

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.

SENATE ENROLLED ACT No. 553

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-34-3-12, AS AMENDED BY P.L.161-2009, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 12. (a) For purposes of this section, "modified clinical technique" means a battery of vision tests that includes:

- (1) a visual acuity test to determine an individual's ability to see at various distances;
- (2) a refractive error test to determine the focusing power of the eye;
- (3) an ocular health test to determine any external or internal abnormalities of the eye; and
- (4) a binocular coordination test to determine if the eyes are working together properly.

(b) For purposes of this section, "vision screening" means the testing of visual acuity to determine an individual's ability to see at various distances using:

- (1) the Snellen chart;**
- (2) Sloan letters;**
- (3) HOTV; or**
- (4) LEA symbol optotypes;**

at a distance of either ten (10) or twenty (20) feet for distance vision, depending on the calibration of the chart being used, and a distance of fourteen (14) inches for near vision.

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

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

- (1) either kindergarten or grade 1;**
- (2) grade 3;**
- (3) grade 5; and**
- (4) grade 8;**

and for each student suspected of having a visual defect.

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

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

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

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

(2) A student:

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

(B) suspected of having a visual defect;

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

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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.

(d) (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.**
- (2) (4) The number of students **by grade** who passed a test.
- (3) (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);
- (2) **information received under section 13 of this chapter, including:**
 - (A) **the number of school corporations that applied for a waiver**;
 - (B) **the number of waivers approved**;



- (C) the number of waivers denied;
- (D) the name of each school corporation that applied for a waiver and whether the waiver was approved or denied; and
- (E) the reason for the approval or denial;
- (3) the total number of students eligible for testing; and
- (4) the total number of students tested;

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

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

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

- (1) be in writing;
- (2) include the reason or reasons that necessitated the waiver request; and
- (3) indicate the extent to which the governing body attempted to comply with the requirements under section ~~12(b)(1)~~ **12(e)** of this chapter.

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

(d) The state superintendent may:

- (1) approve the waiver request;
- (2) deny the waiver request; or
- (3) provide whatever relief that may be available to enable the school corporation to comply with the requirements under section ~~12(b)(1)~~ **12(e)** of this chapter.

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

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

(g) The state superintendent shall make and continuously maintain records of all actions taken by the state superintendent concerning all waivers requested under this section.

(h) A request for a waiver under this section must be made annually.



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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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