

## § 22.1-273. Vision and hearing of student to be tested; exceptions

A. As used in this section:

"Comprehensive vision program" means a program that incorporates the following quality-controlled requirements:

1. Program staff who perform vision screenings and administer and maintain student paperwork and data related to such screenings are credentialed pursuant to a credentialing process that includes training and certification on vision screening equipment; documentation of negative tuberculosis risk assessment or screening, as required by local school boards; and documentation from the employing qualified nonprofit vision health organization certifying completion of a search of the registry of founded complaints of child abuse and neglect maintained by the Department of Social Services pursuant to § 63.2-1515 and a search of the Central Criminal Records Exchange through the Federal Bureau of Investigation based on fingerprints and personal descriptive information for the purpose of obtaining criminal history record information;
2. The vision screening program is based on best practices as determined by scientific research and program performance and is evaluated by an advisory council consisting of (i) representatives of the ophthalmology and optometry fields and (ii) members from elementary and secondary education and school health to support the implementation of best practices and administrative policies to ensure compliance with Department of Education requirements;
3. Vision screening results are communicated to parents in a relevant and informative format that is designed to increase parental awareness and encourage parental action;
4. Parents receive information on the difference between vision screenings and eye examinations, the importance of taking action on a referral for an eye examination by taking their child to a licensed optometrist or ophthalmologist, the identification of potential vision problems beyond the results or scope of the vision screening, and the importance of vision to a child's education and success;
5. Parents are provided with information regarding follow-up resources related to eye examinations and eyeglasses; and
6. Vision screening results are managed for the purposes of reporting, outcome measurement, and program analysis.

"Qualified nonprofit vision health organization" means a nonprofit organization that is exempt from taxation under § 501(c)(3) or 501(c)(4) of the Internal Revenue Code, has at least 10 years of direct experience in the delivery of vision and vision education services, and does not directly or indirectly derive profit from the sale of vision equipment, insurance, medication, merchandise, or vision-related products.

B. The Superintendent of Public Instruction shall prepare or cause to be prepared, with the advice

and approval of the State Health Commissioner, suitable appliances for testing the hearing of the students in the public schools and necessary instructions for the use thereof. The Department of Education shall furnish the same free of expense to all schools in a school division upon request of the school board of such division accompanied by a resolution of the school board directing the use of such appliances in the schools of the school division.

C. Within the time periods and at the grades provided in regulations promulgated by the Board, the principal of each such school shall cause the hearing of the relevant students in the school to be tested, unless:

1. Any such student is admitted for the first time to a public elementary school and has been so tested as part of the comprehensive physical examination required by § 22.1-270;
2. The parents or guardians of any such student object on religious grounds and the student shows no obvious evidence of any defect or disease of the ears; or
3. Any such student has an Individualized Education Program or a Section 504 Plan that documents a defect of hearing or a disease of the ears and the principal determines that such a test would not identify any previously unknown defect of hearing or a disease of the ears.

D. The principal shall keep a record of examinations conducted pursuant to subsection C in accordance with instructions furnished.

E. Whenever a student is found to have any defect of hearing or a disease of the ears, the principal shall forthwith notify the parent or guardian, in writing, of such defect or disease. Copies of the report shall be preserved for the use of the Superintendent of Public Instruction as he may require.

F. The principal of each public elementary school shall cause the vision of students enrolled in kindergarten and students enrolled in grade two or grade three to be tested, unless:

1. Any such student is admitted for the first time to a public elementary school and produces a written record of a comprehensive eye examination performed within the preceding 24 months;
2. The parents or guardians of such student object on religious grounds and the student shows no obvious evidence of any defect or disease of the eyes; or
3. Any such student has an Individualized Education Program or a Section 504 Plan that documents a defect of vision or a disease of the eyes and the principal determines that such a test would not identify any previously unknown defect of vision or a disease of the eyes.

Any such screening may be conducted by a qualified nonprofit vision health organization that uses a digital photoscreening method pursuant to a comprehensive vision program or other methods that comply with Department of Education requirements. Notwithstanding any other provision of law, such screenings may be conducted at any time during the school year; however, the scheduling of such screenings shall be completed no later than the sixtieth administrative working day of the school year. The principal shall keep a record of such screenings in accordance with instructions furnished. Whenever a student does not receive a passing result on such screening and requires referral to an optometrist or ophthalmologist for a comprehensive eye examination, the principal shall cause the parent or guardian to be notified in writing. Copies of the report shall be preserved for the use of the Superintendent of Public Instruction as he may require.

G. The principal of each public middle school and high school shall cause the vision of students enrolled in grade seven and grade 10 to be tested, unless:

1. Any such student produces a written record of a comprehensive eye examination performed within the preceding 24 months;
2. The parents or guardians of any such student object on religious grounds and the student shows no obvious evidence of any defect or disease of the eyes; or
3. Any such student has an Individualized Education Program or a Section 504 Plan that documents a defect of vision or a disease of the eyes and the principal determines that such a test would not identify any previously unknown defect of vision or a disease of the eyes.

Any such screening may be conducted by a qualified nonprofit vision health organization that uses a digital photoscreening method pursuant to a comprehensive vision program or other methods that comply with Department of Education requirements. Notwithstanding any other provision of law, such screenings may be conducted at any time during the school year; however, the scheduling of such screenings shall be completed no later than the sixtieth administrative working day of the school year. The principal shall keep a record of such screenings in accordance with instructions furnished. Whenever a student does not receive a passing result on such screening and requires referral to an optometrist or ophthalmologist for a comprehensive eye examination, the principal shall cause the parent or guardian to be notified in writing. Copies of the report shall be preserved for the use of the Superintendent of Public Instruction as he may require.

H. School boards may enter into contracts with qualified nonprofit vision health organizations for the purpose of conducting screenings pursuant to subsections F and G.

Code 1950, § 22-248; 1980, c. 559; 1981, c. 142; 1995, c. [246](#); 2017, cc. [312](#), [765](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.