

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 85th General Assembly
3 Regular Session, 2005

A Bill

HOUSE BILL 1734

4
5 By: Representatives S. Prater, Berry, Borhauer, Bright, Elliott, L. Evans, Goss, Hardy, Key, McDaniel,
6 Pace, Ragland, Reep, Roebuck, Sumpter, Willis, Wood
7 By: Senators J. Bookout, Critcher, Faris, Horn, Steele, Womack

For An Act To Be Entitled

11 AN ACT TO MANDATE EYE AND VISION SCREENING
12 PROCEDURES AND TESTS FOR CHILDREN; TO CONTINUE
13 THE ARKANSAS COMMISSION ON EYE AND VISION CARE OF
14 SCHOOL AGE CHILDREN; AND FOR OTHER PURPOSES.

Subtitle

16 AN ACT TO MANDATE EYE AND VISION
17 SCREENING PROCEDURES AND TESTS FOR
18 CHILDREN.

21
22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

23
24 SECTION 1. Arkansas Code Title 6, Chapter 18 is amended to add an
25 additional subchapter to read as follows:

26 6-18-1301. Vision screenings.

27 (a)(1) Beginning with the 2005-2006 school year, all children in
28 grades kindergarten (k), two (2), four (4), six (6), eight (8) grades, and
29 all transfer students shall receive an eye and vision screening. This
30 requirement applies to public schools and charter schools.

31 (2) The responsibility for the enforcement of this section rests
32 equally with each school district or charter school and the parent or
33 guardian of the child.

34 (b) An eye and vision screening shall include the following tests,
35 procedures, equipment, and instruments approved by the Arkansas Commission on
36 Eye and Vision Care of School Age Children:



- 1 (1) Observation and external inspection of the eye;
- 2 (2) Distance visual acuity test using a Snellen Eye Chart at
- 3 twenty feet (20') outside a vision screening instrument;
- 4 (3) A plus lens visual acuity test using a Snellen Eye Chart at
- 5 twenty feet (20') outside a vision screening instrument; and
- 6 (4) Visual screening instrument tests, which include:
 - 7 (A) Lateral muscle balance test at far;
 - 8 (B) Vertical muscle balance test at far;
 - 9 (C) Fusion or binocularity at far;
 - 10 (D) Lateral muscle balance test at near;
 - 11 (E) Fusion or binocularity at near; and
 - 12 (F) Color perception.

13 (c) A child who fails an eye and vision screening shall be rescreened
 14 within one (1) month of the initial screening by the school nurse or a school
 15 vision care consultant.

16 (d)(1) An eye and vision screening report shall be sent to each parent
 17 or guardian.

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

20 (3) The report shall be mailed separately from any other school
 21 reports or information and shall comply with all applicable privacy laws.

22

23 6-18-1302. Eye exams.

24 (a)(1) A child who does not pass the eye and vision screening shall be
 25 required to have a comprehensive eye and vision examination conducted by an
 26 optometrist or ophthalmologist within sixty (60) days of receipt of the
 27 vision screening report identifying the need for the examination.

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

30 (b) If a child does not receive an appropriate examination, as
 31 evidenced by a certificate signed by an optometrist or ophthalmologist
 32 acknowledging the examination, then the public school or charter school where
 33 the child is registered shall report the child to the Department of
 34 Education. The Department of Education shall take such action that is
 35 necessary to ensure that the child receives an appropriate examination.

36 (c) A child who has had a comprehensive eye and vision examination

1 conducted by an optometrist or ophthalmologist within six (6) months of an
2 eye and vision screening is not required to have another examination if the
3 parent or guardian of the child presents evidence of a comprehensive eye and
4 vision examination in the form of a certificate signed by an optometrist or
5 ophthalmologist acknowledging the examination.

6
7 6-18-1303. Forms.

8 (a) Standardized forms for eye and vision screening reports shall be
9 developed by the Arkansas Commission on Eye and Vision Care of School Age
10 Children and adopted by the Department of Education in regulations
11 promulgated under the Arkansas Administrative Procedure Act, § 25-15-201 et
12 seq.

13 (b) The standardized forms shall include:

- 14 (1) A screening form;
- 15 (2) A parent notification form;
- 16 (3) A doctor report form;
- 17 (4) A form to report the results of screening and examination;

18 and

- 19 (5) Any other forms deemed necessary by the commission.

20 (c) Every public school and charter school shall use the standardized
21 forms for eye and vision screening reports.

22
23 6-18-1304. Training.

