

AMENDED IN SENATE MAY 4, 2015  
AMENDED IN SENATE APRIL 22, 2015

**SENATE BILL**

**No. 402**

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**Introduced by Senator Mitchell**

February 25, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

SB 402, as amended, Mitchell. Pupil health: vision examinations.

Existing law requires a pupil's vision to be appraised by a school nurse or other authorized person in the pupil's kindergarten year or upon first enrollment in elementary school, and in grades 2, 5, and 8, unless the appraisal is waived by the pupil's parents upon presentation of a certificate from a physician and surgeon, a physician assistant, or an optometrist. Existing law requires the State Department of Education to adopt guidelines to implement those provisions.

This bill would require a pupil's vision to be appraised in accordance with the above specified provisions only if the pupil's parent or guardian fails to provide the results of a vision examination conducted by a physician, optometrist, or ophthalmologist in accordance with specified provisions. The bill would prohibit a school from denying admission to, or taking adverse action against, a pupil if his or her parent or guardian fails to provide the results of the vision examination. The bill would require the department to adopt regulations, rather than guidelines, to implement these provisions.

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

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

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

49455. (a) During the kindergarten year or upon first enrollment or entry in a California school district of a pupil at an elementary school, and at least every second year thereafter until the pupil has completed grade 8, the pupil's vision shall be examined by a physician, optometrist, or ophthalmologist. This examination shall include tests for ~~visual acuity, binocular function, as well as refraction~~ *distance and near visual acuity, eye tracking, binocular vision skills, including both eye teaming and convergence, accommodation, color vision, depth perception, intraocular pressure, pupil evaluation, objective and subjective refraction*, and eye health evaluations. The parent or guardian of the pupil shall provide results of the *vision* examination to the school.

(b) A school shall not deny admission to a pupil or take any other adverse action against a pupil if his or her parent or guardian fails to provide the results of the vision examination to the school.

(c) (1) If the results of the vision examination are not provided to the school, then during the kindergarten year or upon first enrollment or entry, and in grades 2, 5, and 8, the pupil's vision shall be appraised by the school nurse or other person authorized under Section 49452.

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

(3) The appraisal shall include tests for visual acuity, including near vision and color vision. However, color vision shall be appraised once and only on male pupils, and the results of the appraisal shall be entered in the health record of the pupil. Color vision appraisal need not begin until the male pupil has reached grade 1.

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

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

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

11 (f) The department shall adopt regulations to implement this  
12 section, including training ~~requirements~~ *requirements*, and shall  
13 provide participation data.