

CHILDREN'S VISION LEGISLATION – ENACTED 2000-2005

ENACTED LEGISLATION- 2005

ARKANSAS HB1734 (HB2210). Eye and vision screening procedures and tests for children. Beginning with the 2006-2007 school year, this Act requires all children in pre-kindergarten, kindergarten, grades 2, 4, 6, 8, and all transfer students to receive an eye and vision screening. This requirement applies to public schools and charter schools. The Department of Education must ensure the provision of all general revenues necessary to access federal funds for eye and vision screenings for all qualified federal healthcare program recipients. The school district shall be responsible for all remaining costs associated with eye and vision screenings. The eye and vision screening shall include the following: (1) observation and external inspection of the eye; (2) distance visual acuity test; (3) a plus lens visual acuity test; (4) visual screening instrument tests which include: (a) lateral muscle balance test at far; (b) vertical muscle balance test at far; (c) fusion or binocularity at far; (d) lateral muscle balance test at near; (e) fusion or binocularity at near; and (f) color perception. A child who fails the first screening will be re-screened within one month of the initial screening. An eye and vision screening report shall be sent to each parent or guardian of each child that has failed the vision screening test. A child that does not pass the screening, except for the color perception test, shall be required to have a comprehensive eye and vision examination conducted by an optometrist or ophthalmologist within 60 days of receipt of the screening report identifying the need for the examination. The parent or guardian of the child shall be responsible for ensuring that the child receives the appropriate eye and vision examination. If the child does not receive an appropriate examination, as evidenced by an appropriately signed certificate of examination, the child's school shall report the child to the Department of Education. The local school district shall take such action that is necessary to encourage that the child receives an appropriate examination. The Arkansas Commission on Eye and Vision Care and the Department of Education shall develop standardized forms for eye and vision screening reports which must be used by every public and charter school. The Department of Education and the Commission shall adopt regulations that establish standards for training school nurses to perform eye and vision screenings. After de-identifying the results, the schools shall report the results of all screenings and examinations to the Department of Education and the Commission. Each school district is encouraged to select one or more optometrists or ophthalmologists to serve as non-paid eye and vision care consultants to provide advice and assistance with eye and vision screenings and examinations. This Act continues the Commission from 2005-2007 for the purpose of studying and evaluating the program as to its effectiveness.

KENTUCKY SB19. Children's Eye Exams. This Act creates the "Read to Achieve Act of 2005. The Act provides that every elementary school provide a comprehensive school-wide reading program; provide diagnostic reading assessments and intervention services for those students who need them to learn to read at a proficient level; ensure quality instruction by highly trained teachers; and provide high quality library media programs. It expands the current Kentucky law regarding required children's eye examinations prior to entering school to provide that primary students, regardless of age, who are having difficulty with reading may be referred and receive a second vision examination at no cost to the parent.

ENACTED LEGISLATION – 2004

CALIFORNIA HR58. Resolution regarding children’s vision. This House Resolution establishes August as Children’s Vision and Learning Month and encourages parents, educators, school nurses, and all concerned adults to recognize the critical role good vision plays in the learning process and to work together to help prevent or reduce the impact untreated vision problems can have on our children’s ability to read and learn.

MASSACHUSETTS SB687. Children’s Vision Screening. “The first paragraph of section 57 of chapter 71 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by adding the following words:— Provided that, upon entering kindergarten or within 30 days of the start of the school year, each child shall present to school health personnel certification of having passed a vision screening within the previous twelve months, conducted by personnel as approved by the department of public health and trained in the Massachusetts approved vision screening techniques to be developed by the department of public health in consultation with the department of education. In the event of failure to pass the approved Massachusetts 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 parents or guardian indicating any pertinent diagnosis, treatment, prognosis, recommendation and evidence of follow-up treatment if necessary must be provided.”

MICHIGAN ADMINISTRATIVE RULE. Vision Screening. This administrative rule, filed with the Secretary of State may 24, 2004, takes effect 7 days after filing with the Secretary of State and amends the Michigan Administrative Code as follows: Vision tests of preschool children and school-age children shall include tests for monocular visual acuity and for eye muscle function. The procedures used in vision screening and testing shall be approved by the Department of Community Health. The vision screening of preschool children shall be done at least once during the ages 3-5 years, and for school-age children shall, at a minimum, be done in grades 1,3,5,7,9, or grades 1,3,5,7 and in conjunction with driver training.

