



March 26, 2013

**ENGROSSED
SENATE BILL No. 553**

DIGEST OF SB 553 (Updated March 20, 2013 6:53 pm - DI 77)

Citations Affected: IC 20-34.

Synopsis: Vision testing. Defines "vision screening" for the testing of certain students. Specifies that modified clinical technique vision tests for students must be performed by a licensed ophthalmologist or optometrist. Sets forth standards for vision tests. Modifies reporting requirements for the results of vision tests and waivers of vision tests.

Effective: July 1, 2013.

Becker, Leising, Breaux

(HOUSE SPONSORS — CLERE, CROUCH, BACON, RIECKEN)

January 14, 2013, read first time and referred to Committee on Health and Provider Services.

January 24, 2013, reported favorably — Do Pass.

January 29, 2013, read second time, amended, ordered engrossed.

January 30, 2013, engrossed.

January 31, 2013, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

March 12, 2013, read first time and referred to Committee on Public Health.

March 25, 2013, amended, reported — Do Pass.

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March 26, 2013

First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 553

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 20-34-3-12, AS AMENDED BY P.L.161-2009,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013]: Sec. 12. (a) For purposes of this section, "modified
4 clinical technique" means a battery of vision tests that includes:
5 (1) a visual acuity test to determine an individual's ability to see
6 at various distances;
7 (2) a refractive error test to determine the focusing power of the
8 eye;
9 (3) an ocular health test to determine any external or internal
10 abnormalities of the eye; and
11 (4) a binocular coordination test to determine if the eyes are
12 working together properly.
13 **(b) For purposes of this section, "vision screening" means the**
14 **testing of visual acuity to determine an individual's ability to see at**
15 **various distances using:**
16 **(1) the Snellen chart;**
17 **(2) Sloan letters;**

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1 (3) HOTV; or
 2 (4) LEA symbol optotypes;
 3 at a distance of either ten (10) or twenty (20) feet for distance
 4 vision, depending on the calibration of the chart being used, and a
 5 distance of fourteen (14) inches for near vision.

6 (c) The modified clinical technique shall be performed by an
 7 ophthalmologist licensed as a physician under IC 25-22.5 or an
 8 optometrist licensed under IC 25-24.

9 ~~(b)~~ (d) The governing body of each school corporation shall conduct
 10 ~~(+)~~ an annual a vision test for each student enrolling in or
 11 transferring into:

- 12 (1) either kindergarten or grade 1;
 13 (2) grade 3;
 14 (3) grade 5; and
 15 (4) grade 8;

16 and for each student suspected of having a visual defect.

17 (e) The vision test for students in kindergarten and grade 1 shall
 18 be conducted using the modified clinical technique of each student
 19 upon the student's enrollment in either kindergarten or grade 1; and ~~(2)~~
 20 an annual unless a waiver is granted under section 13 of this
 21 chapter. If a waiver is granted for a school corporation, the
 22 governing body shall conduct a vision screening upon each
 23 student's enrollment in kindergarten or grade 1.

24 (f) Each student described in subsection (d)(2), (d)(3), and (d)(4),
 25 and each student suspected of having a visual defect shall be tested
 26 using a vision screening test of the student's visual acuity. of each
 27 student enrolled in or transferred to grade 3 and grade 8 and of all other
 28 students suspected of having a visual defect.

29 (g) The following standards apply for a vision screening under
 30 subsections (e) and (f):

31 (1) A student in kindergarten or grade 1 who is unable to read
 32 with each eye the 20/30 line of the Snellen chart or the 20/32
 33 line of the Sloan letters, HOTV, or LEA symbol optotypes
 34 shall be recommended for further examination based upon
 35 the recommendation of the individual performing the
 36 screening.

37 (2) A student:

38 (A) in grade 3, grade 5, or grade 8; or

39 (B) suspected of having a visual defect;

40 who is unable to read with each eye the 20/30 line of the
 41 Snellen chart or the 20/32 line of the Sloan letters shall be
 42 recommended for further examination based upon the

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recommendation of the individual performing the screening.

(e) (h) Records of all tests shall be made and continuously maintained by the school corporation to provide information useful in protecting, promoting, and maintaining the health of students. The state department of health and the state board shall adopt joint rules concerning vision testing equipment, qualifications of vision testing personnel, visual screening procedures, and criteria for failure and referral in the screening tests based on accepted medical practice and standards.

(f) (i) The school corporation's governing body and the superintendent shall receive **annually** the following information concerning the tests conducted under this section:

(1) The number of students tested **by grade**.

(2) **The number of students by grade who were tested using the modified clinical technique.**

(3) **The number of students by grade who were tested using a vision screening.**

(g) (4) The number of students **by grade** who passed a test.

