

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.

INTERIM STUDY PROPOSAL 2009-042

State of Arkansas
87th General Assembly
Regular Session, 2009

A Bill

HOUSE BILL 1389

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

Filed with: House Interim Committee on Public Health, Welfare and Labor
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

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

Subtitle

TO REQUIRE ONE (1) COMPREHENSIVE EYE AND
VISION EXAMINATION BY A LICENSED
OPTOMETRIST OR OPHTHALMOLOGIST FOR
CHILDREN ENTERING A PUBLIC SCHOOL OR A
PUBLIC CHARTER SCHOOL FOR THE FIRST YEAR
IN PRE-K, KINDERGARTEN, OR GRADE ONE.

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

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

~~(a)(1)(A)(i)~~ (a)(1) Beginning with the 2010-2011 school year, every child entering a public school or a public charter school for the first time in either prekindergarten (preK), kindergarten (K), or grade one (1) shall



1 have one (1) comprehensive eye and vision examination performed by a licensed
2 optometrist or ophthalmologist.

3 (2) The comprehensive eye and vision examination shall be
4 completed within eight (8) months before the beginning of the school year or
5 within four (4) months after the beginning of the school year in which the
6 child first began to attend a public school or a public charter school.

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

10 (b)(1)(A)(i) Beginning with the 2006-2007 school year, all For the
11 2009 - 2010 school year, children in prekindergarten (~~preK~~), kindergarten
12 (~~K~~), grades one (1), two (2), four (4), six (6), and eight (8) and all
13 transfer students shall receive an eye and vision screening.

14 (ii) This requirement applies to public schools and
15 public charter schools.

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

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

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

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

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

32 (ii) This requirement applies to public schools and
33 public charter schools.

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

1 recipients.

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

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

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

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

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

15 (2) Distance 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;

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

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

22 (A) Lateral muscle balance test at far;

23 (B) Vertical muscle balance test at far;

24 (C) Fusion or binocularity at far;

25 (D) Lateral muscle balance test at near;

26 (E) Fusion or binocularity at near; and

27 (F) Color perception.

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

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

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

36 (3) The report shall be mailed or given directly to the parent

1 or guardian by the appropriate school personnel and shall comply with all
2 applicable privacy laws.

3
4 SECTION 2. Arkansas Code § 6-18-1502 is amended to read as follows:
5 6-18-1502. Eye exams.

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

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

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

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

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

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

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

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

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

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