

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1343 Session of 2021

INTRODUCED BY ZIMMERMAN, STURLA, BROOKS, HERSHEY, FREEMAN, MILLARD, SMITH, PICKETT, CIRESI, RYAN, HOWARD, SAYLOR, WEBSTER, JAMES, PASHINSKI, STEPHENS, PENNYCUICK, BOBACK, McNEILL, HAMM, COOK, GILLEN, IRVIN, TOOHL, GUENST, ROZZI, DIAMOND, R. MACKENZIE, BENHAM, D. MILLER, KULIK, KAUFFMAN AND M. MACKENZIE, MAY 14, 2021

REFERRED TO COMMITTEE ON EDUCATION, MAY 14, 2021

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
 2 act relating to the public school system, including certain
 3 provisions applicable as well to private and parochial
 4 schools; amending, revising, consolidating and changing the
 5 laws relating thereto," in school health services, further
 6 providing for health services and for vision screening and
 7 examinations, providing for eye health examinations and
 8 further providing for examinations by examiners of own
 9 choice.

10 The General Assembly of the Commonwealth of Pennsylvania
 11 hereby enacts as follows:

12 Section 1. Sections 1402(a) and 1403.1(a), (b) (1) and (2)
 13 and (d) of the act of March 10, 1949 (P.L.30, No.14), known as
 14 the Public School Code of 1949, amended or added November 25,
 15 2020 (P.L.1214, No.122), are amended to read:

16 Section 1402. Health Services.--(a) Each child of school
 17 age shall be given by methods established by the Advisory Health
 18 Board, (1) a hearing test by a school nurse or medical
 19 technician, (1.1) a vision screening by school health personnel

1 or a screener or an eye health examination by an ophthalmologist
2 or optometrist, and (2) a measurement of height and weight by a
3 school nurse or teacher, who shall use the measurement to
4 compute a child's weight-for-height ratio[, (3) tests for
5 tuberculosis under medical supervision, and (4) such other tests
6 as the Advisory Health Board may deem advisable to protect the
7 health of the child]. A vision screening or an eye health
8 examination shall be performed on an annual basis.

9 * * *

10 Section 1403.1. Vision Screening and Examinations.--(a) (1)
11 Prior to admission to school for the first time, a parent or
12 legal guardian shall present to the school entity or nonpublic
13 school certification from [a primary care provider or vision
14 screener] an ophthalmologist or optometrist that the child has
15 passed or failed [a vision screening performed by a primary care
16 provider or a vision screening conducted by screeners with
17 specific training in vision screening techniques and protocols
18 approved by the Department of Health or has completed] a
19 comprehensive eye health exam conducted by an ophthalmologist or
20 optometrist within the previous twelve months.

21 (2) The Advisory Health Board shall promulgate regulations
22 to establish vision screening standards based on instrument-
23 based vision screening technologies or visual acuity testing,
24 taking into consideration national guidelines from the American
25 Academy of Pediatrics, American Optometric Association and
26 American Association for Pediatric Ophthalmology and Strabismus.

27 (b) (1) [Every] Except as provided under section 1403.2,
28 every school year at a school entity [or nonpublic school],
29 until a child completes the fifth grade and at least every two
30 years thereafter until the child graduates from the twelfth

1 grade, the child shall have a vision screening performed by
2 school health personnel or screeners with specific training in
3 vision screening techniques and protocols approved by the
4 Advisory Health Board. The results of the vision screening shall
5 be supplied to the parent or legal guardian of the child.

6 (2) For a child who fails a required vision screening, a
7 comprehensive eye health examination, performed by an
8 ophthalmologist or optometrist, shall also be required.
9 Notification of the parent or legal guardian of the failed
10 screening shall be accompanied by notification of requirement
11 for a comprehensive eye health examination that must be
12 completed within one hundred twenty (120) days or before the
13 start of the next school year, whichever comes first, and a list
14 of vision resources compiled by the Department of Health.
15 Notification may also include a form, to be completed by the
16 examining ophthalmologist or optometrist, to be used for
17 reporting the results of the examination. The report may
18 include, but not be limited to, the following:

19 (i) Date of report.

20 (ii) Name, address and date of birth of the child.

21 (iii) Name of the child's school.

22 (iv) A summary of significant findings, including best
23 corrected visual acuity, diagnosis, treatment, prognosis and
24 whether or not a return visit is recommended and, if so, when.

25 (v) Recommended educational adjustments for the child, if
26 any, which may include preferential seating in the classroom,
27 eyeglasses for full-time use in school, eyeglasses for part-time
28 use in school, sight-saving eyeglasses or any other
29 recommendations.

30 (vi) Name, address and signature of the examiner.

1 * * *

2 (d) A school entity or nonpublic school shall not be
3 required to provide comprehensive eye health examinations or
4 held financially responsible for the treatment of a child who
5 fails the required vision screening.

6 * * *

7 Section 2. The act is amended by adding a section to read:

8 Section 1403.2. Eye Health Examinations.--(a) Except as
9 provided under subsections (c) and (e), children of school age
10 in this Commonwealth shall be given an eye health examination:

11 (1) upon admission to school;

12 (2) while in the fourth grade;

13 (3) while in the eighth grade;

14 (4) as part of the evaluation of and prior to the student
15 becoming subject to section 504 of the Rehabilitation Act of
16 1973 (Public Law 93-112, 29 U.S.C. § 794);

17 (5) as part of the evaluation of and prior to the student's
18 enrollment in a Title I reading program as defined by Title I of
19 the Elementary and Secondary Education Act of 1965 (Public Law
20 89-10, 20 U.S.C. § 6301 et seq.); and

21 (6) as part of the evaluation of and prior to the student's
22 inclusion in an IEP.

23 (b) A school district or joint school board that institutes
24 an eye health examination program under subsection (c) shall be
25 exempt from providing eye health examinations as required under
26 subsection (a).

27 (c) A school district or joint school board may institute an
28 eye health examination program for children of school age.
29 Before a school district or joint school board institutes an eye
30 health examination program under this subsection, the program

1 shall be approved by the Secretary of Health.

2 (d) The parent or guardian of a child of school age shall
3 submit evidence that the child received an eye health
4 examination in accordance with subsection (a).

5 (e) This section shall not apply to a child who is not
6 enrolled in a public school.

7 (f) As used in this section, "eye health examination" means
8 an evaluation performed by an optometrist or ophthalmologist
9 that includes all of the following:

10 (1) An evaluation of vision history.

11 (2) An external and internal ophthalmic examination.

12 (3) An assessment of vision acuity, ocular alignment and
13 motility and refraction.

14 (4) An assessment of accommodation and binocular vision.

15 Section 3. Section 1407 of the act is amended to read:

16 Section 1407. Examinations by Examiners of Own Choice.--In
17 lieu of the medical or dental examinations prescribed by this
18 article, any child of school age may furnish the local school
19 officials with a medical or dental report of examination made at
20 his own expense by his family physician [or], family dentist,
21 ophthalmologist or optometrist on a form approved by the
22 Secretary of Health for this purpose. The in lieu examinations
23 shall be made and the report shall be furnished prior to the
24 date fixed for the regularly scheduled examination but no
25 earlier than four months prior to the opening of the school term
26 during which the regular examination is scheduled.

27 Section 4. This act shall take effect in 60 days.