

AMENDED IN ASSEMBLY JUNE 18, 2013

AMENDED IN SENATE APRIL 18, 2013

SENATE BILL

No. 430

Introduced by Senator Wright

(Coauthor: Senator Hancock)

(Coauthors: Assembly Members Mitchell and John A. Pérez)

February 21, 2013

An act to amend ~~Section~~, *repeal, and add Sections 48216 and 49455* of the Education Code, relating to pupil health.

LEGISLATIVE COUNSEL'S DIGEST

SB 430, as amended, Wright. Pupil health: vision—~~appraisal: examination:~~ binocular function.

Existing law requires, upon first enrollment in a California school district of a child at a California elementary school, and at least every 3rd year thereafter until the child has completed the 8th grade, the child's vision to be appraised by the school nurse or other authorized person, as specified. Existing law requires this appraisal to include tests for visual acuity and color vision. *Existing law requires the county office of education or the governing board of the school district of attendance to exclude any pupil who has not been properly immunized, unless the pupil is exempted from the immunization requirement, as specified.*

This bill would ~~require the appraisal~~ *instead, before first enrollment in a California school district of a pupil at a California elementary school, and at least every 3rd year thereafter until the pupil has completed the 8th grade, require the pupil's vision to be examined by an optometrist or ophthalmologist, except as specified, and require the examination to also include a ~~screening~~ test for binocular function and refraction and eye health evaluations.* The bill would provide that the

binocular function appraisal examination need not begin until the pupil has reached the 3rd grade and would authorize the binocular function appraisal to include a validated symptom survey, as specified *require the parent or guardian of the pupil to provide results of the examination to the school district. The bill would require the county office of education or the governing board of the school district of attendance to exclude a pupil who has not been examined by an optometrist or ophthalmologist, as described above, and would require the governing board of the school district to notify the parent or guardian of the pupil that the parent or guardian has 2 weeks to supply evidence that the pupil has been examined by an optometrist or ophthalmologist, or is exempted from the examination requirement. The bill would make these provisions operative on September 1, 2014.* By requiring a school nurse or other authorized person to test for binocular function district to collect information and send notices related to the examination of a pupil by an optometrist or ophthalmologist, the bill would impose a state-mandated local program.

This bill would also make nonsubstantive changes to this provision.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 48216 of the Education Code is amended
- 2 to read:
- 3 48216. (a) The county office of education or the governing
- 4 board of the school district of attendance shall exclude ~~any~~ a pupil
- 5 who has not been immunized properly pursuant to Chapter 1
- 6 (commencing with Section 120325) of Part 2 of Division 105 of
- 7 the Health and Safety Code.
- 8 (b) The governing board of the *school* district shall notify the
- 9 parent or guardian of the pupil that they have two weeks to supply
- 10 evidence either that the pupil has been properly immunized, or

1 that the pupil is exempted from the immunization requirement
2 pursuant to Section 120365 or 120370 of the Health and Safety
3 Code.

4 (c) The governing board of the *school* district, in the notice,
5 shall refer the parent or guardian of the pupil to the pupil's usual
6 source of medical care to obtain the immunization, or if no usual
7 source exists, either refer the parent or guardian to the county
8 health department, or notify the parent or guardian that the
9 immunizations will be administered at a school of the *school*
10 district.

11 (d) *This section shall become inoperative on September 1, 2014,*
12 *and, as of January 1, 2015, is repealed, unless a later enacted*
13 *statute, that becomes operative on or before January 1, 2015,*
14 *deletes or extends the dates on which it becomes inoperative and*
15 *is repealed.*

16 SEC. 2. Section 48216 is added to the Education Code, to read:

17 48216. (a) The county office of education or the governing
18 board of the school district of attendance shall exclude a pupil
19 who has not been immunized properly pursuant to Chapter 1
20 (commencing with Section 120325) of Part 2 of Division 105 of
21 the Health and Safety Code or who has not been examined pursuant
22 to Section 49455.

23 (b) The governing board of the school district shall notify the
24 parent or guardian of the pupil that they have two weeks to supply
25 evidence of both of the following:

26 (1) That the pupil has been properly immunized, or that the
27 pupil is exempted from the immunization requirement pursuant to
28 Section 120365 or 120370 of the Health and Safety Code.

29 (2) That the pupil has been examined, or that the pupil is
30 exempted from the examination requirement pursuant to Section
31 49455.

32 (c) The governing board of the school district, in the notice,
33 shall refer the parent or guardian of the pupil to the pupil's usual
34 source of medical care to obtain the immunization, or if no usual
35 source exists, either refer the parent or guardian to the county
36 health department, or notify the parent or guardian that the
37 immunizations will be administered at a school of the school
38 district.

