

# REGULATION 5141.3: HEALTH EXAMINATIONS

## Comparison Chart

Section: Students

### SUMMARY OF UPDATE

**Summary of Update:** Regulation updated to reflect **NEW LAW (AB 2329)** which authorizes districts to enter into a memorandum of understanding with a nonprofit eye examination provider to provide eye examinations and eyeglasses to students at a school site. Regulation also updated to reflect **NEW LAW (SB 97)** which requires that beginning on or after January 1, 2023, districts make Type 1 diabetes materials developed by CDE available to parents/guardians when student is first enrolled in elementary school or as part of certain notifications. The first note was changed to a Cautionary Note and updated to clarify that the obligation to perform specified mandated activities is relieved any year that the Budget Act does not provide reimbursement.

CURRENT VERSION				REVISED VERSION	CSBA MODIFICATIONS and/or NOTES
PARA	Section	Sub-Section	August 14, 2012	December 2022	
1			The principal at each school shall notify parents/guardians of the rights of students and parents/guardians related to health examinations.	No change	CSBA NOTE: 20 USC 1232h, the Protection of Pupil Rights Amendment, mandates that any district receiving funds from a program administered by the U.S. Department of Education adopt a policy regarding physical examinations and screenings that the district may administer; see BP/AR 5022 - Student and Family Privacy Rights for language implementing this mandate. 20 USC 1232h also requires districts to notify parents/guardians, at the beginning of the school year, of the dates during the school year when physical exams or screenings are scheduled and of the process to opt their children out of participation.
2			A parent/guardian may annually file a written statement with the principal withholding consent to the physical examination of his/her child. The child shall be exempt from any physical examination but shall be subject to	A parent/guardian may annually file with the principal a written statement withholding consent to the child's physical examination. Any such student shall be exempt from any physical examination but shall be subject to	

			exclusion from attendance when contagious or infectious disease is reasonably suspected.	exclusion from attendance when contagious or infectious disease is reasonably suspected.	
			<b><u>Vision and Hearing Tests</u></b>	<b><u>Vision Tests</u></b>	
1			Students shall have their vision and hearing tested by qualified personnel authorized by the district.	<b>Delete</b>	
2			All students shall be tested for visual acuity in kindergarten or 1 <sup>st</sup> grade and every three years thereafter until the student completes grade 8. Gross external observations of the student's eyes, visual performance and perception shall be made by the school nurse and the classroom teacher.	Each student's vision shall be appraised, by the school nurse or other personnel authorized under Education Code 49452, during the kindergarten year or upon first enrollment or entry in a district elementary school and subsequently in grades 2, 5, and 8. However, a student who is tested upon first enrollment or entry in the district in grade 4 or 7 shall not be required to be appraised in the next immediate year.	CSBA NOTE: The following section is for use by districts that maintain any of grades K-8.  Education Code 49455 requires vision appraisals every three years through grade 8.
3			For male students, color vision shall be tested one time, after the student reaches grade 3. Results of the test shall be entered into the student's health record.	<b>Delete</b>	
4			Evaluation of a student's vision may be waived at the parent/guardian's request if the parent/guardian presents a certificate from an authorized health care provider specifying the results of an examination of the student's vision including visual acuity, and, in male students, color vision.	The vision appraisal shall include tests for visual acuity, including near vision. Male students shall also be tested once for color vision in grade 1 or later and the results of the appraisal shall be entered in the student's health record.	CSBA NOTE: Education Code 49455 requires male students to be tested for color vision in grade 1 or later. It may be most efficient to conduct the color vision screening during the regularly scheduled testing in grade 2, 5, or 8.
				Appraisal of a student's vision may be waived under either of the following conditions:	<b>New paragraph and sub-sections added</b>
				1. The student's parent/guardian requests a waiver and presents a certificate from a physician/surgeon, physician assistant, or optometrist showing the results of an examination of the student's vision, including visual acuity and, in male students, color vision.	

