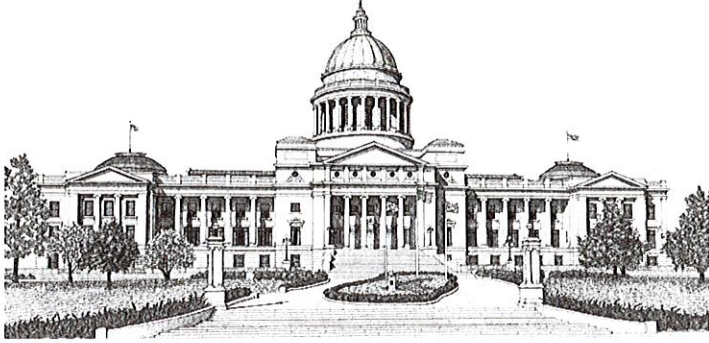


ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

Mark Martin

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas Division of Elementary and Secondary Education

Department Division of Learning Services

Contact Lori Freno E-mail lori.freno@arkansas.gov Phone 501-682-4234

Statutory Authority for Promulgating Rules Ark. Code Ann. 6-18-1501 et seq., 25-15-201 et seq., and Act 757 of 2019

Rule Title: Arkansas Department of Education Rules Governing Eye and Vision Screening Report in Arkansas Public Schools

Intended Effective Date

(Check One)

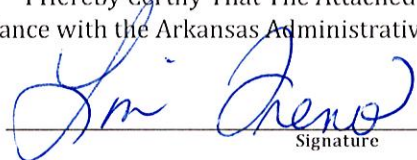
		Date
<input type="checkbox"/>	Emergency (ACA 25-15-204)	11/2, 11/3, 11/4/2019
<input checked="" type="checkbox"/>	10 Days After Filing (ACA 25-15-204)	12/3/2019
<input type="checkbox"/>	Other _____ (Must be more than 10 days after filing date.)	2/21/2020
	Legal Notice Published	11/2, 11/3, 11/4/2019
	Final Date for Public Comment	12/3/2019
	Reviewed by Legislative Council	2/21/2020
	Adopted by State Agency	1/9/2019

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

<u>Lori Freno</u>	<u>lori.freno@arkansas.gov</u>	<u>2/21/20</u>
<small>Contact Person</small>	<small>E-mail Address</small>	<small>Date</small>

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)



Signature

(501) 682-4234 lori.freno@arkansas.gov

Phone Number E-mail Address

General Counsel

Title

2/21/20

Date

**ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING EYE AND
VISION SCREENING REPORT IN ARKANSAS PUBLIC SCHOOLS
March 2, 2020**

1.0 PURPOSE

The purpose of these Rules is to establish the requirements and procedures for governing eye and vision screening procedures and test standards in Arkansas Public Schools.

2.0 REGULATORY AUTHORITY

These Rules are enacted pursuant to the authority of the State Board of Education under Ark. Code Ann. §§ 6-18-1501 et seq. and 25-15-201 et seq.

3.0 DEFINITIONS

For the purpose of these rules, the following terms mean:

- 3.01 Arkansas Eye and Vision Commission: A commission established by the State of Arkansas to study the eye and vision needs of school age children, evaluate current vision screening programs, and make recommendations to develop a strategic state wide plan to ensure adequate eye and vision care for the school age children of Arkansas.
- 3.02 Screening: To test in order to separate according to skills or ability.
- 3.03 Preschool Student: Any four year old child participating in a PK/4 year old program on a school campus.
- 3.04 Vision Care Consultant – An optometrist or ophthalmologist.

4.0 VISION SCREENINGS / APPROVED INSTRUMENTS

- 4.01 Beginning with the 2006-2007 school year, all children in pre-kindergarten (PK), kindergarten (K), grades one (1), two (2), four (4), six (6), and eight (8), and all transfer students shall receive an eye and vision screening.
- 4.02 This requirement applies to public schools and charter schools.
- 4.03 Nothing in this act shall preclude voluntary screening of any educational grade or preclude the referral of any child, regardless of grade, whom the teacher or school nurse feels should be screened or examined.

