

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

CHAPTER 316
SENATE BILL 1456

AN ACT

AMENDING TITLE 36, CHAPTER 7.2, ARIZONA REVISED STATUTES, BY ADDING
ARTICLE 2; RELATING TO VISION SCREENING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Heading change

3 The chapter heading of title 36, chapter 7.2, Arizona Revised
4 Statutes, is changed from "CHILD HEARING PROGRAMS" to "CHILD HEARING
5 EVALUATION AND VISION SCREENING PROGRAMS".

6 Sec. 2. Title 36, chapter 7.2, Arizona Revised Statutes, is amended
7 by adding article 2, to read:

8 ARTICLE 2. VISION SCREENING FOR CHILDREN

9 36-899.10. Vision screening; administration; rules;
10 notification; definitions

11 A. EACH SCHOOL SHALL PROVIDE VISION SCREENING SERVICES TO THE
12 FOLLOWING:

13 1. STUDENTS UPON INITIAL ENTRY TO SCHOOL AND NOT MORE THAN TWO
14 ADDITIONAL GRADE LEVELS AS PRESCRIBED BY THE DEPARTMENT BY RULE. A
15 SCHOOL, AT THE SCHOOL'S DISCRETION, MAY PROVIDE VISION SCREENING SERVICES
16 TO STUDENTS WHO ARE IN GRADE LEVELS THAT ARE NOT PRESCRIBED BY RULE.

17 2. STUDENTS WHO RECEIVE OR ARE BEING CONSIDERED FOR SPECIAL
18 EDUCATION SERVICES AND WHO HAVE NOT BEEN SCREENED IN THE LAST YEAR
19 PURSUANT TO THIS SECTION.

20 3. STUDENTS FOR WHOM A TEACHER HAS REQUESTED A SCREENING AND WHO
21 HAVE NOT BEEN SCREENED IN THE LAST YEAR PURSUANT TO THIS SECTION.

22 4. STUDENTS WHO ARE NOT READING AT GRADE LEVEL BY THE THIRD GRADE
23 PURSUANT TO THE STATE ASSESSMENT REQUIRED IN SECTION 15-741, IF THE RULES
24 ADOPTED BY THE DEPARTMENT DO NOT REQUIRE SCREENING IN THE THIRD GRADE.

25 B. A SCHOOL NURSE, A VOLUNTEER OR OTHER SCHOOL PERSONNEL WHO HAVE
26 UNDERGONE TRAINING DEVELOPED OR APPROVED BY THE DEPARTMENT SHALL
27 ADMINISTER THE VISION SCREENINGS EXCEPT THAT THOSE INDIVIDUALS WHO ARE
28 TRAINED TO ADMINISTER VISION SCREENINGS BEFORE THE EFFECTIVE DATE OF THIS
29 SECTION ARE NOT REQUIRED TO RETRAIN PURSUANT TO THIS SUBSECTION.

30 C. A VISION SCREENING CONDUCTED PURSUANT TO THIS SECTION DOES NOT
31 SATISFY A REQUIREMENT FOR A MEDICAL PROFESSIONAL TO COMPLETE A VISION
32 SCREENING OF A CHILD ACCORDING TO ESTABLISHED GUIDELINES FOR PEDIATRIC
33 CARE.

34 D. THE SCHOOL DISTRICT GOVERNING BOARD OR CHARTER SCHOOL GOVERNING
35 BODY SHALL PROVIDE THE VISION SCREENING RESULTS TO THE PARENT OR GUARDIAN
36 OF EACH STUDENT WHO DID NOT PASS THE VISION SCREENING WITHIN FORTY-FIVE
37 DAYS AFTER THE VISION SCREENING AND SHALL COMPLY WITH ALL APPLICABLE
38 PRIVACY LAWS. THE RESULTS SHALL IDENTIFY THAT THE STUDENT DID NOT PASS
39 THE VISION SCREENING AND THE NEED FOR A COMPREHENSIVE EYE AND VISION
40 EXAMINATION. THE RESULTS SHALL STATE THAT A VISION SCREENING IS NOT
41 EQUIVALENT TO A COMPREHENSIVE EYE AND VISION EXAMINATION.

42 E. A SCHOOL DISTRICT GOVERNING BOARD OR CHARTER SCHOOL GOVERNING
43 BODY PROVIDING VISION SCREENING SERVICES SHALL PROVIDE TO THE DEPARTMENT
44 ANNUAL DATA SUBMISSIONS IN A DEPARTMENT-APPROVED FORMAT THAT COMPLIES WITH
45 STUDENT PRIVACY LAWS.