(g) (5) The number of students **by grade** who failed a test or were referred for further testing.

(6) **The name of the individual or department that supervised the testing.**

(e) (j) Each school corporation shall annually provide to the department, for each school within the school corporation, the following information concerning the tests conducted under this section:

(1) ~~Whether the tests were conducted at the school.~~

(2) ~~If the tests were not conducted at the school, the reason for not performing the tests.~~

(3) ~~If the tests were conducted at the school:~~

(1) the number of students tested **by grade**;

(2) **the number of students by grade who were tested using the modified clinical technique;**

(3) **the number of students by grade who were tested using a vision screening;**

(4) **the number of students who passed a test by grade; and**

(5) **the number of students who failed a test or who were referred for further testing.**

(f) (k) Not later than October 1 ~~2010~~; **each year**, the department shall report **for the previous school year**:

(1) **a compilation of the information received from school corporations under subsection (e) (j);**

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1 **(2) information received under section 13 of this chapter,**
 2 **including:**

3 **(A) the number of school corporations that applied for a**
 4 **waiver;**

5 **(B) the number of waivers approved;**

6 **(C) the number of waivers denied;**

7 **(D) the name of each school corporation that applied for a**
 8 **waiver and whether the waiver was approved or denied;**

9 **and**

10 **(E) the reason for the approval or denial;**

11 **(3) the total number of students eligible for testing; and**

12 **(4) the total number of students tested;**

13 to the legislative council in electronic format under IC 5-14-6.

14 SECTION 2. IC 20-34-3-13, AS AMENDED BY P.L.161-2009,
 15 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2013]: Sec. 13. (a) If a school corporation is unable to comply
 17 with section ~~12(b)(1)~~ **12(e)** of this chapter, the governing body may,
 18 before November 1 of a school year, request from the state
 19 superintendent a waiver of the requirements of section ~~12(b)(1)~~ **12(e)**
 20 of this chapter.

21 (b) The waiver request under subsection (a) must:

22 (1) be in writing;

23 (2) include the reason or reasons that necessitated the waiver
 24 request; and

25 (3) indicate the extent to which the governing body attempted to
 26 comply with the requirements under section ~~12(b)(1)~~ **12(e)** of this
 27 chapter.

28 (c) The state superintendent shall take action on the waiver request
 29 not later than thirty (30) days after receiving the waiver request.

30 (d) The state superintendent may:

31 (1) approve the waiver request;

32 (2) deny the waiver request; or

33 (3) provide whatever relief that may be available to enable the
 34 school corporation to comply with the requirements under section
 35 ~~12(b)(1)~~ **12(e)** of this chapter.

36 (e) If the state superintendent approves the waiver request, the
 37 governing body shall conduct an annual screening test of the visual
 38 acuity of each student upon the student's enrollment in or transfer to
 39 grade 1.

40 (f) The governing body of each school corporation shall make and
 41 maintain records of all waivers requested by the governing body under
 42 this section.

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- 1 (g) The state superintendent shall make and continuously maintain
- 2 records of all actions taken by the state superintendent concerning all
- 3 waivers requested under this section.
- 4 (h) **A request for a waiver under this section must be made**
- 5 **annually.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 553, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 553 as introduced.)

MILLER PATRICIA, Chairperson

Committee Vote: Yeas 9, Nays 0.

 SENATE MOTION

Madam President: I move that Senate Bill 553 be amended to read as follows:

Page 3, line 40, strike "October" and insert "**July**".

Page 3, line 41, delete ":" and insert "**for the previous school year:**".

(Reference is to SB 553 as printed January 25, 2013.)

BECKER

 COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 553, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 15, delete "and".

Page 2, line 16, before "for" insert "**and**".

Page 3, strike lines 27 through 30.

Page 3, line 31, delete "(A)", begin a new line block indented and insert:

"(1)".

Page 3, line 32, delete "(B)", begin a new line block indented and insert:

"(2)".

Page 3, line 34, delete "(C)", begin a new line block indented and insert:

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"(3)".

Page 3, delete line 36.

Page 3, line 37, delete "(E)", begin a new line block indented and insert:

"(4)".

Page 3, line 38, delete "(F)", begin a new line block indented and insert:

"(5)".

Page 3, line 40, reset in roman "October".

Page 3, line 40, delete "July".

Page 4, line 18, delete "12(d)(1)" and insert "**12(e)**".

Page 4, line 21, delete "12(d)(1)" and insert "**12(e)**".

Page 4, line 27, delete "12(d)(1)" and insert "**12(e)**".

Page 4, line 36, delete "12(d)(1)" and insert "**12(e)**".

and when so amended that said bill do pass.

(Reference is to SB 553 as reprinted January 30, 2013.)

CLERE, Chair

Committee Vote: yeas 12, nays 0.

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