39 (d) *This section shall become operative on September 1, 2014.*

1 *SEC. 3. Section 49455 of the Education Code is amended to*
2 *read:*

3 49455. (a) Upon first enrollment in a California school district
4 of a ~~child~~ *pupil* at a California elementary school, and at least every
5 third year thereafter until the ~~child~~ *pupil* has completed the eighth
6 grade, the ~~child's~~ *pupil's* vision shall be appraised by the school
7 nurse or other authorized person under Section 49452. This
8 ~~evaluation~~ *appraisal* shall include tests for visual acuity and color
9 vision; however, color vision shall be appraised once and only on
10 male ~~children~~ *pupils*, and the results of the appraisal shall be
11 entered in the health record of the pupil. Color vision appraisal
12 need not begin until the male pupil has reached the first grade.
13 Gross external observation of the ~~child's~~ *pupil's* eyes, visual
14 performance, and perception shall be done by the school nurse and
15 the classroom teacher. The ~~evaluation~~ *appraisal* may be waived,
16 if the ~~child's~~ *pupil's* parents so desire, by their presenting of a
17 certificate from a physician and surgeon, a physician assistant
18 practicing in compliance with Chapter 7.7 (commencing with
19 Section 3500) of Division 2 of the Business and Professions Code,
20 or an optometrist setting out the results of a determination of the
21 ~~child's~~ *pupil's* vision, including visual acuity and color vision.

22 The provisions of this

23 (b) *This section shall not apply to any child a pupil whose*
24 *parents or guardian file with the principal of the school in which*
25 *the child pupil is enrolling, a statement in writing that they adhere*
26 *to the faith or teachings of any well-recognized religious sect,*
27 *denomination, or organization and in accordance with its creed,*
28 *tenets, or principles depend for healing upon prayer in the practice*
29 *of their religion.*

30 (c) *This section shall become inoperative on September 1, 2014,*
31 *and, as of January 1, 2015, is repealed, unless a later enacted*
32 *statute, that becomes operative on or before January 1, 2015,*
33 *deletes or extends the dates on which it becomes inoperative and*
34 *is repealed.*

35 *SEC. 4. Section 49455 is added to the Education Code, to read:*

36 49455. (a) *Before first enrollment in a California school*
37 *district of a pupil at a California elementary school, and at least*
38 *every third year thereafter until the child has completed the eighth*
39 *grade, the pupil's vision shall be examined by an optometrist or*
40 *ophthalmologist. This examination shall include tests for visual*

1 acuity, binocular function, and color vision, and refraction and
2 eye health evaluations; however, color vision shall be appraised
3 once and only on male pupils, and the parent or guardian of the
4 pupil shall provide results of the examination to the school district.
5 The color vision examination shall be conducted before the male
6 pupil has reached the first grade. The binocular function
7 examination need not begin until the pupil has reached the third
8 grade.

9 (b) This section shall not apply to a pupil whose parents or
10 guardian file with the principal of the school in which the pupil is
11 enrolling, a statement in writing that they adhere to the faith or
12 teachings of any well-recognized religious sect, denomination, or
13 organization and in accordance with its creed, tenets, or principles
14 depend for healing upon prayer in the practice of their religion.

15 (c) (1) If a pupil is ineligible for Medicaid, Children’s Health
16 Insurance Program coverage, or exchange subsidies under the
17 federal Patient Protection and Affordable Care Act (Public Law
18 111-148), or any other health care service, the county office of
19 education or the governing board of the school district of
20 attendance shall refer the pupil to the county health department
21 or other appropriate community resources able to perform a vision
22 examination pursuant to subdivision (a).

23 (2) If a pupil is unable to obtain a vision examination through
24 the referral under paragraph (1), the school may waive the vision
25 examination requirement of subdivision (a).

26 (d) For purposes of this section, “binocular function
27 examination” means, at a minimum, the evaluation of
28 accommodative ability, sensory and motor fusion, and ocular
29 motility.

30 (e) This section shall become operative on September 1, 2014.

31 SECTION 1. Section 49455 of the Education Code is amended
32 to read:

33 49455. (a) Upon first enrollment in a California school district
34 of a pupil at a California elementary school, and at least every
35 third year thereafter until the pupil has completed the 8th grade,
36 the pupil’s vision shall be appraised by the school nurse or other
37 authorized person under Section 49452. This appraisal shall include
38 screening tests for visual acuity, binocular function, and color
39 vision; however, color vision shall be appraised once and only on
40 male pupils, and the results of the appraisal shall be entered in the

1 health record of the pupil. Color vision appraisal need not begin
2 until the male pupil has reached the first grade. Binocular function
3 appraisal need not begin until the pupil has reached the third grade.
4 Gross external observation of the pupil's eyes, visual performance,
5 and perception shall be done by the school nurse and the classroom
6 teacher. The appraisal may be waived, if the pupil's parents so
7 desire, by their presenting of a certificate from a physician and
8 surgeon, a physician assistant practicing in compliance with
9 Chapter 7.7 (commencing with Section 3500) of Division 2 of the
10 Business and Professions Code, or an optometrist setting out the
11 results of a determination of the pupil's vision, including visual
12 acuity, binocular function, and color vision.

13 (b) This section shall not apply to a pupil whose parents or
14 guardian file with the principal of the school in which the pupil is
15 enrolling, a statement in writing that they adhere to the faith or
16 teachings of any well-recognized religious sect, denomination, or
17 organization and in accordance with its creed, tenets, or principles
18 depend for healing upon prayer in the practice of their religion.

19 (c) The binocular function appraisal required by subdivision (a)
20 may include a validated symptom survey developed during a
21 National Institute of Health's clinical trial and published for use
22 in the public domain.

23 ~~SEC. 2.~~

24 *SEC. 5.* If the Commission on State Mandates determines that
25 this act contains costs mandated by the state, reimbursement to
26 local agencies and school districts for those costs shall be made
27 pursuant to Part 7 (commencing with Section 17500) of Division
28 4 of Title 2 of the Government Code.