				2. The student's parents/guardians file with the principal a written statement that they adhere to the faith or teachings of any well-recognized religious sect, denomination, or organization and, in accordance with its creed, tenets, or principles depend for healing upon prayer in the practice of their religion.	
5			Visual defects or any other defects found as a result of the vision examination shall be reported to the parent/guardian with a request that remedial action be taken to correct or cure the defect. The report of a visual defect, if made in writing, shall be made on a form prescribed by the Superintendent of Public Instruction.	Visual defects or any other defects found as a result of the vision examination shall be reported to the parent/guardian with a request that remedial action be taken to correct or cure the defect. The report of a visual defect, if made in writing, shall be made on a form prescribed by the Superintendent of Public Instruction. The report shall not include a referral to any private practitioner. However, the student may be referred to a public clinic or diagnostic and treatment center operated by a public hospital or by the state, county, or city department of public health.	
				In addition to the vision appraisals described above, the school nurse and/or classroom teacher shall continually and regularly observe students' eyes, appearance, behavior, visual performance, and perception that may indicate vision difficulties.	<b>New paragraph added</b>
6			Such reports shall not include a referral to any private practitioner. However, the student may be referred to a public clinic or diagnostic and treatment center operated by a public hospital or by the state, county or city department of public health.	<b>Delete</b>	
				<b><u>Eye Examinations for the Purpose of Eyeglasses</u></b>	<b>New section added</b>

				In addition to the vision appraisals described above, the district may enter into a memorandum of understanding with a nonprofit eye examination provider, including a mobile provider, to provide noninvasive eye examinations at a district school exclusively for the purpose of providing eyeglasses.	CSBA NOTE: Education Code 49455.5, as added by AB 2329 (Ch. 911, Statutes of 2022), authorizes districts to enter into a memorandum of understanding with a nonprofit eye examination provider to provide eye examinations and eyeglasses to students at district schools. Such examinations may only be provided for the purpose of providing eyeglasses and not take the place of the general vision appraisals described above. Schools that allow these examinations on their school site must notify parents/guardians of the eye examinations and provide a form to opt out of the examination. Pursuant to Education Code 49455.5, as added by AB 2329, the California Department of Education (CDE) is required to, by March 1, 2023, develop and post on its web site a model opt out form for such purpose.
				Prior to any eye examination, the school shall notify parents/guardians of the upcoming eye examination and include a form that allows them to opt their child out of the examination. Parents/guardians who have submitted a general opt-out written statement in accordance with Education Code 49451 are deemed to have opted out.	
				Parents/guardians whose child receives an eye examination shall be provided a report by the provider in accordance with Education Code 49456.	
				<b><u>Hearing Tests</u></b>	<b>New section added</b>
				The Superintendent or designee shall provide for the administration of hearing tests to district students by personnel authorized to conduct such testing pursuant to Education	CSBA NOTE: Procedures for conducting school hearing tests are contained in 17 CCR 2951 and the California Department of Health Care Services (DHCS) Manual for the School Audiometrist.

				Code 49452 and 49454 and in accordance with the procedures specified in 17 CCR 2951.	
				Each student shall be given a hearing screening test at the following times:	<p>CSBA NOTE: Items #1-5 below may be revised to reflect district practice and the grade levels offered by the district.</p> <p>Pursuant to 17 CCR 2951, the district may annually request that DHCS waive the requirement for the hearing screening test for grade 10 and/or 11. The waiver request must include the dates of the school year for which the waiver is requested and an alternative testing plan that ensures each student at risk of hearing loss (i.e., students who are exposed to loud noises, including loud music; have a previously documented problem; have not had a hearing test for three years; or are enrolled for the first time in the district) is referred for testing by a parent/guardian or teacher.</p>
				1. Kindergarten or grade 1	
				2. Grade 2	
				3. Grade 5	
				4. Grade 8	
				5. Grade 10 or 11	
				6. Upon first entry into the California public school system	
				Each student enrolled in a special education program, other than those enrolled because of a hearing problem, shall be given a hearing test when enrolled in the program and every third year thereafter. Hearing tests may be given more frequently as needed, based on the individualized education program team's evaluation of the student.	

