

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 As Engrossed: H2/24/05 H3/1/05 S3/10/05 S3/22/05

2 85th General Assembly

# A Bill

3 Regular Session, 2005

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

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## 10 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.

15

16

### Subtitle

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

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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 2006-2007 school year, all children in pre-  
28 kindergarten (pre-K), kindergarten (k), grades one (1), two (2), four (4),  
29 six (6), and eight (8), and all transfer students shall receive an eye and  
30 vision screening. This requirement applies to public school and charter  
31 schools. The Department of Education shall ensure the provision of all  
32 general revenues necessary to access federal funds for eye and vision  
33 screenings for all qualified federal healthcare program recipients. The  
34 school district shall be responsible for all remaining costs associated with  
35 eye and vision screenings. Nothing in this act shall preclude voluntary  
36 screening of any educational grade or preclude the referral of any child



1 regardless of grade whom the teacher or school nurse feels should be screened  
2 or examined. (2) The responsibility for the enforcement of this  
3 section rests equally with each school district or charter school and the  
4 parent or guardian of the child.

5 (b) An eye and vision screening shall include the following tests,  
6 procedures, equipment, and instruments approved by the Arkansas Commission on  
7 Eye and Vision Care of School Age Children and the Department of Education:

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

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

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

15 (4) Visual screening instrument tests, which include:

16 (A) Lateral muscle balance test at far;

17 (B) Vertical muscle balance test at far;

18 (C) Fusion or binocularity at far;

19 (D) Lateral muscle balance test at near;

20 (E) Fusion or binocularity at near; and

21 (F) Color perception.

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

25 (d)(1) An eye and vision screening report shall be sent or given to  
26 each parent or guardian of each child that has failed the vision screening  
27 test.

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

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

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34 6-18-1302. Eye exams.

35 (a)(1) A child who does not pass the eye and vision screening tests,  
36 except for the color perception test, shall be required to have a

1 comprehensive eye and vision examination conducted by an optometrist or  
2 ophthalmologist within sixty (60) days of receipt of the vision screening  
3 report identifying the need for the examination.

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

6 (b) If a child does not receive an appropriate examination, as  
7 evidenced by a certificate signed by an optometrist or ophthalmologist  
8 acknowledging the examination, then the public school or charter school where  
9 the child is registered shall report the child to the Department of  
10 Education. The local school district and shall take such action that is  
11 necessary to encourage that the child receives an appropriate examination.

12 (c) A child who has had a comprehensive eye and vision examination  
13 conducted by an optometrist or ophthalmologist within six (6) months of an  
14 eye and vision screening is not required to have another examination if the  
15 parent or guardian of the child presents evidence of a comprehensive eye and  
16 vision examination in the form of a certificate signed by an optometrist or  
17 ophthalmologist acknowledging the examination.

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19 6-18-1303. Forms.

20 (a) Standardized forms for eye and vision screening reports shall be  
21 developed by the Department of Education in conjunction with the Arkansas  
22 Commission on Eye and Vision Care of School Age Children and adopted by the  
23 Department of Education in regulations promulgated under the Arkansas  
24 Administrative Procedure Act, § 25-15-201 et seq.

25 (b) The standardized forms shall include:

26 (1) A screening form;

27 (2) A parent notification form;

28 (3) A doctor report form;

29 (4) A form to report the results of screening and examination;

30 and

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

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

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35 6-18-1304. Training.

36 The Department of Education, in conjunction with the Arkansas

1 Commission on Eye and Vision Care of School Age Children, shall adopt  
2 regulations that establish standards for training school nurses to perform  
3 eye and vision screenings.

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5 6-18-1305. Reporting.

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

11 (1) The number of children screened;

12 (2) The number of children rescreened;

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

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

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

19 (6) The results of comprehensive eye examinations.

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21 6-18-1306. Consultant.

22 Each school district is encouraged to select one (1) or more  
23 optometrists or ophthalmologists to serve as nonpaid eye and vision care  
24 consultants to provide advice and assistance with eye and vision screenings  
25 and examinations.

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

30 SECTION 3. Duties.

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

33 (1) Study the eye and vision needs of the school age children of  
34 Arkansas;

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

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

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

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

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

12 (c) The commission may accept any and all donations, grants of money,  
13 instruments, equipment, supplies, materials, and services, conditional or  
14 otherwise from private sources, from municipal and county governments, from  
15 the state, and from the federal government. The commission may use any of  
16 its resources to further the commission's purposes and functions.

17 (d) The commission shall develop criteria for the distribution of  
18 commission resources to individuals and school districts in need of financial  
19 or other assistance necessary to satisfy the requirements of Arkansas Code §§  
20 6-18-1301 through 6-18-1306.

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

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

29 (g) The commission and the Department of Education shall evaluate and  
30 approve the vision screening instruments, equipment, and other testing items  
31 that are used to conduct the eye and vision screenings.

32 (h) The commission shall conduct a pilot study to evaluate the pre-  
33 and post-performance test scores of school children who have been screened  
34 and referred for vision problems. The study shall encompass rural, urban,  
35 and empowerment zone school systems.

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1 SECTION 4. Uncodified Section 5 of Act 755 of 2003 is amended to read  
2 as follows:

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

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5 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the  
6 General Assembly of the State of Arkansas that the Arkansas Commission on Eye  
7 and Vision Care of School Age Children expires at the end of the current  
8 state fiscal year; that the commission is called upon to undertake new  
9 responsibilities with regard to eye and vision screenings for school age  
10 children that cannot be completed within that time frame; that this act is  
11 immediately necessary because any delay in the effective date of this act  
12 would work irreparable harm on the ability of the commission to carry out its  
13 responsibilities that are designed to benefit Arkansas school children and  
14 enhance their learning opportunities. Therefore, an emergency is declared to  
15 exist and this act being immediately necessary for the preservation of the  
16 public peace, health, and safety shall become effective on:

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

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

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

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24 /s/ S. Prater  
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