# INITIAL STATEMENT OF REASONS

Vision Testing

## INTRODUCTION

In 2014, the Legislature passed Assembly Bill 1840 (Chapter 803, Statutes of 2014, hereafter AB 1840) and Senate Bill 1172 (Chapter 925, Statutes of 2014, hereafter SB 1172), which amended California *Education Code* (*EC)* Section 49455 (to require schools to appraise the near, distant, and color vision of a pupil using an eye chart or scientifically validated photoscreening test and to require that this appraisal occur during kindergarten or upon first enrollment and in grades two, five, and eight. Prior to this legislation, schools were required to conduct appraisals for only distant and color vision and to conduct the appraisals upon first enrollment and at least every three years until the eighth grade.

AB 1840 and SB 1172 requires the California Department of Education (CDE) to adopt guidelines to implement provisions of the two bills, including training requirements and a method of testing for near vision.

## PROBLEM AGENCY INTENDS TO ADDRESS

The changes to *EC* Section 49455 that were enacted by AB 1840 and SB 1172 require the CDE to adopt guidelines, including training requirements and a method of testing for near vision. Regulations are necessary to provide the specific guidance that is necessary to enable the CDE and school districts to implement the provisions of Education Code 49455.

Amendments to *California Code of Regulations,* Title 5 (5 *CCR)* sections 590, 591, 594, and 596 and the proposed Section 597 are necessary to provide the specificity that is not included in statute, which will enable the CDE and school districts to implement the provisions of *EC* Section 49455. A work group of over 30 stakeholders was formed based on experience and expertise in vision screening best practices. The work group convened in March 2016 at Shriner’s Hospital for Children, Northern California to develop a guide for schools and school districts to assist with compliance of *EC* Section 49455.

## BENEFITS ANTICIPATED FROM REGULATORY ACTION

The benefit of enacting the proposed regulations will be to provide direction and specificity that school districts can follow for purposes of complying with the provisions of *EC* Section 49455 related to vision appraisals. Regulations are necessary to provide the specific guidance that is necessary to enable the CDE and school districts to implement the provisions of *EC* Section 49455 so that identification of vision problems in pupils will be addressed through more frequent vision screening.

## SPECIFIC PURPOSE OF EACH SECTION—GOVERNMENT CODE SECTION 11346.2(b)(1)

The specific purpose of each adoption or amendment, and the rationale for the determination that each adoption or amendment is reasonably necessary to carry out the purpose of which it is proposed, together with a description of the public problem, administrative requirement, or other condition or circumstance that each adoption or amendment is intended to address, is as follows:

General changes were made to the proposed regulations to include grammatical edits, and renumbering and/or re-lettering to reflect deletions or additions.

## SECTION 590

**Section 590(a)** is amended to allow a county superintendent of schools to contract and permit its districts to contract with an authorized agency to provide vision tests, to more efficiently meet the requirements for *EC* 49455.

**Proposed Section 590(b)** is added to clarify that authorized agencies that provide vision tests have evidence of comprehensive training on the most current vision screening techniques, to standardize practices of care.

## SECTION 594

**Section 594(a)** is amended to include the visual acuity test for the near point. This section is also amended to allow any other scientifically validated photoscreening test for measuring visual acuity, based on input and recommendation from expert workgroup members. These changes implement provisions from *EC* Section 43455.

**Proposed Section 594(b)** is added to address test failure for far point acuity. This change is made for information organizational purposes to allow for a new section, proposed Section 594, to address test failure for near point acuity, based on input and recommendation from expert workgroup members.

**Section 594(b)(1), current Section 594(a)(1)** is amended to test pupils at five years of age instead of under six years. This change is necessary because the visual acuity testing may too stringent for pupils under five years old, but overly lenient for pupils over five years old. This section also changes the threshold for far point acuity test failure from 20/50 to 20/40, based on current research.

**Proposed Section 594(c)** is added to provide a near point visual acuity test failure threshold to identify criteria and process, based on current research.

**Proposed Section 594(d), former Section 594(b)** is amended to include instrument-based screening for pupils who are not able to be tested with an optotype test. This change is necessary for those pupils who, because of age or special needs, a functional vision screening or instrument-based screening may be utilized.