- 4.04 The responsibility for the enforcement of this section rest equally with each school district or charter school and the parent or guardian of the child.
- 4.05 The commission and the ADE shall evaluate and approve the vision screening instruments, equipment, and other testing items that are used to conduct the eye and vision screenings.
- 4.06 The approved screening process will include the following:
 - 4.06.1 Observation and external inspection of the eye;
 - 4.06.2 Distance visual acuity test using a Snellen Eye Chart at twenty feet (20') or an age or developmentally appropriate chart at ten feet (10') outside a vision-screening instrument;
 - 4.06.3 A plus lens visual acuity test using a Snellen Eye Chart at twenty feet (20') or an age or developmentally appropriate chart at ten feet (10') outside a vision screening instrument;
 - 4.06.4 Lateral muscle balance test at far;
 - 4.06.5 Vertical muscle balance test at far;
 - 4.06.6 Fusion or binocularity at far;
 - 4.06.7 Lateral muscle balance test at near;
 - 4.06.8 Fusion or binocularity at near; and
 - 4.06.9 Color perception.
 - 4.06.10 Screening instruments and equipment must be approved. These instruments may include, but are not limited to the following:
 - 4.06.10.1 Titmus Vision Screener or
 - 4.06.10.2 Keystone Vision Screener or
 - 4.06.10.3 Optec Vision Screener
 - 4.06.10.4 Slides necessary to perform required test
 - 4.06.10.5 Occluder
 - 4.06.10.6 Plus 2.00 lens
 - 4.06.10.7 Snellen Chart
 - 4.06.10.8 Age appropriate vision screening chart
 - 4.06.10.9 Color perception booklet/instrument slide
 - 4.06.10.10 Other approved instruments

5.0 SCREENING

- 5.01 In conjunction with the Department of Education, the commission shall develop the criteria for passage or failure of a vision screening and criteria for referral of

a comprehensive eye examination. The criteria are as follows:

- 5.01.1 External Observation: Any obvious anomaly of the eyes, or periocular areas should cause referral for medical evaluation. Abnormal head positioning, such as, a chronic head tilt, should result in a failed screen. Obvious misalignment of the eyes should result in a screen failure.
- 5.01.2 Vision at 20 feet or 10 for age appropriate charts: Any eye with vision less than or equal to 20/40 shall result in a screen failure.
- 5.01.3 +2.00 lens test: Any child that improves 2 or more lines of vision, such as, 20/40 to 20/20 with the +2.00 lens in front of either eye shall result in screen failure.
- 5.01.4 Color Perception Test: This test shall be performed using an instrument slide or color-testing booklet or color perception slides. Any child missing more than 25% of the cards or instrument slide would be deemed a color perception screen failure, but not referred for comprehensive eye examination. The parent and teacher shall be notified of the color perception screening failure.
- 5.01.5 Success in meeting the following pass or failure of instrument screenings:
 - 5.01.5.1 Lateral Muscle Balance at far;
 - 5.01.5.2 Vertical Muscle Balance at far;
 - 5.01.5.3 Fusion at far;
 - 5.01.5.4 Lateral Muscle Balance at near; and
 - 5.01.5.5 Fusion at near.
- 5.02 An eye and vision screening report shall be sent or given to each parent or guardian of each child in need of a comprehensive eye and vision examination that has failed the second vision-screening test.

6.0 EYE EXAMS

- 6.01 A child who does not pass the eye and vision screening tests, except for the color perception test, shall be required to have a comprehensive eye and vision examination conducted by an optometrist or ophthalmologist within sixty (60) days of receipt of the vision screening report identifying the need for the examination.
- 6.02 The parent or guardian of the child shall be responsible for ensuring that the child receives the appropriate eye and vision examination.
- 6.03 The local school district shall take such action and access all resources necessary to encourage that the child receives an appropriate examination. If a child does not receive an appropriate examination, as evidenced by a certificate signed by an optometrist or ophthalmologist acknowledging the examination, then the public school or charter school where the child is registered shall report the child

to the Department of Education.

