

ARKANSAS DEPARTMENT OF EDUCATION DIVISION OF ELEMENTARY AND
SECONDARY EDUCATION AND ARKANSAS DEPARTMENT OF HEALTH
RULES GOVERNING SCOLIOSIS SCREENING

RECEIVED

MAY 15 2020

BUREAU OF
LEGISLATIVE RESEARCH

1.00 REGULATORY AUTHORITY

1.01 These rules shall be known as the Arkansas Department of Education Division of Elementary and Secondary Education Rules Governing Scoliosis Screening.

1.02 These rules are enacted pursuant to the Arkansas State Board of Education's authority under Ark. Code Ann. §§ 6-11-105, 20-15-801 et seq. 25-15-201 et seq. and Act 843 of 2019.

2.00 PURPOSE

2.01 The purpose of these rules is to provide a method to assure that all school age children shall be screened for scoliosis, and to assure that all children who fail the screening are referred for appropriate medical follow-up.

3.00 DEFINITIONS

3.01 "Certified Scoliosis Screening Instructors" means individuals who train the screeners. These shall be licensed health practitioners who have successfully completed the Arkansas Department of Health Instructor Training Course in Scoliosis Screening.

3.02 "Forward Bend Technique" means a technique used to determine the presence or absence of an abnormality of the spine. It involves observing the person being screened from the rear, front, and side while the person is bending forward.

3.03 "Scoliometer" means an instrument that measures the degree of rotation of a deformity of the back found on a routine scoliosis screening.

3.04 "Scoliosis" means a lateral curvature of the spine, resembling an S-curve or C-curve.

3.05 “Scoliosis Screening Procedure” means the procedure used to examine a child for scoliosis. It consists of evaluating the child in six (6) positions. The forward bend technique is included in three of these positions.

3.06 “Screeners” means Individuals who perform the actual scoliosis screening. These shall be licensed physicians, individuals who have been trained to perform scoliosis screening by a Certified Scoliosis Screening Instructor, or individuals who can document completion of a Scoliosis Screening Workshop within the past five (5) years and demonstrate competence to a Certified Scoliosis Screening Instructor.

4.00 SCREENING PROGRAM

4.01 Parental notification shall be done at least seven (7) days prior to screening.

4.02 Screeners shall be licensed physicians, individuals trained by a Certified Scoliosis Screening Instructor to perform scoliosis screening, or individuals who can document completion of a Scoliosis Screening Workshop within the past five (5) years and demonstrate competence to a Certified Scoliosis Screening Instructor. School health personnel, volunteers, and other school employees who are not classroom teachers shall screen if they have been trained in scoliosis screening by a Certified Scoliosis Screening Instructor (CSSI). A school is not required to hire personnel on a full-time, part-time, or consultant basis to conduct the screening, but shall utilize school health personnel, volunteers, and other school employees who are not classroom teachers and who meet the qualifications prescribed by the rules.

4.03 ~~Girls shall receive a scoliosis screening in the sixth grade grades six (6) and grades eight (8) the eighth grades. Boys shall receive a scoliosis screening in grade eight (8) the eighth grade.~~

4.04 The Scoliosis Screening Procedure shall be used as the first stage of screening. If the Scoliosis Screening Procedure indicates positive findings for possible scoliosis, the Scoliometer shall be used as the second stage of screening.

4.05 ~~Refer a child with an abnormal screening and/or scoliometer reading of $\geq 7^\circ$ to a licensed physician. It is highly recommended that a child with a scoliometer reading of $> 8^\circ$ be referred to an orthopedist.~~ A child with an abnormal screening, scoliometer reading of greater than or equal to seven degrees ($\geq 7^\circ$), or both shall be referred to a licensed physician. A child with a scoliometer reading of greater than eight degrees ($> 8^\circ$) should be referred to an orthopedist in addition to a referral to a licensed physician.

