

AMENDED IN ASSEMBLY AUGUST 18, 2014

AMENDED IN SENATE APRIL 23, 2014

AMENDED IN SENATE MARCH 27, 2014

**SENATE BILL**

**No. 1172**

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**Introduced by Senator Steinberg**

(Principal coauthors: Assembly Members Buchanan and Gonzalez)

(*Coauthor: Assembly Member Nazarian*)

February 20, 2014

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An act to amend Section 49455 of the Education Code, relating to pupil health.

LEGISLATIVE COUNSEL'S DIGEST

SB 1172, as amended, Steinberg. Pupil health: vision appraisals.

Existing law requires, upon first enrollment in a California school district of a child at an 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 gross external observation of the child's eyes, visual performance, and perception to be done by the school nurse and the classroom teacher.

This bill would instead require a pupil's vision to be appraised by the school nurse or other authorized person during kindergarten or upon first enrollment or entry in a California school district of a pupil at an elementary school, and in grades 2, 5, and 8, except as provided. The bill would revise the functions to be performed by the school nurse and the classroom teacher in observing a pupil's eyes, appearance, and other factors that may indicate vision difficulties. The bill would require the

State Department of Education to adopt guidelines to implement those provisions, including training requirements and a method of testing for near vision. Because the bill would impose additional duties on public schools, the bill would impose a state-mandated local program.

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.

*The bill would incorporate changes to Section 49455 of the Education Code proposed by both this bill and AB 1840 which would become operative only if both bills are enacted and become effective on or before January 1, 2015, and this bill is enacted last.*

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. The Legislature finds that access to vision care*  
2     *has been expanded with implementation of the federal Patient*  
3     *Protection and Affordable Care Act (Public Law 111-148). It is*  
4     *therefore the intent of the Legislature that families be encouraged*  
5     *to utilize the vision care benefits in order to identify vision*  
6     *difficulties that interfere with reading and learning. It is also the*  
7     *intent of the Legislature to encourage school districts to ensure*  
8     *that vision screening is performed by appropriately trained*  
9     *professionals and that pupils with identified difficulties are*  
10    *provided with information regarding health care coverage and*  
11    *referrals.*

12    ~~SECTION 1.~~

13    *SEC. 2. Section 49455 of the Education Code is amended to*  
14    *read:*

15    49455. (a) (1) During the kindergarten year or upon first  
16    enrollment or entry in a California school district of a pupil at an  
17    elementary school, and in grades 2, 5, and 8, the pupil's vision  
18    shall be appraised by the school nurse or other authorized person  
19    under Section 49452.

1 (2) A pupil whose first enrollment or entry occurs in grade 4 or  
2 7 shall not be required to be appraised in the year immediately  
3 following the pupil's first enrollment or entry.

4 (b) The appraisal shall include tests for visual acuity, including  
5 near vision, and color vision; however, color vision shall be  
6 appraised once and only on male pupils, and the results of the  
7 appraisal shall be entered in the health record of the pupil. Color  
8 vision appraisal need not begin until the male pupil has reached  
9 the first grade.

10 (c) The appraisal may be waived, if the pupil's parents so desire,  
11 by their presenting of a certificate from a physician and surgeon,  
12 a physician assistant practicing in compliance with Chapter 7.7  
13 (commencing with Section 3500) of Division 2 of the Business  
14 and Professions Code, or an optometrist setting out the results of  
15 a determination of the pupil's vision, including visual acuity and  
16 color vision.

17 (d) Continual and regular observation of the pupil's eyes,  
18 appearance, behavior, visual performance, and perception that may  
19 indicate vision difficulties shall be done by the school nurse and  
20 the classroom teacher.

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

27 (f) The department shall adopt guidelines to implement this  
28 section, including training requirements and a method of testing  
29 for near vision.

30 *SEC. 2.5. Section 49455 of the Education Code is amended to*  
31 *read:*

32 ~~49455. Upon (a) (1) During the kindergarten year or upon~~  
33 ~~first enrollment or entry in a California school district of a child~~  
34 ~~at a California pupil at an elementary school, and at least every~~  
35 ~~third year thereafter until the child has completed the eighth grade,~~  
36 ~~the child's in grades 2, 5, and 8, the pupil's vision shall be~~  
37 ~~appraised by the school nurse or other authorized person under~~  
38 ~~Section 49452. This evaluation~~

1 (2) *A pupil whose first enrollment or entry occurs in grade 4*  
2 *or 7 shall not be required to be appraised in the year immediately*  
3 *following the pupil's first enrollment or entry.*

4 (b) *The appraisal shall include tests for visual acuity, including*  
5 *near vision, and color vision; however, color vision shall be*  
6 *appraised once and only on male-children, pupils, and the results*  
7 *of the appraisal shall be entered in the health record of the pupil.*  
8 *Color vision appraisal need not begin until the male pupil has*  
9 *reached the first grade. ~~Gross external observation of the child's~~*  
10 *eyes, visual performance, and perception shall be done by the*  
11 *school nurse and the classroom teacher. The evaluation*

12 (c) *The appraisal may be waived, if the child's pupil's parents*  
13 *so desire, by their presenting of a certificate from a physician and*  
14 *surgeon, a physician assistant practicing in compliance with*  
15 *Chapter 7.7 (commencing with Section 3500) of Division 2 of the*  
16 *Business and Professions Code, or an optometrist setting out the*  
17 *results of a determination of the child's pupil's vision, including*  
18 *visual acuity and color vision.*

19 ~~The provisions of this~~

20 (d) *A pupil's vision may be appraised by using an eye chart or*  
21 *any other scientifically validated photoscreening test.*  
22 *Photoscreening tests shall be performed, under an agreement with,*  
23 *or the supervision of, an optometrist or ophthalmologist, by the*  
24 *school nurse or a trained individual who meets requirements*  
25 *established by the department.*

26 (e) *Continual and regular observation of the pupil's eyes,*  
27 *appearance, behavior, visual performance, and perception that*  
28 *may indicate vision difficulties shall be done by the school nurse*  
29 *and the classroom teacher.*

30 (f) *This section shall not apply to ~~any child~~ a pupil whose parents*  
31 *or guardian file with the principal of the school in which the ~~child~~*  
32 *pupil is enrolling, a statement in writing that they adhere to the*  
33 *faith or teachings of any well-recognized religious sect,*  
34 *denomination, or organization and in accordance with its creed,*  
35 *tenets, or principles depend for healing upon prayer in the practice*  
36 *of their religion.*

37 (g) *The department shall adopt guidelines to implement this*  
38 *section, including training requirements and a method of testing*  
39 *for near vision.*

1     *SEC. 3. Section 2.5 of this bill incorporates amendments to*  
2     *Section 49455 of the Education Code proposed by both this bill*  
3     *and Assembly Bill 1840. It shall only become operative if (1) both*  
4     *bills are enacted and become effective on or before January 1,*  
5     *2015, (2) each bill amends Section 49455 of the Education Code,*  
6     *and (3) this bill is enacted after Assembly Bill 1840, in which case*  
7     *Section 2 of this bill shall not become operative.*

8     ~~SEC. 2.~~

9     *SEC. 4. If the Commission on State Mandates determines that*  
10    this act contains costs mandated by the state, reimbursement to  
11    local agencies and school districts for those costs shall be made  
12    pursuant to Part 7 (commencing with Section 17500) of Division  
13    4 of Title 2 of the Government Code.

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