				A follow-up hearing threshold test shall be administered to any student who fails to respond to any of the required frequencies in the screening test or is otherwise determined to need further evaluation.	
				The Superintendent or designee shall provide written notification of test results to the parents/guardians of any student who fails the hearing tests. When the test results fall within the levels specified in 17 CCR 2951 or there is evidence of pathology, such as an infection of the outer ear, chronic drainage, or a chronic earache, the notification shall include a recommendation that a further medical and audiological evaluation be obtained.	
				The dates and results of all screening tests and copies of threshold tests shall be included in the student's health records.	
				The principal or designee shall prepare an annual report of the school hearing testing program, using forms provided by the Department of Health Services, with copies to the Superintendent and the County Superintendent of Schools.	
			<b><u>Scoliosis Screening</u></b>	<b>No change</b>	
1			Each female student in grade 7 and each male student in grade 8 shall be screened for scoliosis. This screening shall comply with California Department of Education (CDE) standards and shall be performed by qualified personnel as specified in law.	Each female student in grade 7 and each male student in grade 8 shall be screened for scoliosis.	CSBA NOTE: The following optional section is for use by districts that maintain grades 7-8.
2			Persons performing the screening shall not solicit, encourage or advise treatment of the student for scoliosis or any other condition discovered in the course of the screening.	<b>Delete</b>	

3			The parent/guardian of any student suspected of having scoliosis shall receive a notice, which includes an explanation of scoliosis and describes the significance of treatment at an early age. This notice shall also describe the public services available for treatment and include a referral to appropriate community resources.	No change	
				<b><u>Type 1 Diabetes Information</u></b>	<b>New section added</b>
				The Superintendent or designee shall provide parents/guardians of children enrolled in elementary school for the first time, or with the annual notifications pursuant to Education Code 48980, an information sheet developed by the California Department of Education (CDE) regarding type 1 diabetes as specified in Education Code 49452.6.	CSBA NOTE: The following section is for use by districts that serve elementary school students.  Education Code 49452.6, as added by SB 97 (Ch. 674, Statutes of 2021), requires districts, beginning January 1, 2023, to make type 1 diabetes informational materials developed by CDE available to parents/guardians, as described below. Pursuant to Education Code 49452.6, as added by SB 97, CDE is required to develop and post the informational materials on its web site, for use by districts.
			<b><u>Type 2 Diabetes Information</u></b>	No change	
1			Because type 2 diabetes in children is a preventable and treatable disease, parents/guardians are encouraged to have their child screened by an authorized health care practitioner for risk factors of the disease, including excess weight, and to request tests of their child's blood glucose to determine if he/she has diabetes or pre-diabetes.	Because type 2 diabetes in children is a preventable and treatable disease, parents/guardians are encouraged to have their child screened by an authorized health care practitioner for risk factors of the disease, including excess weight, and to request tests of their child's blood glucose to determine if the child has type 2 diabetes or pre-diabetes.	CSBA NOTE: The following optional section is for use by districts that offer grade 7 but may be used by districts that wish to increase diabetes awareness among parents/guardians and students at other grade levels. Pursuant to Education Code 49452.7, CDE has developed an information sheet for use by districts and has posted the sheet on its web site.
2			The Superintendent or designee shall provide parents/guardians of incoming students grade 7 with an information sheet developed by the CDE regarding type 2 diabetes, which includes a description of the disease and its risk factors	The Superintendent or designee shall provide parents/guardians of incoming students in grade 7, or with the annual notifications pursuant to Education Code 48980, an	

			and warning signs, a recommendation that students displaying or possibly suffering from risk factors or warning signs associated with type 2 diabetes be screened for the disease, a description of the different types of diabetes screening tests available, and a description of treatments and prevention methods. The information sheet may be provided with the parental notifications required pursuant to Education Code 48980.	information sheet developed by CDE regarding type 2 diabetes, which includes:	
				1. A description of the disease and its risk factors and warning signs	<b>New sub-sections 1-4 added</b>
				2. A recommendation that students displaying or possibly suffering from risk factors or warning signs associated with type 2 diabetes be screened for the disease	
				3. A description of the different types of diabetes screening tests available	
				4. A description of treatments and prevention methods	
3			The Superintendent or designee may provide information to parents/guardians regarding public or private sources from which they may receive diabetes screening and education services for free or at reduced costs.	<b>No change</b>	CSBA NOTE: The following optional paragraph reflects legislative intent expressed in Education Code 49452.7.

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