

House Bill 2064

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires public school students seven years of age or younger to have vision screening and, in certain instances, comprehensive eye examination. Directs schools to provide vision screening to students at least once every two years.

Establishes student vision examination registry to be maintained by Department of Human Services.

A BILL FOR AN ACT

1
2 Relating to student vision examinations; creating new provisions; and amending ORS 326.580 and
3 683.030.

4 **Be It Enacted by the People of the State of Oregon:**

SECTION 1. (1) As used in this section:

5
6 (a) **"Comprehensive eye examination" means an eye examination that is conducted by a**
7 **person licensed by the Oregon Board of Optometry under ORS 683.010 to 683.335 and that**
8 **involves any diagnosis and treatment of the eye and any measurement or assistance of the**
9 **powers or range of vision of the eye.**

10 (b) **"Vision screening" means an abbreviated eye examination that is conducted by an**
11 **employee of a school or a person designated by the Department of Education to provide vi-**
12 **sion screening to students and that is meant to identify students in need of a comprehensive**
13 **eye examination.**

14 (2)(a) **Except as provided in subsection (3) of this section, each school district shall re-**
15 **quire a student who is seven years of age or younger and who is entering a public school for**
16 **the first time to submit certification within 30 days of the student's entrance into school**
17 **that the student has:**

18 (A) **Passed a vision screening within the previous 12 months; or**

19 (B) **Received a comprehensive eye examination within the previous 12 months.**

20 (b) **A student is required to submit certification that the student received a comprehen-**
21 **sive eye examination if the student did not pass a vision screening. A student may submit**
22 **certification that the student received a comprehensive eye examination in lieu of certifi-**
23 **cation that the student has passed a vision screening.**

24 (3) **A student is not required to submit certification as required under subsection (2) of**
25 **this section if the student provides a statement from the parent or guardian of the student**
26 **that:**

27 (a) **The payment for a vision screening or a comprehensive eye examination is a financial**
28 **hardship; or**

29 (b) **The vision screening or comprehensive eye examination is contrary to the religious**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **beliefs of the student or the parent or guardian of the student.**

2 **(4)(a) A school district shall ensure that the schools of the district provide at no charge:**

3 **(A) A vision screening to every student of the school not less than once every two years.**
4 **To the extent practicable, vision screenings shall be provided within 30 days of the first day**
5 **of a school year.**

6 **(B) A vision screening or comprehensive eye examination to every student of the school**
7 **for whom a vision screening or comprehensive eye examination is a financial hardship.**

8 **(b) A school district shall:**

9 **(A) For a student who did not pass the vision screening, require the student to receive**
10 **a comprehensive eye examination; and**

11 **(B) For a student who did pass the vision screening, provide information to the student**
12 **about the benefits of a comprehensive eye examination and recommend that the student re-**
13 **ceive a comprehensive eye examination.**

14 **(c) A student is not required to have a vision screening or a comprehensive eye exam-**
15 **ination under this subsection if the parent or guardian of the student provides a statement**
16 **that the vision screening or comprehensive eye examination is contrary to the religious be-**
17 **liefs of the student or the parent or guardian of the student.**

18 **(5) For each school, the school nurse or a designated school employee shall:**

19 **(a) Ensure that the requirements of this section are met by the school and by each stu-**
20 **dent of the school. Failure by a student to meet the requirements of this section may not**
21 **result in the school prohibiting the student from attending school.**

22 **(b) File in the student's vision screening record any certifications and any results of a**
23 **vision screening or comprehensive eye examination known by the school.**

24 **(c) Enter any appropriate updates to the student vision examination registry established**
25 **under section 3 of this 2009 Act.**

26 **(d) Provide the parent or guardian of each student with information about vision**
27 **screenings and comprehensive eye examinations and assist the parent or guardian in ob-**
28 **taining a vision screening or comprehensive eye examination for the student.**

29 **(6) The State Board of Education, in consultation with the Oregon Board of Optometry,**
30 **shall adopt by rule standards for:**

31 **(a) How regularly and in which grades a school district must provide vision screening.**

32 **(b) Persons who may provide vision screening.**

33 **(c) When a student is required to have a comprehensive eye examination following a vi-**
34 **sion screening.**

35 **(7) Annually, the Department of Education shall prepare a report regarding the imple-**
36 **mentation of this section and shall submit the report to the appropriate legislative commit-**
37 **tees.**

38 **SECTION 2. Section 1 of this 2009 Act first applies to the 2010-2011 school year.**

39 **SECTION 3. (1) As used in this section:**

40 **(a) "Student vision examination registry" means a listing of public school students and**
41 **information related to vision screenings and comprehensive eye examinations completed by**
42 **the student.**

43 **(b) "Tracking and recall system" means a system associated with the student vision ex-**
44 **amination registry that is designed to contact the parent or guardian of a student listed in**
45 **the student vision examination registry for the purposes of obtaining a vision screening or**

1 comprehensive eye examination for the student and, if necessary, enrollment of the student
 2 in early intervention services.