- 6.04 A child who has had a comprehensive eye and vision examination conducted by an optometrist or ophthalmologist within six (6) months of an eye and vision screening is not required to have another examination if the parent or guardian of the child presents evidence of a comprehensive eye and vision examination in the form of a certificate signed by an optometrist or ophthalmologist acknowledging the examination.
- 6.05 Transfer students who have been screened in their previous school during the current school year do not have to be rescreened at the new school. Schools may request the transfer student's vision screening from his/her school that was completed within the current school year.

7.0 FORMS

- 7.01 In conjunction with the Department of Education, the commission shall develop standardized forms to be used with regard to conducting and reporting the results of eye and vision screenings.
- 7.02 The standardized forms shall include:
 - 7.02.1 A vision screening form;
 - 7.02.2 A parent notification form;
 - 7.02.3 A doctor report form; and
 - 7.02.4 Any other forms deemed necessary by the commission.
- 7.03 Every public school and charter school shall use the standardized forms for eye and vision screening reports.

8.0 TRAINING

- 8.01 The Department of Education, in conjunction with the Arkansas Commission on Eye and Vision Care of School Age Children, shall develop standards for training school nurses to perform eye and vision screenings.

9.0 REPORTING

- 9.01 Each public school and charter school shall de-identify eye and vision screening results as necessary to comply with privacy laws and report the results by grade to the Department of Education and the Arkansas Commission on Eye and Vision Care of School Age Children.
- 9.02 The report shall include the following information:

- 9.02.1 The number of children screened;
 - 9.02.2 The number of children re-screened;
 - 9.02.3 The number of children who did not receive an eye and vision screening;
 - 9.02.4 The number of children referred for a comprehensive eye examination;
 - 9.02.5 The number of children who failed the eye and vision screening who did not receive a comprehensive eye examination; and
 - 9.02.6 The comprehensive eye examination will be reported as normal or treatment required.
- 9.03 Eye and vision screening shall be completed and reported to the Arkansas Department of Education by January 15th and an updated report by June 15th of each school year.

10.0 CONSULTANT

- 10.01 Each school district is encouraged to select one (1) or more optometrists or ophthalmologists to serve as non-paid eye and vision care consultants to provide advice and assistance with eye and vision screenings and examinations.

11.0 ARKANSAS COMMISSION ON EYE AND VISION CARE OF SCHOOL AGE CHILDREN

The commission and the Department of Education shall report its findings and updates to the Governor, the Legislative Council, and the House and Senate Interim Committees on Public Health, Welfare, and Labor annually.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Department of Education, Division of Elementary and Secondary Education

DIVISION Division of Learning Services

PERSON COMPLETING THIS STATEMENT Lori Freno, General Counsel

TELEPHONE 501/682-4234 **FAX** 501/682-4249 **EMAIL:** lori.freno@arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Rules Governing Eye and Vision Screening Report in Arkansas Public Schools, Sections 1.0, 2.0, and 11.0.

- 1. Does this proposed, amended, or repealed rule have a financial impact? Yes No

- 2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule? Yes No

- 3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If an agency is proposing a more costly rule, please state the following:

(a) How the additional benefits of the more costly rule justify its additional cost;
N/A

(b) The reason for adoption of the more costly rule;
N/A

(c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;
N/A

(d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.
N/A

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

(a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

Next Fiscal Year

General Revenue N/A
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

General Revenue N/A
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Total _____

(b) What is the additional cost of the state rule?

Current Fiscal Year

Next Fiscal Year

General Revenue Zero
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____
 Total _____

General Revenue Zero
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____
 Total _____

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

Next Fiscal Year

\$ Zero

\$ Zero

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

Next Fiscal Year

\$ Zero

\$ Zero

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes No

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;

- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.