

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

A Bill

HOUSE BILL 1389

5 By: Representatives Reep, Allen, Everett, Gaskill, Hardy, Hyde, Wells
6 By: Senators Elliott, Crumbly, Steele
7

For An Act To Be Entitled

10 AN ACT TO REQUIRE ONE (1) COMPREHENSIVE EYE AND
11 VISION EXAMINATION PERFORMED BY A LICENSED
12 OPTOMETRIST OR OPHTHALMOLOGIST FOR EVERY CHILD
13 ENTERING A PUBLIC SCHOOL OR A PUBLIC CHARTER
14 SCHOOL FOR THE CHILD'S FIRST YEAR IN
15 PREKINDERGARTEN, KINDERGARTEN, OR GRADE ONE; AND
16 FOR OTHER PURPOSES.
17

Subtitle

18 TO REQUIRE ONE (1) COMPREHENSIVE EYE AND
19 VISION EXAMINATION BY A LICENSED
20 OPTOMETRIST OR OPHTHALMOLOGIST FOR
21 CHILDREN ENTERING A PUBLIC SCHOOL OR A
22 PUBLIC CHARTER SCHOOL FOR THE FIRST YEAR
23 IN PRE-K, KINDERGARTEN, OR GRADE ONE.
24
25
26

27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
28

29 SECTION 1. Arkansas Code § 6-18-1501 is amended to read as follows:
30 6-18-1501. Vision screenings.

31 ~~(a)(1)(A)(i)~~ (a)(1) Beginning with the 2010-2011 school year, every
32 child entering a public school or a public charter school for the first time
33 in either prekindergarten (preK), kindergarten (K), or grade one (1) shall
34 have one (1) comprehensive eye and vision examination performed by a licensed
35 optometrist or ophthalmologist.

36 (2) The comprehensive eye and vision examination shall be



1 completed within eight (8) months before the beginning of the school year or
2 within four (4) months after the beginning of the school year in which the
3 child first began to attend a public school or a public charter school.

4 (3) The parent or guardian shall be responsible for ensuring the
5 child receives the comprehensive eye and vision examination performed by a
6 licensed optometrist or ophthalmologist.

7 (b)(1)(A)(i) Beginning with the 2006-2007 school year, all For the
8 2009 - 2010 school year, children in prekindergarten (~~preK~~), kindergarten
9 (~~K~~), grades one (1), two (2), four (4), six (6), and eight (8) and all
10 transfer students shall receive an eye and vision screening.

11 (ii) This requirement applies to public schools and
12 public charter schools.

13 (B)(i) The Department of Education shall ensure the
14 provision of all general revenues necessary to access federal funds for eye
15 and vision screenings for all qualified federal healthcare program
16 recipients.

17 (ii) The school district shall be responsible for
18 all remaining costs associated with eye and vision screenings.

19 (C) Nothing in this subchapter shall preclude voluntary
20 screening of any educational grade or preclude the referral of any child
21 regardless of grade ~~who~~ whom the teacher or school nurse feels should be
22 screened or examined.

23 (2) The responsibility for the enforcement of this ~~section~~
24 subsection (b) rests equally with each school district or public charter
25 school and the parent or guardian of the child.

26 (c)(1)(A)(i) Beginning with the 2010-2011 school year, only children
27 in grades two (2), four (4), six (6), and eight (8) and all transfer students
28 shall receive an eye and vision screening.

29 (ii) This requirement applies to public schools and
30 public charter schools.

31 (B)(i) The Department of Education shall ensure the
32 provision of all general revenues necessary to access federal funds for eye
33 and vision screenings for all qualified federal healthcare program
34 recipients.

35 (ii) The school district shall be responsible for
36 all remaining costs associated with eye and vision screenings.

1 (C) Nothing in this subchapter shall preclude voluntary
2 screening of any educational grade or preclude the referral of any child
3 regardless of grade whom the teacher or school nurse feels should be screened
4 or examined.

5 (2) The responsibility for the enforcement of this subsection
6 (c) rests equally with each school district or public charter school and the
7 parent or guardian of the child.

8 ~~(b)~~(d) An eye and vision screening shall include the following tests,
9 procedures, equipment, and instruments approved by the Arkansas Commission on
10 Eye and Vision Care of School Age Children and the department:

11 (1) Observation and external inspection of the eye;

12 (2) Distance visual acuity test using a Snellen Eye Chart at
13 twenty feet (20') or an age or developmentally appropriate chart at ten feet
14 (10') outside a vision screening instrument;

15 (3) A plus lens visual acuity test using a Snellen Eye Chart at
16 twenty feet (20') or an age or developmentally appropriate chart at ten feet
17 (10') outside a vision screening instrument; and

18 (4) Visual screening instrument tests, ~~which~~ that include:

19 (A) Lateral muscle balance test at far;

20 (B) Vertical muscle balance test at far;

21 (C) Fusion or binocularity at far;

22 (D) Lateral muscle balance test at near;

23 (E) Fusion or binocularity at near; and

24 (F) Color perception.

25 ~~(e)~~(e) A child who fails an eye and vision screening shall be
26 rescreened within one (1) month of the initial screening by the school nurse
27 or a school vision care consultant.

28 ~~(d)-(1)~~(f)(1) An eye and vision screening report shall be sent or given
29 to each parent or guardian of each child who has failed the vision screening
30 test.

31 (2) The report shall identify whether the child passed or failed
32 the screening and the need for a comprehensive eye and vision examination.

33 (3) The report shall be mailed or given directly to the parent
34 or guardian by the appropriate school personnel and shall comply with all
35 applicable privacy laws.

36

1 SECTION 2. Arkansas Code § 6-18-1502 is amended to read as follows:
2 6-18-1502. Eye exams.

3 (a)(1) A child who does not pass the eye and vision screening tests
4 required by § 6-18-1501(b) and (c), except for the color perception test,
5 shall be required to have a comprehensive eye and vision examination
6 conducted by an optometrist or ophthalmologist within sixty (60) days of
7 receipt of the vision screening report identifying the need for the
8 examination.

9 (2) The parent or guardian of the child shall be responsible for
10 ensuring that the child receives the appropriate eye and vision examination.

11 (b)(1) If a child does not receive an appropriate examination as
12 required by § 6-18-1501(a) and subsection (a) of this section, as evidenced
13 by a certificate signed by an optometrist or ophthalmologist acknowledging
14 the examination, then the public school or public charter school where the
15 child is registered shall report the child to the Department of Education.

16 (2) The local school district shall take such action as
17 necessary to encourage that the child receive an appropriate examination.

18 (c) A child who has had a comprehensive eye and vision examination
19 conducted by an optometrist or ophthalmologist within six (6) months of an
20 eye and vision screening is not required to have another examination if the
21 parent or guardian of the child presents evidence of a comprehensive eye and
22 vision examination in the form of a certificate signed by an optometrist or
23 ophthalmologist acknowledging the examination.

24
25 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
26 General Assembly of the State of Arkansas that the academic year begins in
27 August; that establishing a comprehensive eye exams for students is paramount
28 to the welfare of the students; and that this act is immediately necessary
29 because schools need sufficient time to implement the provisions of this act.
30 Therefore, an emergency is declared to exist and this act being immediately
31 necessary for the preservation of the public peace, health, and safety shall
32 become effective on:

33 (1) The date of its approval by the Governor;

34 (2) If the bill is neither approved nor vetoed by the Governor,
35 the expiration of the period of time during which the Governor may veto the
36 bill; or

1 (3) If the bill is vetoed by the Governor and the veto is
2 overridden, the date the last house overrides the veto.

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36