3 (2) The Department of Human Services shall establish and maintain a student vision ex-
 4 amination registry and a tracking and recall system. The registry and system shall include,
 5 but are not limited to, the results of student vision screenings and comprehensive eye ex-
 6 aminations and any related information, diagnoses, treatments or corrective actions taken
 7 to improve a student's vision.

8 (3) The department shall adopt rules:

9 (a) Implementing this section;

10 (b) Ensuring the privacy of individuals about whom information is collected pursuant to
 11 this section and section 1 of this 2009 Act; and

12 (c) Specifying the forms to provide the information required under this section and sec-
 13 tion 1 of this 2009 Act and for use by public schools and persons licensed by the Oregon
 14 Board of Optometry under ORS 683.010 to 683.335.

15 (4) The department shall implement the student vision examination registry within ex-
 16 isting resources. The department may accept contributions of funds and assistance from the
 17 United States Government or its agencies or from any other source, public or private, and
 18 agree to conditions not inconsistent with the purposes of the registry.

19 **SECTION 4.** The purpose of sections 1 and 3 of this 2009 Act is to waive the requirement
 20 of authorization to disclose information from, or provide information to, the record of a
 21 student in the student vision examination registry established under section 3 of this 2009
 22 Act and to waive confidentiality in regard to this information. The waiver allows schools,
 23 persons licensed by the Oregon Board of Optometry under ORS 683.010 to 683.335, the De-
 24 partment of Human Services and parents or guardians to share information from the student
 25 vision examination registry without violating confidentiality. The student vision examination
 26 registry and the associated tracking and recall system are designed to increase early and
 27 appropriate intervention to minimize delays in assisting the children of this state who have
 28 vision problems.

29 **SECTION 5.** A person may not maintain an action for damages against a school or person
 30 licensed by the Oregon Board of Optometry under ORS 683.010 to 683.335 for disclosures of
 31 information made in good faith in accordance with sections 1 and 3 of this 2009 Act.

32 **SECTION 6.** ORS 326.580 is amended to read:

33 326.580. (1) As used in this section, "educational institution" means:

34 (a) An "educational institution" as defined in ORS 326.575.

35 (b) A state agency.

36 (c) A local correctional facility.

37 (2) The State Board of Education may adopt by rule standards for the content and format of an
 38 Oregon electronic student record. An Oregon electronic student record may be used to transfer
 39 student record information from one educational institution to another.

40 (3) The board may define the Oregon electronic student record to constitute a full and complete
 41 copy of the official student permanent record, student education record, **student vision screening**
 42 **record** and certificate of immunization status that are required by state and federal law.

43 (4) The standards established by the board shall include procedures and criteria for participation
 44 in the Oregon electronic student record program by educational institutions. An educational insti-
 45 tution may apply to the Department of Education for a certificate of participation in the Oregon

1 electronic student record program.

2 (5) An educational institution that is approved for participation in the Oregon electronic student
3 record program by the Department of Education:

4 (a) Shall not be required to forward by mail or other means physical items such as original
5 documents or photocopies to a receiving educational institution that also is approved for partic-
6 ipation in the program. This paragraph does not apply to special education records that are specif-
7 ically required by federal law to be physically transferred.

8 (b) May elect to designate the Oregon electronic student record as the official student record.

9 (c) Shall retain the official student record in compliance with state and federal law.

10 **SECTION 7.** ORS 683.030 is amended to read:

11 683.030. ORS 683.010 to 683.335 [*shall*] **may** not be construed:

12 (1) To prevent any person duly licensed to practice medicine and surgery from treating or fitting
13 glasses to the human eye;

14 (2) To prohibit the sale of complete ready-to-wear eye glasses as merchandise from a permanent
15 place of business in good faith and not in evasion of ORS 683.010 to 683.335 by any person not
16 purporting to be competent to examine and prescribe for the human eye;

17 (3) To prohibit vision or eye care practices by persons working under the direct supervision of
18 an optometrist authorized to practice in this state; or

19 (4) To prohibit vision screening by:

20 (a) Employees of a school; [*or*]

21 (b) **Persons designated by the Department of Education to provide vision screening to**
22 **students for the purpose of section 1 of this 2009 Act; or**

23 (c) **Employees** of the Department of Transportation.
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