1 F. A STUDENT IS NOT REQUIRED TO SUBMIT TO ANY VISION SCREENING
2 REQUIRED BY THIS SECTION IF A PARENT OR GUARDIAN OF THE STUDENT OBJECTS
3 AND SUBMITS A STATEMENT OF THE OBJECTION TO THE SCHOOL FOR ANY REASON
4 INCLUDING THAT THE STUDENT RECEIVED A COMPREHENSIVE EYE AND VISION
5 EXAMINATION IN THE LAST YEAR OR IF THE STUDENT HAS A CURRENT DIAGNOSIS OF
6 PERMANENT VISION LOSS.

7 G. FOR THE PURPOSES OF ASSISTING AND IMPLEMENTING THE VISION
8 SCREENING REQUIREMENTS ESTABLISHED BY THIS SECTION, THE DEPARTMENT OR ITS
9 DELEGATE, SUBJECT TO AVAILABLE MONIES, MAY:

10 1. DEVELOP AND PROVIDE VISION SCREENING TRAINING TO SCREENER
11 DESIGNATED IN SUBSECTION B OF THIS SECTION.

12 2. PROVIDE SCHOOLS WITH MATERIALS THE DEPARTMENT DETERMINES BY RULE
13 TO BE NECESSARY FOR CONDUCTING VISION SCREENINGS.

14 3. COMPILE ANY SCHOOL VISION SCREENING DATA, WITH ALL INDIVIDUAL
15 IDENTIFYING INFORMATION REMOVED, FOR REVIEW AND ANALYSIS BY RESEARCHERS,
16 PUBLIC AGENCIES OR ANY FOUNDATION, NONPROFIT ORGANIZATION OR OTHER
17 ORGANIZATION THAT PROVIDES FREE APPROVED VISION SCREENING SERVICES OR
18 TRAINING, GRANTS FOR VISION SCREENING SERVICES, EYEGLASSES OR
19 EXAMINATIONS.

20 H. THE DEPARTMENT OF HEALTH SERVICES SHALL ADOPT RULES PURSUANT TO
21 TITLE 41, CHAPTER 6 TO CARRY OUT THIS SECTION. THE RULES MAY NOT REQUIRE
22 MATERIALS AND EQUIPMENT SPECIFIC TO ANY ONE PROVIDER AND SHALL INCLUDE,
23 WHERE CONSISTENT WITH THE REQUIREMENTS OF THIS SECTION, FEEDBACK FROM THE
24 PUBLIC EDUCATION PROGRAMS REQUIRED TO IMPLEMENT THE VISION SCREENINGS.
25 RULES ADOPTED TO CARRY OUT SUBSECTION A OF THIS SECTION SHALL BE DONE IN
26 CONSULTATION WITH THE DEPARTMENT OF EDUCATION.

27 I. THE DEPARTMENT MAY ACCEPT GIFTS, GRANTS, DONATIONS, BEQUESTS AND
28 OTHER FORMS OF VOLUNTARY CONTRIBUTIONS FOR THE PURPOSES OF THIS SECTION.

29 J. FOR THE PURPOSES OF THIS SECTION:

30 1. "COMPREHENSIVE EYE AND VISION EXAMINATION" MEANS A VISION
31 EXAMINATION PERFORMED BY AN OPTOMETRIST OR OPHTHALMOLOGIST.

32 2. "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH SERVICES.

33 3. "SCHOOL" MEANS A SCHOOL DISTRICT OR CHARTER SCHOOL THAT PROVIDES
34 INSTRUCTION IN PRESCHOOL OR KINDERGARTEN PROGRAMS AND GRADES ONE THROUGH
35 TWELVE, OR ANY COMBINATION OF THOSE PROGRAMS OR GRADES.

36 4. "VISION SCREENING" MEANS USING A VISION SCREENING METHODOLOGY
37 APPROVED OR PRESCRIBED BY RULES ADOPTED BY THE DEPARTMENT PURSUANT TO THIS
38 SECTION THAT, AS AGE APPROPRIATE, INCLUDE THE EVALUATION OF VISUAL ACUITY,
39 DEPTH PERCEPTION AND COLOR VISION AND THAT MAY INCLUDE REFRACTION.

40 5. "VISION SCREENING SERVICES" MEANS SERVICES THAT INCLUDE
41 IDENTIFYING, TESTING AND EVALUATING A CHILD'S VISION AND IDENTIFYING THE
42 NEED FOR FOLLOW-UP SERVICES, AS PRESCRIBED BY RULES ADOPTED BY THE
43 DEPARTMENT PURSUANT TO THIS SECTION.

44 6. "VOLUNTEER" INCLUDES ANY INDIVIDUAL OR MEMBER OF A FOUNDATION,
45 NONPROFIT ORGANIZATION OR OTHER ORGANIZATION THAT PROVIDES VISION
46 SCREENINGS AND IS INVITED TO PROVIDE VISION SCREENINGS BY THE SCHOOL.

APPROVED BY THE GOVERNOR JUNE 7, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 7, 2019.