

INFORMATION MEMORANDUM

DATE: September 29, 2003

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: SUE STICKEL
Deputy Superintendent, Curriculum & Instruction Branch

SUBJECT: Proposed Amendments to California Code of Regulations Title 5, Education, Division 1, Chapter 2, Subchapter 3, Article 4. Vision Screening

At the November 2003 meeting, the State Board of Education will be asked to take action on approving the regulations to go forward for a 45-day public comment.

This packet contains proposed amendments to the California Code of Regulations Title 5, Education, Division 1, Chapter 2, Subchapter 3, Article 4, Vision Screening; the Initial Statement of Reasons pertaining to the proposed amended regulations; and the Informational Digest.

The purpose of the proposed amended regulations is to provide clarification for implementing Education Code sections 49452, 49455, and 49456. The current regulations were adopted between 1973 and 1977. Since that time, technology has changed the way vision screening is done, and more recent legislation has changed who may provide screening in the schools. Specifically, the proposed amended regulations:

- * Clarify who may administer vision tests to pupils;
- * Replace a brand name vision screening product with a generic term (thus offering the LEAs greater opportunities to be reimbursed for vision screening services through the LEA Medi-Cal Billing Option); and
- * Suggest when and how parents or guardians should be notified about the need for a professional vision examination.

[Attachment 1:](#) Initial Statement of of Reasons (Pages 1-3)

[Attachment 2:](#) Informative Digest (Page 1)

[Attachment 3:](#) Sections from the California Code of Regulations (Pages 1-3)

INITIAL STATEMENT OF REASONS

SECTIONS 591 – 594.

SPECIFIC PURPOSE OF THE AMENDED REGULATIONS

The proposed amended regulations will provide clarification for implementing *Education Code* section 49452. Specifically, the regulations clarify who may administer vision tests to pupils, what types of tests may be performed, and how and when parents or guardians should be notified about the need for a professional vision examination.

NECESSITY/RATIONALE

The existing regulations were last amended in 1977. Since that time, there have been changes in vision screening techniques that are not reflected in the existing regulations. *Education Code* section 49452 requires LEAs to test the vision of each pupil enrolled in the district's schools and specifies the individuals qualified to perform vision testing. *Education Code* section 49455 specifies the frequency and basic components of the school vision testing program. The *California Code of Regulations* sections 590-596 provide guidance on vision screening; however, the language in the existing regulations limits the type of testing tool to the Snellen chart. While the Snellen chart is one type of screening tool, as technology has evolved, there are other vision screening tools now available to LEAs. The amended version of the regulations would replace the word "Snellen" with the generic term "optotype" and thereby not limit LEAs to one particular brand of screening tool or test.

The amendment to the *California Code of Regulations* section 594 provides guidance on sending written notice to the parents or guardians of pupils who do not pass the initial vision screening and follow-up reevaluation. This amendment also recommends that parents and guardians of pupils with known visual defects be contacted to discuss the pupil's condition and appropriate ongoing care.

Other amendments to the existing regulations reflect statutory changes since 1977.

Section 590. Duly Authorized Agency Defined.

The amendment reflects the change in the name of the State Department of Public Health to the State Department of Health Services.

Section 591. Employees Authorized to Give Tests.

The amendments reflect the recent change in the title of the credential authorizing service as a school nurse and clarify that the only type of nurse authorized by the *Education Code* to perform vision screening tests is a school nurse.

The amendments provide a technical change to correct the name of the agency authorized to issue teaching credentials.

Note: Authority cited: Section 49452, *Education Code*. Reference cited: Section 44877, *Education Code*

Section 592. Acceptable Course in Vision Screening.

The amendments reflect changes in technology and replace a brand name test with a generic term.

Note: Authority and Reference cited: Section 49452 *Education Code*.

Section 593. Responsibility as to Eligibility.

The suggested term “vision screening test” replaces the term “eye screening test” to more accurately express the type of testing performed in the schools.

Note: Authority and Reference cited: Section 49452, *Education Code*.

Section 594. Examination of Visual Acuity.

The amendments reflect changes in technology and replace a brand name test with a generic term.

The amendments also provide clarity and direction on follow-up referrals for known vision defects or recently identified problems.

Note: Authority and Reference cited: Section 49452, *Education Code*

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

The State Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing the adoption of this regulation.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY’S REASONS FOR REJECTING THOSE ALTERNATIVES.

This proposal is to amend out-dated regulations, not create new regulations. Therefore, the consideration of alternatives is not applicable.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

The State Board has not identified any alternatives that would lessen any adverse impact on small business.

**EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC
IMPACT ON ANY BUSINESS.**

The proposed regulations would not have a significant adverse economic impact on any business.

INFORMATIVE DIGEST

The Board proposes to amend Sections 591, 592, 593, and 594 in Title 5 of the California Code of Regulations (CCR). These sections concern the screening of pupil vision in the public schools.

The purpose of the proposed amended regulations is to provide clarification for implementing *Education Code* sections 49452, 49455, and 49456. Specifically, the proposed amended regulations clarify who may administer vision tests to pupils, what types of tests may be performed, and when and how parents or guardians should be notified about the need for a professional vision examination.

Education Code sections 49452, 49455, and 49456 provide for vision screening in selected grades, basic components of the school vision testing program, and parent notification of suspected vision defects.

Section 590 as amended will replace the old name “Department of Public Health” with the current name “Department of Health Services.”

