

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1342 Session of 2019

INTRODUCED BY BROWN, PICKETT, READSHAW, KAUFFMAN, SCHLOSSBERG, MURT, SCHLEGEL CULVER, BARRAR, MILLARD, STRUZZI, DeLUCA, TOOHIL, MEHAFFIE, SCHWEYER, KINSEY, RADER, T. DAVIS, BOBACK, MACKENZIE, CIRESI, YOUNGBLOOD, DEASY, D. MILLER AND STURLA, APRIL 29, 2019

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 1, 2020

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 providing for vision
7 screening and examinations.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 1402(a) of the act of March 10, 1949
11 (P.L.30, No.14), known as the Public School Code of 1949, is
12 amended to read:

13 Section 1402. Health Services.--(a) Each child of school
14 age shall be given by methods established by the Advisory Health
15 Board, [(1) a vision test by a school nurse, medical technician
16 or teacher,+ (2)] (1) a hearing test by a school nurse or <--
17 medical technician, [(3)] (2) a measurement of height and weight <--
18 by a school nurse or teacher, who shall use the measurement to

1 compute a child's weight-for-height ratio, [(4)] (3) tests for <--
2 tuberculosis under medical supervision, and [(5)] (4) such other <--
3 tests as the Advisory Health Board may deem advisable to protect
4 the health of the child. [Vision tests shall be given at least
5 annually and other tests at intervals established by the
6 Advisory Health Board.]

7 * * *

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

9 Section 1403.1. Vision Screening and Examinations.--(a) (1)

10 ~~Within thirty (30) days of the start of the school year at a~~ <--
11 ~~public, private, parochial or nonpublic school in this~~
12 ~~Commonwealth, including special education and home education~~
13 ~~programs and cyber and charter schools or upon entry into the~~
14 ~~school district, the parent or legal guardian of a child~~
15 ~~entering kindergarten~~ PRIOR TO ADMISSION TO SCHOOL FOR THE FIRST <--
16 ~~TIME, A PARENT OR LEGAL GUARDIAN shall present to school health~~ <--
17 ~~personnel~~ THE SCHOOL ENTITY OR NONPUBLIC SCHOOL certification <--
18 ~~FROM A PRIMARY CARE PROVIDER OR VISION SCREENER that the child~~ <--
19 ~~within the previous twelve months passed~~ HAS PASSED OR FAILED a <--
20 ~~vision screening performed by a primary care provider or a~~
21 ~~vision screening conducted by screeners with specific training~~
22 ~~in vision screening techniques and protocols approved by the~~
23 ~~Department of Health or has completed a comprehensive eye exam~~
24 ~~conducted by an ophthalmologist or optometrist~~ WITHIN THE <--
25 ~~PREVIOUS TWELVE MONTHS.~~

26 (2) The Advisory Health Board shall promulgate regulations
27 to establish vision screening standards based on instrument-
28 based vision screening technologies or visual acuity testing,
29 taking into consideration national guidelines from the American
30 Academy of Pediatrics.

1 (b) (1) Every school year at a public, private, parochial <--
2 or nonpublic school in this Commonwealth, including special
3 education and home education programs and cyber and charter
4 schools SCHOOL ENTITY OR NONPUBLIC SCHOOL, until a child <--
5 completes the fifth grade and every two years thereafter until
6 the child graduates from the twelfth grade, the child shall have
7 a vision screening performed by school health personnel or
8 screeners with specific training in vision screening techniques
9 and protocols approved by the Advisory Health Board. The results
10 of the vision screening shall be supplied to the parent or legal
11 guardian of the child.

12 (2) For a child who fails a required vision screening, a
13 comprehensive eye examination, performed by an ophthalmologist
14 or optometrist, shall also be required. Notification of the
15 parent or legal guardian of the failed screening shall be
16 accompanied by notification of requirement for a comprehensive
17 examination that must be completed within one hundred twenty
18 (120) days or before the start of the next school year,
19 whichever comes first. Notification ~~should~~ MAY also include a <--
20 form, to be completed by the examining ophthalmologist or
21 optometrist, to be used for reporting the results of the
22 examination. The report ~~shall~~ MAY include, but not be limited <--
23 to, the following:

- 24 (i) Date of report.
- 25 (ii) Name, address and date of birth of the child.
- 26 (iii) Name of the child's school.
- 27 (iv) A summary of significant findings, including best
28 corrected visual acuity, diagnosis, treatment, prognosis,
29 whether or not a return visit is recommended and, if so, when.
- 30 (v) Recommended educational adjustments for the child, if

1 any, which may include preferential seating in the classroom,
2 eyeglasses for full-time use in school, eyeglasses for part-time
3 use in school, sight-saving eyeglasses or any other
4 recommendations.

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

6 (3) The examination report ~~shall~~ MAY be accompanied by an <--
7 envelope for return of the form to school health personnel so
8 the completion status and result of the examination UNDER <--
9 SUBSECTION (B) (2) may be recorded.

10 (c) No child shall be DENIED ADMISSION OR excluded from <--
11 attending school for the reason that the parent or LEGAL <--
12 guardian failed to furnish a report of the child's vision
13 screening or to have an examination completed upon failure of
14 the vision screening. ~~Parents and guardians that fail to present~~ <--
15 ~~the required report shall be notified in writing of the required~~
16 ~~vision examination every three months until the examination~~
17 ~~completion has been verified.~~ A PARENT OR LEGAL GUARDIAN WHO <--
18 FAILS TO PRESENT THE REQUIRED REPORT WITHIN A YEAR OF A FAILED
19 EXAM SHALL BE NOTIFIED BY THE SCHOOL ENTITY OR NONPUBLIC SCHOOL
20 OF, TO THE EXTENT AVAILABLE, VISION RESOURCES.

21 (D) A SCHOOL ENTITY OR NONPUBLIC SCHOOL SHALL NOT BE
22 REQUIRED TO PROVIDE COMPREHENSIVE EYE EXAMINATION OR HELD
23 FINANCIALLY RESPONSIBLE FOR THE TREATMENT OF A CHILD WHO FAILS
24 THE REQUIRED VISION SCREENING.

25 (E) THIS SECTION SHALL APPLY TO SCHOOL YEARS BEGINNING AFTER
26 THE REGULATIONS ARE PROMULGATED BY THE ADVISORY HEALTH BOARD
27 UNDER SUBSECTION (A) (2).

28 (F) AS USED IN THIS SECTION, THE FOLLOWING WORDS AND PHRASES
29 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION UNLESS
30 THE CONTEXT CLEARLY INDICATES OTHERWISE:

1 "NONPUBLIC SCHOOL." AS DEFINED IN SECTION 922.1-A.

2 "SCHOOL ENTITY." A SCHOOL DISTRICT, CHARTER SCHOOL, REGIONAL
3 CHARTER SCHOOL, CYBER CHARTER SCHOOL, INTERMEDIATE UNIT OR AREA
4 CAREER AND TECHNICAL SCHOOL.

5 Section 3. This act shall take effect in 60 days.