

By: Representative Hines

To: Education; Public Health
and Human Services

HOUSE BILL NO. 136

1 AN ACT TO AMEND SECTION 37-3-87, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE A COMPREHENSIVE EYE EXAMINATION FOR ALL STUDENTS ENTERING
3 KINDERGARTEN, THE FIRST GRADE OR ENROLLING FOR THE FIRST TIME IN A
4 PUBLIC, PRIVATE OR PAROCHIAL SCHOOL; TO PROVIDE STANDARDS FOR
5 REQUIRED EYE EXAMINATIONS; TO DIRECT THE STATE BOARD OF HEALTH TO
6 DEVELOP AND ISSUE REGULATIONS ESTABLISHING STANDARDS FOR THE
7 STUDENT EYE EXAMINATION PROGRAM; TO PROVIDE FOR AN ADVISORY
8 COMMITTEE ON THE MANDATORY STUDENT EYE EXAMINATION REQUIREMENT AND
9 THE STUDENT VISION SCREENING PROGRAM; AND FOR RELATED PURPOSES.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

11 **SECTION 1.** Section 37-3-87, Mississippi Code of 1972, is
12 amended as follows:

13 37-3-87. (1) This section shall be known and may be cited
14 as the "Mississippi Better Sight for Better Learning Program."

15 (2) Beginning July 1, 2018, every student enrolling in
16 kindergarten or first grade, or enrolling for the first time in a
17 Mississippi public, private or parochial school approved and
18 accredited by the State Board of Education, shall be required to
19 have a comprehensive eye examination performed by an optometrist
20 or ophthalmologist. Within thirty (30) days of the start of the
21 school year, the parent or guardian of each student shall present



22 to the appropriate school health personnel evidence that the
23 student passed an eye examination within the previous six (6)
24 months. The State Board of Health, with the advice of the State
25 Board of Education, on or before July 1, 2018, shall promulgate
26 rules establishing the criteria for meeting the requirements of
27 this comprehensive eye examination which shall include, but not be
28 limited to, the following:

29 (a) A comprehensive eye examination shall include
30 measurement of visual acuity; ocular alignment and motility; depth
31 perception-stereopsis; fusion; slit lamp; examination of the
32 anterior segment and pupils; and cycloplegic refraction and
33 dilated fundus examination when deemed appropriate by the
34 examiner;

35 (b) Any eye doctor who conducts a comprehensive eye
36 examination of a student given in accordance with the provisions
37 of this section shall forward a written report of the results of
38 the examination to the parent or guardian of such student and the
39 student's primary health care provider. It shall be the
40 responsibility of the parent or guardian to forward a copy of the
41 report to school health personnel. The report shall include, but
42 not be limited to, the following:

43 (i) The date of the report;

44 (ii) The name, address and date of birth of the
45 student;

46 (iii) The name of the student's school;



47 (iv) The type of examination;
48 (v) A summary of significant findings, including
49 diagnoses, medication used, duration of action of medication,
50 treatment, prognosis, whether or not a return visit is recommended
51 and if so, when;
52 (vi) Any recommended educational adjustments for
53 the child, if any, which may include: preferential seating in the
54 classroom, eyeglasses for full-time use in school, eyeglasses for
55 part-time use in school, sight-saving eyeglasses or any other
56 recommendations; and
57 (vii) The name, address and signature of the
58 examiner;
59 (c) Each public school, private and parochial school
60 approved and accredited by the State Board of Education shall give
61 notice of this eye examination requirement to the parents and
62 guardians of students in compliance with rules of the State
63 Department of Health, in conjunction with the rules of the State
64 Department of Health relating to required vaccinations for
65 students. Parents and guardians who fail to present the required
66 report shall be notified in writing of the required eye
67 examination. A school may withhold a child's report card until
68 the required report is submitted; however, no student shall be
69 excluded from attending kindergarten, first grade or another grade
70 for a parent's or guardian's failure to furnish a report of the
71 student's eye examination or an examiner's failure to furnish the



72 results of a student's comprehensive eye examination. In the
73 event that a parent or legal guardian of a student submits a
74 written request that a student be excused from having an eye
75 examination, that student shall be excused; and

76 (d) Enforcement of the provisions of this subsection
77 (2) shall be performed by the local school superintendent or his
78 designee, the headmaster of the private or parochial school or his
79 designee, or the director of the kindergarten program, as
80 appropriate.

81 (* * * 3) In addition to the mandatory comprehensive eye
82 examination required under subsection (2), the State Department of
83 Education is * * * authorized and empowered to establish a student
84 vision screening program to make eye screening services available
85 to students in Grades K-12 in the public schools in order to
86 detect vision problems which can lead to academic problems. * * *
87 The eye screening service shall be based on a process that is
88 screening in nature, and not diagnostic, which is intended to
89 identify with a reasonably high probability, students with a wide
90 range of eye problems who should seek the services of an eye care
91 professional for examination, diagnosis and corrective
92 recommendation. * * * The eye screening service shall provide
93 each student screened with a report of the student's screening
94 results to be taken home. Each school shall be provided with a
95 list of the students screened, and their results. Statistical
96 summaries of the screening results shall be provided to each



97 school, and composite statistics by school system, county or
98 district shall be provided to the State Department of Education.
99 The State Department of Education may contract with any legal
100 entity to administer the student vision screening program on the
101 school district level, and * * * the contract shall be let on a
102 competitive basis. State funding for * * * the program shall only
103 be available subject to appropriation by the Legislature.

104 (* * * 4) The school board of any local school district
105 shall cooperate with the State Department of Health, State
106 Department of Education and any entity under contract with the
107 department to implement the student eye examination or vision
108 screening program established under this section.

109 (* * * 5) Before * * * July 1, 2018, an advisory committee
110 for the mandatory student eye examination and student vision
111 screening program comprised of six (6) eye care professionals
112 shall be appointed. The Governor, Lieutenant Governor and Speaker
113 of the House of Representatives each shall appoint one (1) member
114 from a list of nominees submitted by the Mississippi Optometric
115 Association and one (1) member from a list of nominees submitted
116 by the Mississippi Eye, Ear, Nose and Throat Association, so that
117 the advisory committee consists of three (3) representatives from
118 each organization. The members of the committee shall serve for a
119 term of four (4) years, to run concurrent with the term of the
120 Governor after the expiration of the initial term.



121 In order to protect the health, safety and welfare of
122 students as related to eye care, the advisory committee shall
123 review the procedures, methodology and nature of the mandatory
124 student eye examination requirements and the vision screening
125 services offered under any contract entered into by the State
126 Department of Health or the State Department of Education for the
127 administration of the student eye examination or student vision
128 screening programs. Any advisory opinions adopted by the
129 committee on the eye examination or vision screening process may
130 be submitted to the State Board of Education and the State Board
131 of Health for consideration or any appropriate action.

132 The advisory committee shall determine the times and
133 locations of its meetings. Members of the advisory committee
134 shall serve without compensation.

135 (6) Any additional costs for student eye examinations that
136 are not covered by existing insurance or public assistance
137 programs shall be paid by the State Department of Health from a
138 fund provided from any private or public sources which shall not
139 exceed the allowable state Medicaid reimbursement rate for eye
140 examinations.

141 **SECTION 2.** This act shall take effect and be in force from
142 and after its passage.

