

# House Bill 3000

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

## 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 who are beginning educational program to have vision screening.

Requires Oregon Education Investment Board to make report to legislative committees related to education that recommends means for providing adequate resources to administer regular vision screenings in public schools of this state through grade 8.

Declares emergency, effective July 1, 2013.

## A BILL FOR AN ACT

1  
2 Relating to student vision health; creating new provisions; amending ORS 326.580 and 683.030 and  
3 section 10, chapter 519, Oregon Laws 2011; and declaring an emergency.

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

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

6 (a) **"Education provider" means:**

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

9 (B) **A school district board.**

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

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

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

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

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

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

24 (A) **A vision screening; and**

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

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

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

4 (4) Each education provider shall:

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

9 (b) File in the student's vision screening record any certifications and any results of a  
10 vision screening known by the education provider.

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

13 (5) The State Board of Education, in consultation with the Oregon Education Investment  
14 Board and the Oregon Health Policy Board, shall adopt by rule any standards for the imple-  
15 mentation of this section.

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

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

18 **SECTION 3.** The State Board of Education, in consultation with the Oregon Education  
19 Investment Board and the Oregon Health Policy Board, may adopt rules or take any action  
20 before the operative date specified in section 2 of this 2013 Act that is necessary to enable  
21 the State Board of Education to exercise, on or after the operative date specified in section  
22 2 of this 2013 Act, all the duties, functions and power conferred on the board by section 1  
23 of this 2013 Act.

24 **SECTION 4.** Section 1 of this 2013 Act is amended to read:

25 **Sec. 1.** (1) As used in this section:

26 (a) "Education provider" means:

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

29 (B) A school district board.

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

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

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

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

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

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

43 (A) A vision screening; and

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

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

3 (3) A student is not required to submit certification as required under subsection (2) of this  
 4 section if the student provides a statement from the parent or guardian of the student that the stu-  
 5 dent submitted certification to a prior education provider.

6 (4) Each education provider shall:

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

10 (b) File in the student's vision screening record any certifications and any results of a vision  
 11 screening known by the education provider.

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

14 (5) The State Board of Education, in consultation with [*the Oregon Education Investment Board*  
 15 *and*] the Oregon Health Policy Board, shall adopt by rule any standards for the implementation of  
 16 this section.

17 **SECTION 5.** Section 10, chapter 519, Oregon Laws 2011, as amended by section 1, chapter 37,  
 18 Oregon Laws 2012, is amended to read:

19 **Sec. 10.** (1) Sections 1, 2, 3, 5, 6 and 7, chapter 519, Oregon Laws 2011, are repealed on March  
 20 15, 2016.

21 **(2) The amendments to section 1 of this 2013 Act by section 4 of this 2013 Act become**  
 22 **operative on March 15, 2016.**

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

24 326.580. (1) As used in this section, "educational institution" means:

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

26 (b) A state agency.

27 (c) A local correctional facility.

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

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

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

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

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

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

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

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

2       683.030. ORS 683.010 to 683.340 [*shall*] **may** not be construed:

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

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

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

10       (4) To prohibit vision screening by:

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

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

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

15       **SECTION 8.** The amendments to ORS 326.580 and 683.030 by sections 6 and 7 of this 2013  
16       Act become operative July 1, 2014.

17       **SECTION 9.** Not later than December 1, 2013, the Oregon Education Investment Board  
18       shall submit to the interim legislative committees on education a report that recommends  
19       the means for providing adequate resources for administering regular vision screenings in  
20       the public schools of this state through grade 8. The board shall take into consideration  
21       experiences of the pilot program enacted by section 1, chapter 88, Oregon Laws 2010.

22       **SECTION 10.** This 2013 Act being necessary for the immediate preservation of the public  
23       peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect  
24       July 1, 2013.

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