Section 591 as amended will reflect the recent change in the title of the credential authorizing service as a school nurse and clarify that the only type of nurse authorized by the *Education Code* to perform vision screening tests in the public schools is a school nurse. The amendment also adds osteopath to the list of licensed professionals who may perform school vision screening.

Section 592 as amended will reflect changes in technology and replace a brand name test with a generic term.

Section 593 as amended will replace the term “eye screening test” with the term “vision screening test” to more accurately express the type of testing performed in the schools.

Section 594 as amended will reflect changes in technology and replace a brand name test with a generic term. This amended section will also provide for the notification of the parents or guardians of pupils who do not pass the initial vision screening and follow-up reevaluations. This amended section also recommends that parents and guardians of pupils with known visual defects be contacted to discuss the pupil’s condition and appropriate ongoing care.

Title 5. EDUCATION

Division 1. State Department of Education

Chapter 2. Pupils

Subchapter 3. Health and Safety of Pupils

Article 4. Vision Screening

§ 590. Duly Authorized Agency Defined.

“A duly authorized agency,” as used in Education Code ~~§~~section 49452, means a city or county health department, a local health district, or the State Department of ~~Public Health Services.~~

NOTE: Authority cited for Article 4: Section 33031 and 49452, Education Code. Issuing agency: Superintendent of Public Instruction.

§ 591. Employees Authorized to Give Tests.

An employee of the governing board or of the county superintendent who may be required or permitted to give vision tests pursuant to Education Code ~~§~~section 49452 to pupils enrolled in the district is one of the following:

(a) A physician, ~~ophthalmologist~~ osteopath, optometrist, or school nurse who holds both:

(1) A certificate of registration from the appropriate California board or agency.

(2) A health and development credential, ~~or~~ a standard designated service credential with a specialization in health, or a school nurse services credential.

Such an employee is a "qualified supervisor of health" as used in this article and in Education Code ~~§~~section 49452.

(b) Any other employee of the school district or of the county superintendent of schools who holds a teaching credential issued by the ~~State Board~~ Commission on Teacher Credentialing and who has filed with the employing school district or county superintendent of schools, as the case may be, one of the following documents:

(1) A statement from a qualified supervisor of health that the employee has satisfactorily completed an acceptable course of inservice training in techniques and procedures in vision screening of at least six clock hours given by the qualified supervisor of health making the statement and that the employee is qualified to administer vision tests to pupils.

(2) A transcript from an accredited college or university evidencing that the employee has successfully completed an acceptable course in vision screening of at least one semester unit.

§ 592. Acceptable Course in Vision Screening.

An acceptable course in vision screening is one that provides the following:

(a) Basic knowledge of the structure, normal development, and function of the eye and common

1 anomalies of vision and factors influencing visual performance.

2 (b) Basic knowledge of signs and symptoms suggesting eye difficulty.

3 (c) Techniques and procedures in administering ~~Snellen~~ optotype and color vision tests. Such
4 techniques and procedures shall include training in the following:

5 (1) Establishing tests rapport with pupils.

6 (2) Seating of pupil and placing of equipment.

7 (3) Providing adequate lighting conditions for the testing situation.

8 (4) Recording test results.

9 (5) Referring pupils in need of follow-up.

10 (d) Practice in administering ~~Snellen~~ optotype and color vision tests under the supervision of a
11 qualified supervisor of health.

12 **§ 593. Responsibility as to Eligibility.**

13 Each school district and county superintendent of schools shall determine and be responsible for the
14 eligibility of personnel employed or permitted by the district or county superintendent of schools to
15 administer eye vision screening tests or to conduct inservice training programs in techniques and
16 procedures in administering such tests.

17 **§ 594. Examination of Visual Acuity.**

18 The following definitions shall apply to terms used in Education Code ~~S~~section 49452.

19 The examination of visual acuity shall mean a test for visual acuity at the far point. This shall be
20 conducted by means of the ~~Snellen-Test~~ optotype test. Conduct of the test and the testing environment
21 shall conform to procedures and settings described in the most recent edition of "A Guide for Vision
22 Testing in California Public Schools." Test failure for the initial vision test shall be defined as follows:

23 (a) For children under six years of age: Vision acuity of 20/50 or worse. The designation 20/50 or
24 worse indicates the inability to identify accurately the majority of letters or symbols on the 40-foot line of
25 the test chart at a distance of 20 feet.

26 (b) For children six years of age or older: Visual acuity of 20/40 or worse. This means the inability
27 to identify the majority of letters or symbols on 30-foot line of the chart.

28 (c) For all children: A difference of visual acuity between the two eyes of two lines on the ~~Snellen~~
29 ~~Chart~~ optotype chart. This means, for example, visual acuity of 20/20 in one eye and 20/40 in the other or
30 20/30 in one eye and 20/50 in the other.

31 Following failure of the initial vision acuity screening test, a reevaluation shall be accomplished prior
32 to referral for definitive professional evaluation. This reevaluation shall be done by persons authorized to
33 give tests as per Section 591(a) of this Article.

34 Once the reevaluation determines that a referral for definitive professional evaluation is necessary,

1 parents or guardians shall be notified and advised to take the pupil for a professional vision
2 evaluation. For pupils with glasses, known visual defect or known noncorrectible vision loss, follow-up
3 procedures may include counseling with the pupil and parents or guardians about the pupil's vision
4 condition and referrals for on-going professional vision care.

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