

SESSION OF 2021

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 62**

As Amended by House Committee on Education

**Brief\***

SB 62, as amended, would amend state standards for free school-administered vision screenings and also amend law related to the administration of albuterol in certain emergency situations by school districts and accredited nonpublic schools. In law governing the state standards for vision screenings, the bill would add new definitions and amend others; modify the frequency of the vision screenings to specify the grade levels and specific circumstances under which the screenings would occur; provide for vision screenings for students in accredited nonpublic schools; require screenings be performed by a vision screener who would follow the most recent state vision screening guidelines; and require vision screening results and any necessary referral for an examination by an ophthalmologist or optometrist be reported to the parents or guardians of the student. The bill would also establish an eight-member Kansas Children's Vision Health and School Readiness Commission (Commission) to ensure implementation of the provisions of the bill; provide for the appointment of the members, who would serve without reimbursement for meeting expenses; and establish the duties of the Commission.

The bill would also make technical adjustments.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

### ***Definitions—Vision Screenings***

The bill would define the following new terms:

- “Accredited nonpublic school” would mean all nonpublic elementary and secondary schools accredited by the State Board of Education;
- “Board of education” would mean the board of education of any school district;
- “IDEA part B” would mean all statewide programs providing special education and related services to children with disabilities aged three through five in accordance with 20 U.S.C. § 1411, and amendments thereto;
- “School district” would mean any school district organized under the laws of this state; and
- “Vision screener” would mean any school nurse, or the nurse’s designee, or other person who is trained to administer a vision screening test to students in the State of Kansas.

The bill would also amend the definition of “basic vision screening” to mean an age-appropriate eye testing program for each child that is implemented according to the most recent edition of the Kansas vision screening requirements and guidelines and includes referrals for eye examinations and necessary follow-ups.

### ***Frequency of Vision Screenings***

The bill would provide children with free basic vision screenings as follows:

- Annually for children with disabilities aged three through five years who are participating in IDEA part B programs;
- At least once each school year for students enrolled in kindergarten and each of the grades one through three, five, seven, and ten in a school district or an accredited nonpublic school; and
- Within the first year of admission for any student enrolled in a school district or an accredited nonpublic school.

### ***Entity Responsible for Providing Vision Screening***

The bill would require the board of education of the school district in which a student is enrolled to provide basic vision screening to every student enrolled in such school district. The bill would require basic vision screening be provided to every student enrolled in an accredited nonpublic school by either the accredited nonpublic school in which the student is enrolled or, upon request by the student's parent or guardian, by the board of education of the school district in which the student resides.

### ***Performance and Reporting of Vision Screenings***

The bill would require basic vision screening be performed by a vision screener designated by the board of education or by an accredited nonpublic school. The bill would require vision screeners follow the most recent state vision screening guidelines. The bill would require the results of the screening and any necessary referral for an examination by an ophthalmologist or optometrist be reported

to the parents or guardians of the student and require any such referral to show no preference in favor of any ophthalmologist or optometrist.

***Kansas Children's Vision Health and School Readiness Commission***

*Commission Membership and Reimbursement*

The bill would require an eight-member Commission be established to ensure the implementation of the provisions of the bill, with membership appointed by the State Board of Education and composed of one member representing each of the following: optometrists, ophthalmologists, a health organization dedicated to preventing blindness, the Kansas State Department of Education, the Kansas Department of Health and Environment, school nurses, public health nurses, and school administrators. The bill would require that the Commission members serve without reimbursement for meeting expenses.

*Duties of the Commission*

The bill would establish the following duties of the Commission:

- Overseeing the revision of state vision screening requirements and guidelines at least once every seven years;
- Providing standardized vision screening referral letters and eye professional examination reports as referenced in the Kansas vision screening requirements and guidelines;
- Identifying state resources that assist in providing opportunities to offer free or low-cost eye exams for

students who fail vision screenings and are unable to afford an examination on their own; and

- Establishing a system to collect data from school health personnel concerning the results of the original screenings and referral outcomes, and issuing an annual report to the Secretary of Health and Environment and the Commissioner of Education.

### ***Administration of Albuterol***

The bill would allow a school nurse, or nurse's designee, to administer albuterol in certain emergency situations to a student or a member of a school staff.

### ***Distribution of Stock Supplies***

The bill would also allow a school district and accredited nonpublic schools (schools) to maintain stock supply of albuterol metered-dose inhalers, albuterol solution, and spacers. The bill would require a school to maintain such albuterol kit pursuant to an appropriate prescription by a physician or mid-level practitioner who writes a prescription for this medication or provides training to school personnel.

### ***Civil Liability***

The bill would state any person(s), school nurse or nurse's designee who gratuitously and in good faith renders emergency care or treatment through the administration of albuterol to a student or a member of a school staff at school, or on school property, or at a school-sponsored event would not be liable for any civil damages as a result of such care or administration of albuterol or for any act or failure to act in providing for or arranging for further treatment if such person acts as an ordinary reasonably prudent would have acted under the same or similar circumstances.

## **Background**

The bill was introduced by the Senate Committee on Education at the request of Senator Baumgardner.

[*Note:* SB 62 contains provisions similar to provisions in 2020 HB 2346, as amended by the House Committee on Children and Seniors, with some technical differences; it also contains provisions similar to those in 2020 HB 2488, as recommended by the House Committee on Education and 2021 HB 2086.]

### ***Senate Committee on Education***

In the Senate Committee hearing, **proponent** testimony was provided by representatives of the Kansas Association of School Boards, Kansas Vision Coalition Task Force, and Olathe Public Schools (USD 233). Written-only **proponent** testimony was provided by a representative of the Kansas School Nurses Organization. Proponents generally stated the bill would lead to better vision health for students by standardizing the occurrence of vision screenings statewide, providing for regular vision screening guidelines updates, and ensuring parents and guardians are aware of the need for referrals and resources.

Written-only neutral testimony was provided by the State Board of Education.

### ***House Committee on Education***

In the House Committee hearing, a representative of the Kansas Optometric Association, on behalf of the Kansas Vision Coalition, and representatives of the Kansas Association of School Boards and the Kansas School Nurses Organization provided **proponent** testimony.

Written-only **proponent** testimony was provided by another representative of the Kansas School Nurses Organization.

Written-only neutral testimony was provided by the State Board of Education.

The House Committee amended the bill to add provisions regarding the administration of albuterol in certain emergency situations by school districts and accredited nonpublic schools.

### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, the Department of Education indicates state aid payments received by school districts would not change and that any additional costs incurred would be the responsibility of the school district or accredited nonpublic school. The Department of Education notes that because the bill would prohibit reimbursement of meeting expenses for the Commission, it would not incur any expense for the Commission.

Education; vision screenings; Kansas Children's Vision Health and School Readiness Commission; albuterol administration