether or not a return visit is recommended and, if so, when;

(f) recommended educational adjustments for the child, if any, which may include the following: preferential seating in the classroom, eyeglasses for full-time use in school, eyeglasses for part-time use in school, sight-saving eyeglasses or any other recommendations;

(g) name, address and signature of the examiner.