TENNESSEE HB2656/SB3081. Children’s health screenings. This Act amends previous children’s preschool vision requirements by providing that a health care professional is authorized to indicate the need for a dental or vision screening on any report or form used in reporting immunization status for a child. Health care professionals shall provide a copy of such report or form to the parents or guardians indicating the need to seek appropriate examinations for the child. The commissioner shall promulgate rules and regulations necessary to carry out this section.

WASHINGTON HR4694. Resolution regarding amblyopia. This House Resolution recognizes that amblyopia is a significant eye disease and that reducing visual impairment in children and increasing the proportion of preschool children who receive vision screening are specific objectives of the current administration’s national public health initiatives, Healthy People 2010, the House of Representatives commends parents in Washington state who have their children screened or examined for amblyopia and vision abnormalities before entering school; and further resolved that copies of this

resolution be immediately transmitted to the Washington Academy of Pediatrics, the Washington Academy of Family Practice, the Optometric Physicians of Washington, The Washington Academy of Eye Physicians and Surgeons, and several other eye care related associations.

ENACTED - 2003

ARKANSAS HCR1009. Eye Care Study. This Resolution requires the House and Senate Interim Committees on Public Health, Welfare, and Labor to conduct a study of eye health and vision care in Arkansas with special emphasis on the needs of school-age children.

ARKANSAS HB1553. Commission for Adequate Eye Health and Vision Care. This Act establishes an Arkansas Commission for Adequate Eye Health and Vision Care Needs for School Children. The duties of the Commission are to study the eye and vision needs of the school age children; study and evaluate vision screening programs in the schools, and their effectiveness; study and evaluate whether children are receiving adequate eye and vision care, and correction of vision problems; study the effects of inadequate vision on the performance of children in the classroom; and develop a strategic statewide plan to ensure adequate eye and vision care of school age children. The Commission will report its findings and strategic plan to the Governor, the Legislative Council, and the House and Senate Interim Committees by November 1, 2004.

CALIFORNIA ACR106: Study. The California legislature adopted Assembly Concurrent Resolution No. 106 recognizing the importance of good visual health for California's children and encouraging the Senate Office of Research to commission a study of the eye and vision needs of children in the State of California, including the need for regular comprehensive eye examinations by trained professionals, the need for an increase in the type and quantity of eye appliances available to children, and the need for access to affordable, quality eye and vision care. The resolution also recognizes that school vision screenings are not effective, fail to identify critical vision problems, and often do not lead to treatment.

ILLINOIS SB805. Required Vision Screening Notification, Vision Exams

Encouraged. This Act provides that the Department of Public Health shall require that individuals conducting vision screening tests give a child's parent or guardian written notification, before the vision screening is conducted, that states, "Vision screening is not a substitute for a complete eye and vision evaluation by an eye doctor. Your child is not required to undergo this vision screening if an optometrist or ophthalmologist has completed and signed a report form indicating that an examination has been administered within the previous 12 months." This Act encourages parents to have their children undergo vision examinations at the same points in time as are required for health examinations. In 1987, the Illinois Administrative Code recommended that school districts adopt a requirement for children's vision examinations for grades K, 5, and 9. The Illinois School Code allows individual school districts to require vision examinations when deemed necessary by the school.

OHIO HB95. Children's Eye Exam For Students With Disabilities. This Act was part of the state budget bill. It requires that in the 2004-2005 and 2005-2006 school years, within three months after a student identified with disabilities begins receiving services for the first time under an individualized education program, the school district in which that student is enrolled shall require the student to undergo a comprehensive eye examination performed either by an optometrist or by a physician authorized to practice medicine and surgery or osteopathic medicine and surgery who is comprehensively trained and educated in the treatment of the human eye, eye disease, or comprehensive vision services, unless the student underwent such an examination within the nine-month period immediately prior to being identified with disabilities.

ENACTED/ADOPTED 2002

DELAWARE HCR39. Children's Eye Exam Encouraged. This resolution provides that parents of children entering school in Delaware are encouraged to have their children examined by an eyecare professional in order to help prepare them for success in the classroom.

