

# WEST VIRGINIA LEGISLATURE

## 2021 REGULAR SESSION

**Introduced**

### **House Bill 3114**

**FISCAL  
NOTE**

BY DELEGATE HIGGINBOTHAM

[Introduced March 12, 2021; Referred to the  
Committee on Education then Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §18-2-5i, relating to creating the West Virginia Children’s Vision Act; and  
 3 requiring proof of vision examination of children enrolling in West Virginia public or private  
 4 schools.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 2. STATE BOARD OF EDUCATION.**

**§18-2-5i. WEST VIRGINIA CHILDRENS VISION ACT.**

1 (a) The State Board of Education shall require proof of a vision examination by an  
 2 optometrist or ophthalmologist. This evidence shall be submitted to the school no later than  
 3 January 1 of the first year that a three, four, five or six year old child is enrolled in public or private  
 4 preschool, public or private school, or Head Start program. This evidence shall be submitted to  
 5 the school no later than January 1 of the first year of school for a child of any age who is a first-  
 6 time enrollee in West Virginia schools.

7 (b) A principal, director or other person designated by the principal or director of a public  
 8 or private preschool, public or private school, or Head Start Program shall collect from the child’s  
 9 parent or guardian evidence of the child’s comprehensive eye examination, as provided by rule  
 10 of the West Virginia State Board of Education.

11 (c) A comprehensive eye examination that is performed prior to a child’s initial enrollment  
 12 in a public or private preschool, public or private school, or Head Start Program shall be deemed  
 13 to satisfy the requirement of this section.

14 (d) A report of the findings will be provided to the child’s pediatrician or primary care  
 15 provider for their reference.

16 (e) A child shall also be deemed as needing to have a comprehensive eye examination if  
 17 the child is falling behind in grade-appropriate reading level or grade-appropriate reading  
 18 comprehension level as defined by state or national norms.

19 (f) A child will also be deemed as needing a comprehensive eye examination if the child

20 fails a school vision screening administered under the guidelines set forth by the West Virginia  
21 Board of Optometry.

22 (g) The components of the comprehensive exam shall include all items deemed necessary  
23 by the West Virginia Board of Optometry to constitute a comprehensive examination and shall, at  
24 a minimum, include all components described in subsection (h) of this section.

25 (h) As used in this section, “comprehensive eye examination” includes, but is not limited  
26 to, an evaluation that includes a child’s history; visual acuity assessment; refractive status; an  
27 assessment of binocular vision, ocular motility and accommodation; and an internal and external  
28 ocular health evaluation performed by an optometrist or ophthalmologist.

29 (i) The West Virginia Board of Education shall promulgate rules in accordance with §29A-  
30 3B-1 et seq. of this code for implementation of the provisions of this section.

31 (j) The administrative rules shall require evidence that a vision examination that meets the  
32 criteria prescribed by this section has been performed.

33 (k) The evidence shall be in the form of an Eye Examination Form for School Entry or  
34 other form as defined by the West Virginia Board of Education in conjunction with the West  
35 Virginia Board of Optometry.

36 (1) Should a child not complete a comprehensive vision examination by January 1 of the  
37 year in which he or she enters school, the child shall be required to fulfill the requirement before  
38 being able to return to school the following year.

39 (2) This section shall take effect in the first full school year following the date of enactment.

NOTE: The purpose of this bill is to create the West Virginia Children’s Vision Act, requiring school children to have vision examinations.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.