

AMENDED IN ASSEMBLY AUGUST 5, 2013

AMENDED IN ASSEMBLY JUNE 27, 2013

AMENDED IN ASSEMBLY JUNE 18, 2013

AMENDED IN SENATE APRIL 18, 2013

**SENATE BILL**

**No. 430**

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**Introduced by Senator Wright**

**(Coauthor: Senator Hancock)**

(Coauthors: Assembly Members Mitchell and John A. Pérez)

February 21, 2013

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An act to amend, repeal, and add Section 49455 of the Education Code, relating to pupil health.

LEGISLATIVE COUNSEL'S DIGEST

SB 430, as amended, Wright. Pupil health: vision examination: binocular function.

Existing law requires, upon first enrollment in a California school district of a child at a California elementary school, and at least every 3rd year thereafter until the child has completed the 8th grade, the child's vision to be appraised by the school nurse or other authorized person, as specified. Existing law requires this appraisal to include tests for visual acuity and color vision.

This bill would instead, before first enrollment of a pupil at a California private or public elementary school, including a charter school, and at least every 3rd year thereafter until the pupil has completed the 8th grade, require the pupil's vision to be examined by ~~an optometrist~~ *a physician, optometrist, or ophthalmologist, consistent with the most current standard, policy, or guideline adopted by certain entities*, except as specified, and require the examination to also include

a test for binocular function and refraction and eye health evaluations. The bill would provide that the binocular function examination need not begin until the pupil has reached the 3rd grade and would require the parent or guardian of the pupil to provide results of the examination to the school. The bill would prohibit a school from denying admission to a ~~child~~ pupil or taking any other adverse action against a ~~child~~ pupil because of a ~~his or her~~ parent's or guardian's failure to obtain a vision examination for the ~~child~~ pupil. *The bill would, if the results of the vision examination are not provided to the school, require the pupil's vision to be appraised at certain times by the school nurse or other authorized person, as specified, require the appraisal to include tests for visual acuity and color vision, and provide that a school district is not prohibited from requiring or authorizing a school nurse or other authorized person, as specified, to evaluate a pupil's vision for visual acuity, color vision, or binocular function.* The bill would make these provisions operative on July 1, 2014.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 49455 of the Education Code is amended  
2 to read:  
3 49455. (a) Upon first enrollment in a California school district  
4 of a pupil at a California elementary school, and at least every  
5 third year thereafter until the pupil has completed the eighth grade,  
6 the pupil's vision shall be appraised by the school nurse or other  
7 authorized person under Section 49452. This appraisal shall include  
8 tests for visual acuity and color vision; however, color vision shall  
9 be appraised once and only on male pupils, and the results of the  
10 appraisal shall be entered in the health record of the pupil. Color  
11 vision appraisal need not begin until the male pupil has reached  
12 the first grade. Gross external observation of the pupil's eyes,  
13 visual performance, and perception shall be done by the school  
14 nurse and the classroom teacher. The appraisal may be waived, if  
15 the pupil's parents so desire, by their presenting of a certificate  
16 from a physician and surgeon, a physician assistant practicing in  
17 compliance with Chapter 7.7 (commencing with Section 3500) of  
18 Division 2 of the Business and Professions Code, or an optometrist

1 setting out the results of a determination of the pupil's vision,  
2 including visual acuity and color vision.

3 (b) This section shall not apply to a pupil whose parents or  
4 guardian file with the principal of the school in which the pupil is  
5 enrolling, a statement in writing that they adhere to the faith or  
6 teachings of any well-recognized religious sect, denomination, or  
7 organization and in accordance with its creed, tenets, or principles  
8 depend for healing upon prayer in the practice of their religion.

9 (c) This section shall become inoperative on July 1, 2014, and,  
10 as of January 1, 2015, is repealed, unless a later enacted statute,  
11 that becomes operative on or before January 1, 2015, deletes or  
12 extends the dates on which it becomes inoperative and is repealed.

13 SEC. 2. Section 49455 is added to the Education Code, to read:

14 49455. (a) Before first enrollment of a pupil at a California  
15 private or public elementary school, including a charter school,  
16 and at least every third year thereafter until the ~~child~~ *pupil* has  
17 completed the eighth grade, the pupil's vision shall be examined  
18 by ~~an optometrist~~ *a physician, optometrist, or ophthalmologist.*  
19 *This examination shall be consistent with the most current*  
20 *standard, policy, or guideline adopted by the American Academy*  
21 *of Pediatrics, the American Academy of Ophthalmology, or the*  
22 *American Optometric Association. This examination shall include*  
23 *tests for visual acuity, binocular function, and color vision, and*  
24 *refraction and eye health evaluations; however, color vision shall*  
25 *be examined once and only on male pupils, and the parent or*  
26 *guardian of the pupil shall provide results of the examination to*  
27 *the school. The color vision examination need not begin until the*  
28 *male pupil has reached the first grade. The binocular function*  
29 *examination need not begin until the pupil has reached the third*  
30 *grade.*

31 (b) This section shall not apply to a pupil whose parents or  
32 guardian file with the principal of the school in which the pupil is  
33 enrolling, a statement in writing that they adhere to the faith or  
34 teachings of any well-recognized religious sect, denomination, or  
35 organization and in accordance with its creed, tenets, or principles  
36 depend for healing upon prayer in the practice of their religion.

37 (c) (1) If a pupil is ineligible for Medicaid, Children's Health  
38 Insurance Program coverage, or exchange subsidies under the  
39 federal Patient Protection and Affordable Care Act (Public Law  
40 111-148), or any other health care service, the private or public

1 school shall refer the pupil to the county health department or other  
2 appropriate community resources able to perform a vision  
3 examination pursuant to subdivision (a).

4 (2) A school shall not deny admission to a ~~child~~ *pupil* or take  
5 any other adverse action against a ~~child~~ *pupil* because of a ~~his or~~  
6 ~~her~~ parent's or guardian's failure to obtain the examination  
7 pursuant to subdivision (a).

8 *(d) If the results of the examination conducted pursuant to*  
9 *subdivision (a) are not provided to the school, then, upon first*  
10 *enrollment in a California school district of a pupil at a California*  
11 *elementary school, and at least every third year thereafter until*  
12 *the pupil has completed the eighth grade, the pupil's vision shall*  
13 *be appraised by the school nurse or other authorized person under*  
14 *Section 49452. This appraisal shall include tests for visual acuity*  
15 *and color vision; however, color vision shall be appraised once*  
16 *and only on male pupils, and the results of the appraisal shall be*  
17 *entered in the health record of the pupil. Color vision appraisal*  
18 *need not begin until the male pupil has reached the first grade.*  
19 *Gross external observation of the pupil's eyes, visual performance,*  
20 *and perception shall be done by the school nurse and classroom*  
21 *teacher. A school district is not prohibited from requiring or*  
22 *authorizing a school nurse or other authorized person under*  
23 *Section 49452 to evaluate a pupil's vision for visual acuity, color*  
24 *vision, or binocular function.*

25 ~~(d)~~

26 (e) For purposes of this section, "binocular function  
27 examination" means, at a minimum, the evaluation of  
28 accommodative ability, sensory and motor fusion, and ocular  
29 motility.

30 ~~(e)~~

31 (f) This section shall become operative on July 1, 2014.