GEORGIA SR677. Children's Eye Exam Study. This resolution creates the Senate Study Committee on Rules and Regulations for Nutritional Screening and Eye, Ear, and Dental Examinations of Students Entering the State Funded Pre-Kindergarten Programs and Five Year Olds Entering Public Schools. The committee will specifically address the propriety, impact, costs, and benefits of requiring eye examinations to be performed by ophthalmologists or optometrists and the local boards of health to provide for ear and dental examinations and nutritional screenings. The committee will recommend any actions or legislation it deems necessary or appropriate.

KENTUCKY SB207. Children's Eye Exam Amendment. This Act amends the children's eye exam law to provide that the eye examination is required only for the first year that a three, four, five, or six year old child is enrolled in a public school, public preschool, or Head Start program.

ENACTED IN 2001:

KANSAS Senate substitute for HB 2336. Children's vision exam. This bill amends K.S.A. 2000 Supp. 72-5205, to include a section on children's vision and provides that: (a)(1) Each school board shall provide basic vision screening without charge to every pupil enrolled in each school under the governance of such school board not less than once every two (2) years. All such tests shall be performed by a teacher or some other person designated by the school board. The results of the test, and, if necessary, the desirability of examination by a qualified physician, ophthalmologist or optometrist shall be reported to the parents or guardians of such pupils. Information relating to the desirability of examination by a qualified physician, ophthalmologist or optometrist shall not show preference in favor of any such professional person. (b) Each pupil needing

assistance in achieving mastery of basic reading, writing and mathematics skills shall be encouraged to obtain an eye examination by an optometrist or ophthalmologist to determine if the pupil suffers from conditions which impair the ability to read. Expense for such examination, if not reimbursed through Medicaid, Healthwave, private insurance or other governmental or private program, shall be the responsibility of the pupil's parent or guardian.

OHIO SCR11. Children's Vision Exam. This Senate resolution creates a Task Force for Better Vision that will examine the current status of vision services available to children preparing to enter public and private school systems; examine vision services currently available to children attending school in Ohio; review all existing statutes and programs in Ohio pertaining to vision services for children; review vision programs and services for children in other states; and request testimony from health care professionals, educators, and other individuals who provide vision screening and other vision services to school-age children. The Task Force must complete its work and submit a report to the Governor and the Legislature no later than December 1, 2001. The report must include determinations and recommendations regarding how the state could assist in providing the most appropriate vision services for children.

SOUTH CAROLINA HB3379. Newborn Eye Screening. This joint resolution establishes the Newborn Eye Screening Task Force to study the screening of ocular diseases and abnormalities in newborn children. The study should include review of currently required ocular screenings of newborns, if any, identification of the most prevalent ocular diseases and abnormalities in newborns, and the effectiveness, costs, and funding of screening for these diseases and abnormalities. The task force will include one optometrist with a specialty or experience in providing optometric care to young children. The task force shall submit its report and recommendations to the governor and general assembly before March 1, 2002.

TENNESSEE SB304/HB704. Children's Vision Exam. This act amends children's health screening requirements to require that upon registration or as early as is otherwise possible and appropriate, public schools, nursery schools, kindergartens, preschools or child care facilities are encouraged to make reasonable efforts to apprise parents of the health benefits of obtaining appropriate eye and dental care for children.

WISCONSIN SB55. Children's Vision Exam. Section 2679m. 118.135 of the statutes is created to read:

“Eye examinations and evaluations. (1) Beginning in the 2002-03 school year, each school board and each charter school shall request each pupil entering kindergarten to provide evidence that the pupil has had his or her eyes examined by an optometrist licensed under ch. 449 or evaluated by a physician licensed under ch. 448.

(2) A pupil who complies with a request under sub. (1) shall provide evidence of an eye examination or evaluation by December 31 following the pupil's enrollment in kindergarten. The school board or charter school shall provide pupils with the form distributed by the department of regulation and licensing under s. 440.03(16) for that purpose.

(3) To the extent feasible, the medical examining board and the optometry examining board shall encourage physicians and optometrists, for the purpose of this section, to

conduct free eye examinations or evaluations of pupils who are in financial need and do not have insurance coverage for eye examinations or evaluations.”

ENACTED 2000:

KENTUCKY Administrative regulations shall be promulgated for the following: (g) A vision examination by an optometrist or ophthalmologist that shall be required by the Kentucky Board of Education. The administrative regulations shall require evidence that a vision examination that meets the criteria prescribed by the Kentucky Board of Education has been performed. This evidence shall be submitted to the school no later than January 1 of the first year that the child is enrolled in public school, public preschool, or Head Start program.

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