

STATE BOARD OF EDUCATION – ADMINISTRATIVE RULE SUMMARY

Title/OAR #: Vision Screening Certification / OAR 581-021-0031

Date: May 2014

Staff/Office: Nancy Johnson-Dorn/Office of Learning – Student Services Unit, ODE

New Rule **Amend Existing Rule** **Repeal Rule**
Hearing Date: March 24, 2014 **Hearings Officer Report Attached**
Prompted by: **State law changes** **Federal law changes** **Other**

Action Requested:
 First Reading/Second Reading **Adoption** **Adoption/Consent Agenda**

PROPOSED/AMENDED RULE SUMMARY: This is a proposed rule that implements legislation from House Bill 3000 that was signed into law in 2013. Requires education providers to require “certification” that students have received vision screening and/or eye examination for students entering education for the first time.

BACKGROUND: The State Board of Education adopted this OAR as a temporary rule in March 2014.

House Bill 3000 was signed into law in 2013. The proposed rule will bring the Department of Education (ODE) into compliance with House Bill 3000. The Bill requires public school students seven years of age or younger or beginning a program with education provider to have vision screening. Directs education provider to require students seven years of age or younger, or who are beginning an educational program to submit to provider documents certifying: vision screening, and any further examinations or necessary treatments needed. Specifies certification must be provided within 120 days after student begins educational program. Requires education provider to keep record on file and notify parent of vision screening and any further examinations or treatments needed. Defines vision screening as eye test to identify potential vision health problems. Directs State Board of Education to adopt rules to implement measure. Mandates vision screening must be provided by person licensed by Oregon Board of Optometry, Oregon Medical Board, a health care practitioner, or school nurse. Defines “eye exam” as exam which must be conducted by person licensed by Oregon Board of Optometry or person licensed by the Oregon Medical Board and trained in eye surgery and eye disease, and involves any diagnosis of the eye and any measurement or assistance of powers or range or vision of the eye.

ISSUES/CONCERNS THAT SURFACED DURING RULE WORK: None at the time. No issues have surfaced since the board adopted the temporary rule in March 2014.

CHANGED SINCE LAST BOARD MEETING? (so members can focus on what’s different)

- N/A; first read—hasn’t been before board
- No; same as last month
- Yes – As follows:

FISCAL IMPACT: Resources to school districts and community education.

STAFF RECOMMENDATION:

- Adopt administrative rule as prepared this month
- Adopt administrative rule next month
- No recommendation at this time (rarely used)

Comments:

581-021-0031

Vision Screening Certification

(1) Definitions:

(a) "Education provider" means:

- (A) Oregon prekindergarten as defined in OAR 581-019-0005 to 0035; and
- (B) School district board as defined in ORS 332.002.

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

- (A) Is conducted by a person licensed by the Oregon Board of Optometry under ORS 683.010 to 683.340; or
- (B) Is conducted by a person licensed by the Oregon Medical Board under ORS 677 and trained in eye surgery and eye disease; and
- (C) Involves any diagnosis of the eye and any measurement or assistance of the powers or range of vision of the eye.

(c) "Health care practitioner", for the purposes of this rule, means a Physician (MD), Physician's Assistant (PA), Doctor of Osteopathic Medicine (DO) licensed by the Oregon Medical Board, a Nurse Practitioner licensed by the Oregon State Board of Nursing, or a Naturopathic Physician licensed by the Board of Naturopathic Medicine.

(d) "Vision screening" means an eye screening test to identify potential vision health 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 677 and trained in eye surgery and eye disease;
- (C) A health care practitioner as defined in Section (1)(c) of this rule;
- (D) A school nurse, an employee of an education provider, including a licensed Registered Nurse or Nurse Practitioner working for a school district to provide school health services, or a person designated by the Department of

Education who has completed instruction on how to perform vision screening by an established program which:

- (a) Is evidence based; and
 - (b) Uses medically accepted standards for screening by non-medically licensed persons, including volunteers.
- (e) “Vision Health Record”, for the purposes of this rule, has the same meaning as “Education Records” in OAR 581-021-0220(6).

(2) Each education provider must:

- (a) Require a student who is age seven or younger and entering an educational program for the first time to submit certification within 120 days of the student beginning school, that the student received:
 - (A) A vision screening or an eye examination; and
 - (B) Any further eye examinations or necessary treatments or assistance of the powers or range of vision of the eye.
 - (b) If a child enters an educational program without certification of vision screening provide the parent with informational resources about:
 - (A) Student vision screenings, eye examinations; and
 - (B) Any further examinations or necessary eye or vision treatments.
 - (c) File in the students vision health record any certifications or results of vision screening or eye examination;
 - (d) Ensure that the requirements of this rule are met.
- (3) A student is not required to submit certification required in subsection (2) of this rule if the student provides a statement from the parent of the child that:
- (a) The student submitted certification to a prior education provider; or
 - (b) The students or parents religious beliefs are contrary to vision screening or eye examination.
- (4) Failure by a student or parent to meet the requirements of this rule may not result in prohibiting the student from attending school, but may result in withholding report cards or similar actions.
- (5) Certification of a vision screening or eye exam is documented using any written communication method selected by the screening entity to report results of the screening and/or eye exam to parents. The communication must include the:

(a) Child's name;

(b) Screening and/or eye exam date;

(c) Results of the screening and/or eye exam; and

(d) Name of the entity conducting the screening and/or eye exam.

Stat Auth: ORS 336.211

Stat. Implemented: ORS 336.211