24 The Department of Education, in conjunction with the Arkansas
25 Commission on Eye and Vision Care of School Age Children, shall adopt
26 regulations that establish standards for training school nurses to perform
27 eye and vision screenings.

28
29 6-18-1305. Reporting.

30 Each public school and charter school shall de-identify eye and vision
31 screening results as necessary to comply with privacy laws and report the
32 results by grade to the Department of Education and the Arkansas Commission
33 on Eye and Vision Care of School Age Children. The reports shall include the
34 following information:

- 35 (1) The number of children screened;
- 36 (2) The number of children rescreened;

1 (3) The number of children who did not receive an eye and vision
2 screening;

3 (4) The number of children referred for a comprehensive eye
4 examination;

5 (5) The number of children who failed the eye and vision
6 screening who did not receive a comprehensive eye examination; and

7 (6) The results of comprehensive eye examinations.

8
9 6-18-1306. Consultant.

10 Each school district is encouraged to select one (1) or more
11 optometrists or ophthalmologists to serve as nonpaid eye and vision care
12 consultants to provide advice and assistance with eye and vision screenings
13 and examinations.

14
15 SECTION 2. Uncodified Section 3 of Act 755 of 2003, concerning the
16 Arkansas Commission on Eye and Vision Care of School Age Children, is amended
17 to read as follows:

18 SECTION 3. Duties.

19 (a) ~~The commission~~ Arkansas Commission on Eye and Vision Care of
20 School Age Children shall:

21 (1) Study the eye and vision needs of the school age children of
22 Arkansas;

23 (2) Study and evaluate vision screening programs in the schools,
24 and their effectiveness;

25 (3) Study and evaluate whether children are receiving adequate
26 eye and vision care, and correction of vision problems;

27 (4) Study the effects of inadequate vision on the performance of
28 children in the classroom; and

29 (5) ~~Develop~~ Continue to develop a strategic statewide plan to
30 ensure adequate eye and vision care of school age children.

31 (b) ~~By November 1, 2004, the~~ The commission and the Department of
32 Education shall report its findings and updates ~~strategic plan for meeting~~
33 ~~the vision needs of school age children~~ to the Governor, the Legislative
34 Council, and the House and Senate Interim Committees on Public Health,
35 Welfare, and Labor two (2) times per year.

36 (c) The commission may accept any and all donations, grants of money,

1 instruments, equipment, supplies, materials, and services, conditional or
 2 otherwise from private sources, from municipal and county governments, from
 3 the state, and from the federal government. The commission may use any of
 4 its resources to further the commission's purposes and functions.

5 (d) The commission shall develop criteria for the distribution of
 6 commission resources to individuals and school districts in need of financial
 7 or other assistance necessary to satisfy the requirements of Arkansas Code §§
 8 6-18-1301 through 6-18-1306.

9 (e) In conjunction with the Department of Education, the commission
 10 shall develop criteria for passage or failure of a vision screening and
 11 criteria for referral for a comprehensive eye examination. The Department of
 12 Education shall adopt the criteria as rules promulgated under the
 13 Administrative Procedure Act, § 25-15-201 et seq.

14 (f) In conjunction with the Department of Education, the commission
 15 shall develop standardized forms to be used with regard to conducting and
 16 reporting the results of eye and vision screenings.

17 (g) The commission shall evaluate and approve the vision screening
 18 instruments, equipment, and other testing items that are used to conduct the
 19 eye and vision screenings.

20 (h) In conjunction with the Department of Education, the commission
 21 shall conduct a pilot study to evaluate the pre- and post-performance test
 22 scores of school children who have been screened and referred for vision
 23 problems. The study shall encompass rural, urban, and empowerment zone
 24 school systems.

25
 26 SECTION 4. Uncodified Section 5 of Act 755 of 2003 is amended to read
 27 as follows:

28 SECTION 5. The commission shall expire on June 30, ~~2005~~ 2007.

29
 30 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the
 31 General Assembly of the State of Arkansas that the Arkansas Commission on Eye
 32 and Vision Care of School Age Children expires at the end of the current
 33 state fiscal year; that the commission is called upon to undertake new
 34 responsibilities with regard to eye and vision screenings for school age
 35 children that cannot be completed within that time frame; that this act is
 36 immediately necessary because any delay in the effective date of this act

1 would work irreparable harm on the ability of the commission to carry out its
2 responsibilities that are designed to benefit Arkansas school children and
3 enhance their learning opportunities. Therefore, an emergency is declared to
4 exist and this act being immediately necessary for the preservation of the
5 public peace, health, and safety shall become effective on:

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

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

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

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