

Enrolled
House Bill 3000

Sponsored by Representatives WILLIAMSON, PARRISH, GELSER, WHISNANT, Senator DEVLIN;
Representatives FREDERICK, GORSEK, HUFFMAN, VEGA PEDERSON, Senator ROBLAN

CHAPTER

AN ACT

Relating to student vision health; creating new provisions; amending ORS 326.580 and 683.030; and declaring an emergency.

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

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

(a) "Education provider" means:

(A) An entity that offers a program that is recognized as an Oregon prekindergarten program under ORS 329.170 to 329.200.

(B) A school district board.

(b) "Eye examination" means an eye examination that:

(A) Is conducted by a person licensed by the Oregon Board of Optometry under ORS 683.010 to 683.340 or a person licensed by the Oregon Medical Board under ORS chapter 677 and trained in eye surgery and eye disease; and

(B) Involves any diagnosis of the eye and any measurement or assistance of the powers or range of vision of the eye.

(c) "Vision screening" means an eye screening test to identify potential vision health problems that is conducted by:

(A) A person licensed by the Oregon Board of Optometry under ORS 683.010 to 683.340;

(B) A person licensed by the Oregon Medical Board under ORS chapter 677 and trained in eye surgery and eye disease;

(C) A health care practitioner acting in accordance with rules adopted by the State Board of Education; or

(D) A school nurse, an employee of an education provider or a person designated by the Department of Education to provide vision screening to students who is acting in accordance with rules adopted by the State Board of Education.

(2)(a) Except as provided in subsection (3) of this section, each education provider shall require a student who is seven years of age or younger and who is beginning an educational program with the education provider for the first time to submit certification that the student received:

(A) A vision screening or an eye examination; and

(B) Any further examinations or necessary treatments of the eye or assistance of the powers or range of vision of the eye.

(b) The certification required by this subsection must be provided no later than 120 days after the student begins the educational program.

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

(a) The student submitted certification to a prior education provider; or

(b) The vision screening or eye examination is contrary to the religious beliefs of the student or the parent or guardian of the student.

(4) Each education provider shall:

(a) Ensure that the requirements of this section are met. Failure by a student to meet the requirements of this section may not result in a program's or school's prohibiting the student from attending the program or school, but may result in withholding report cards or similar actions.

(b) File in the student's vision health record any certifications and any results of a vision screening or an eye examination known by the education provider.

(c) Provide the parent or guardian of each student with information about the vision screenings and eye examinations, and information about further examinations or necessary treatments.

(5) The State Board of Education, in consultation with the Oregon Health Policy Board, shall adopt by rule any standards for the implementation of this section.

SECTION 2. (1) Section 1 of this 2013 Act becomes operative July 1, 2014.

(2) Section 1 of this 2013 Act first applies to the 2014-2015 school year.

SECTION 3. The State Board of Education, in consultation with the Oregon Health Policy Board, may adopt rules or take any action before the operative date specified in section 2 of this 2013 Act that is necessary to enable the State Board of Education to exercise, on or after the operative date specified in section 2 of this 2013 Act, all the duties, functions and powers conferred on the board by section 1 of this 2013 Act.

SECTION 4. ORS 326.580 is amended to read:

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

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

(b) A state agency.

(c) A local correctional facility.

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

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

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

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

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

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

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

SECTION 5. ORS 683.030 is amended to read:

683.030. ORS 683.010 to 683.340 [*shall*] **may** not be construed:

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

(2) To prohibit the sale of complete ready-to-wear eye glasses as merchandise from a permanent place of business in good faith and not in evasion of ORS 683.010 to 683.340 by any person not purporting to be competent to examine and prescribe for the human eye;

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

(4) To prohibit vision screening by:

(a) Employees of a school or an education provider as defined in section 1 of this 2013 Act;

(b) Persons designated by the Department of Education to provide vision screening to students for the purpose of section 1 of this 2013 Act; or

(c) Employees of the Department of Transportation.

SECTION 6. The amendments to ORS 326.580 and 683.030 by sections 4 and 5 of this 2013 Act become operative July 1, 2014.

SECTION 7. Not later than December 1, 2013, the Department of Education shall submit to the interim legislative committees on education a report that recommends the means for providing adequate resources for administering regular vision screenings in the public schools of this state through grade 8. The department shall take into consideration experiences of the pilot program enacted by section 1, chapter 88, Oregon Laws 2010.

SECTION 8. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect July 1, 2013.

Passed by House June 13, 2013

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Ramona J. Line, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate June 24, 2013

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2013

Approved:

.....M.,....., 2013

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2013

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Kate Brown, Secretary of State