4.06 A Certified Scoliosis Screening Instructor or School Health Nurse shall contact the parents of a child who fails the screening by letter, telephone call, or in person to:

4.06.1 Explain the findings:

4.06.2 Define and discuss scoliosis:

4.06.3 Discuss the need for referral to a licensed physician and/or the need for referral or orthopedist.

4.07 The School shall provide a Scoliosis Screening Report to the parent to take to the licensed physician or orthopedist.

4.08 The School shall schedule students, who were not screened because of absence, within ninety (90) days after the missed screening. Any reason for exclusion from the screening shall be documented. The School shall recontact the parents of students who failed the screening and were referred, but then missed that appointment. This contact shall be made by letter, telephone call, or in person at least one additional time to discuss the importance of follow up.

4.09 The reason for a student's exclusion from the screening shall be documented. A child is not screened if his or her parent or guardian objects to the screening in writing, stating as the basis of the objection that it is contrary to the parent's or guardian's religious beliefs.

4.10 The School shall recontact the parents of students who failed the screening and were referred to a licensed physician or an orthopedist, but then missed that appointment. This contact shall be made by letter, telephone call, or in person at least one additional time to discuss the importance of follow-up.

4.11 No A child shall be is not screened if its his or her parent or guardian objects to the screening in writing, stating as the basis of the objection that it is contrary to the parent's or guardian's religious beliefs."

5.00 TRAINING PROGRAM

The Arkansas Department of Health shall provide an Instructor Training Course in Scoliosis Screening. This workshop shall be designed to teach the principles and proper technique for scoliosis screening. Any graduate of this course shall be a Certified Scoliosis Screening Instructor and is qualified to teach persons to be scoliosis screeners. The certification shall be valid for a period of five (5) years, after which time an update course in Scoliosis Screening shall be required for recertification. Recertification shall be again for a five (5) year period and this cycle shall continue.

6.00 RECORDS

6.01 The Arkansas Department of Health, the Arkansas Department of Education Division of Elementary and Secondary Education, and private health care providers shall maintain confidentiality of those individuals screened as authorized by law.

6.02 The Arkansas Department of Education Division of Elementary and Secondary Education shall collect statistics on Scoliosis Screening activities in the state. The following information shall be reported annually:

6.02.1 The target population eligible for screening

6.02.2 The number of children screened

6.02.3 The number of children referred

6.02.4 The number of children seen by a physician

6.02.5 The number of children diagnosed with scoliosis by a physician.

(Note: Each category shall be listed by grades and by sex.)

These findings shall be made available to the Arkansas Department of Health on an annual basis for purposes of program evaluation.

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

A Bill

HOUSE BILL 1641

4
5 By: Representatives L. Johnson, Boyd
6 By: Senator Hester

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE RULES
10 INVOLVING SCOLIOSIS SCREENING IN SCHOOLS; AND FOR
11 OTHER PURPOSES.

Subtitle

15 TO AMEND THE LAW CONCERNING THE RULES
16 INVOLVING SCOLIOSIS SCREENING IN SCHOOLS.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21 SECTION 1. Arkansas Code § 20-15-803 is amended to read as follows:
22 20-15-803. Regulations Rules.

23 (a) ~~The State Board of Health is directed to~~ Department of Education,
24 in coordination with the State Board of Health, shall promulgate regulations
25 rules as soon as possible to implement this subchapter.

26 ~~(b) The regulations shall not be effective until concurred in by the~~
27 ~~State Board of Education.~~

28 ~~(c)~~(b) The regulations rules shall provide that:

29 (1) A ~~no~~ child shall ~~be~~ is not screened if his or her parent or
30 guardian objects to the screening in writing, stating as the basis of the
31 objection that it is contrary to the parent's or guardian's religious
32 beliefs; and

33 ~~(d)~~(2) ~~The regulations shall provide that the schools shall not be~~ A
34 school is not required to hire personnel on a full-time, part-time, or
35 consultant basis to conduct the screening, but ~~they~~ shall utilize school
36 health personnel, volunteers, and other school employees who are not



1 classroom teachers and who meet the qualifications prescribed by the
2 ~~regulations~~ rules.

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APPROVED: 4/10/19