

2450 Del Paso Road, Suite 105  
Sacramento, CA 95834  
(916) 575-7170, (916) 575-7292 Fax  
[www.optometry.ca.gov](http://www.optometry.ca.gov)

**To:** Board Members

**Date:** November 4, 2016

**From:** Joanne Stacy  
Policy Analyst

**Telephone:** (916) 575-7182

**Subject: Agenda Item 13 – Update, Discussion and Possible Action on Recommendations Regarding Children’s Vision Legislative Proposal (Formerly SB 402)**

Previous Legislation: Senate Bill [402](#) (Mitchell) Pupil Health: Vision Examinations Senate Bill 402, introduced by Senator Mitchell, would have required (with an opt-out option) a pupil’s vision to be examined by a physician, optometrist, or ophthalmologist, as specified, and required the pupil’s parent or guardian to provide the results of the examination to the pupil’s school. This bill prohibited a school from denying admission to a pupil or taking any other adverse action against a pupil if his or her parent or guardian fails to provide the results of the examination. If the results of the examination were not provided to the school, this bill required a pupil’s vision to instead be appraised pursuant to existing law, as specified.

The bill passed out of both Senate Education Committee and Senate Health Committee with no “no” votes. However, the bill was placed on suspense and did not pass out of Senate Appropriations Committee. This is the farthest the bill has gotten.

Workgroup History and Update: As previously reported, the Board created a workgroup to work with stakeholders on this issue and present stronger legislation for the next legislative session. The workgroup, comprised of Rachel Michelin and Dr. Kawaguchi, met on February 18, April 28 and September 22 with stakeholders. Educators, optometrists, nurses, insurance agencies, legislative staffers and youth advocates came together to discuss important issues facing children’s vision and looked for ways we could collaborate to be successful in passing this important policy initiatives. During discussions, various data collection models were discussed and the work group looked at other state’s that have this time of exam in current law. The work group believed it was an easy to understand format, but would like to work with staff and stakeholders to customize it for students and parents in California.

Legislation and Regulation Committee Recommendation:

After thoughtful discussion, the committee recommends the board support the legislative concept and direction of the Children’s Vision Workgroup (Attachment 1), and asks workgroup members and staff to move forward with introducing legislation in the 2017 legislative session.

**Attachment:**

1. Legislative Concept and Direction

Children's Vision Leg Proposal  
v. 10.20.2016

1. Comprehensive eye exam within 6 months prior to initial enrollment in a California public school. Comprehensive eye examination shall include tests for distance and near visual acuity, binocular vision (including convergence ability, eye alignment, and depth perception), accommodation, objective and subjective refraction, pupil assessment, color vision, and eye health evaluations..
2. California Children's Vision Form: Documentation demonstrating completion of comprehensive eye exam to include; Name of Physician or Optometrist, date of exam, recommendations by attending doctor, signature of attending doctor, signature of parent/guardian releasing info (not sure if needed), opt out of comprehensive eye exam statement for parent/guardian including signature, and opt out at school vision screening including parent/guardian signature. This form to be distributed by California Public School with enrollment materials In summary, this form will serve multiple functions:
  - a. Documentation demonstrating completion of comprehensive eye exam
  - b. Opt out option for comprehensive eye exam by parent/guardian
  - c. Opt out option for vision screening in that school year if proof of comprehensive eye exam within 6 months prior to new school year and waived by parent/guardian.
  - d. Information from attending doctor on special vision needs.
3. School screenings:
  - a. If documentation demonstrating completion of a comprehensive eye examination is not provided to the school, then during the kindergarten year or upon first enrollment or entry, and in grades 2, 5, and 8, the pupil's vision shall be appraised by the school nurse or other person authorized under Section 49452.
4. If documentation demonstrating completion of comprehensive exam within 6 months is provided to school, parent may waive school vision screening for that school year by filling out, signing, and submitting California Children's Vision Form to school prior to school vision screening.
5. Allow information on completed California Children's Vision Form to be shared with a child's assigned teacher/s.
6. Schools will annually distribute, receive back, summarize/tally data into the following categories:
  - a. Total number students enrolled
  - b. Total number of forms received
  - c. Documentation demonstrating completion of comprehensive eye exam completed within 6 months
  - d. Opt out of comprehensive eye exam
  - e. Opt out of vision screening
  - f. Total number of school screenings
7. This information shall be submitted to the California Dept. of Health<sup>1</sup> prior to the end of school year of the reporting period. California Dept. of Health will summarize data received annually prior to the end of the calendar year in which the school year ended and report that information to the California State Board of Optometry.

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<sup>1</sup> This may be Dept. of Education or CDPH; will research and clarify if necessary