**Proposed Section 594(e), former Section 594(c)** is amended to include proposed Section 597(a) to define an individual authorized to conduct vision tests. This change is necessary for consistency throughout these proposed regulations.

## SECTION 596

**Section 596** is amended to change when evidence may indicate a problem in visual acuity from “periodic investigation” to “continued and regular observation” of a pupil’s school performance. This change is necessary to identify and address problems earlier in pupil’s visual acuity.

## SECTION 597

**Proposed Section 597(a)** is added to define employees authorized to conduct photoscreening tests. This change is necessary to clarify and provide guidance for defined roles.

**Proposed Section 597(b)** is added to limit the acceptable photoscreening tests to those recognized as the best or acceptable practice by the CDE.

## ECONOMIC IMPACT ASSESSMENT PER GOVERNMENT CODE SECTION 11346.3(b)

**Purpose:**

The proposed regulations are necessary for the state implementation of Education Code sections 49455, and for the effective and consistent testing of vision acuity for the pupils of California.

**Creation or Elimination of Jobs within the State of California:**

The proposed regulations directly impact the school districts and provide guidance for vision testing of California’s pupils. These regulations do not eliminate any jobs that already exist with the current state administration of vision testing nor do the regulations create any more jobs than the current state administration of vision testing.

**Creation of New or Elimination of Existing Businesses within the State of California:**

The proposed regulations are designed to provide guidance on vision testing for school-age pupils. Adoption of the regulations will not create new or eliminate existing businesses within the State of California; the regulations apply to and impact only school districts and do not apply to or impact businesses.

**Expansion of Businesses or Elimination of Businesses Currently Doing Business within the State of California:**

The proposed regulations are designed to provide guidance on vision testing for school-age pupils. Adoption of the regulations will not expand or eliminate businesses within the State of California; the regulations apply to and impact only school districts and do not apply to or impact businesses within the State of California.

**Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment—Government Code Section 11346.1(b)(1):**

The anticipated benefit of the proposed changes to regulations is a more stringent screening process that will lead to increased visual acuity of students and their ability to achieve at a greater level in the classroom.

These proposed regulations will have no adverse effect nor benefit on worker safety or the State’s environment.

**Reasonable Alternatives that Would Lessen the Impact on Small Businesses—Government Code Section 11346.2(b)(4)(B):**

The State Board of Education (SBE) has not identified any alternatives that would lessen any adverse impact on small business.

**Evidence Relied Upon to Support the Initial Determination that the Regulations Will Not Have a Significant Adverse Economic Impact on Business—Government Code Section 11346.2(b)(5):**

The proposed regulations would not have a significant adverse economic impact on any business because the proposed additions only affect school districts, not the private sector.

## INCORPORATED BY REFERENCE

No documents are incorporated by reference.

## OTHER REQUIRED SHOWINGS

**Studies, Reports, or Documents Relied Upon—Government Code Section 11346.2(b)(3):**

The SBE relied upon the following technical, theoretical, or empirical studies, reports, or documents in proposing the adoption, amendment, or repeal of these regulations.

The SBE relied upon the following documents in proposing the adoption, amendment, or repeal of these regulations:

1. Guide for Vision Screening in California Schools (Draft 2018 Document)
<https://www.cde.ca.gov/ls/he/hn/documents/visionreport.pdf>
2. American Academy of Pediatrics Policy Statement, Eye Examination in Infants, Children, and Young Adults by Pediatricians PEDIATRICS Vol. 111 No. 4 April 2003

<http://pediatrics.aappublications.org/content/pediatrics/111/4/902.full.pdf>

**Reasonable Alternatives Considered or Agency’s Reasons for Rejecting Those Alternatives—Government Code Section 11346.2(b)(4)(A):**

The proposed regulations only apply to school districts and would have no impact on the private sector, including small businesses.

**Analysis of Whether the Regulations are an Efficient and Effective Means of Implementing the Law in the Least Burdensome Manner—Government Code Section 11346.3(e):**

The proposed regulations have been determined to be the most efficient and effective means of implementing the law in the least burdensome manner.

**Determination of Inconsistent/Incompatible Existing Regulations—Government Code Section 11346.5(a)(3)(D):**

An evaluation of the proposed regulations have determined they are not inconsistent/incompatible with existing regulations, pursuant to Government Section 11346.5(a)(3)(D).