



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY,
NY 12234

TO: Full Board
FROM: John B. King, Jr.
SUBJECT: Mandate Relief

Proposed Amendment of Section 136.3(e) of the
Regulations of the Commissioner Relating to Vision
Screenings for Hyperopia

DATE: September 2, 2011

AUTHORIZATION(S):

SUMMARY

Issue for Decision (Consent Agenda)

Should the Board of Regents amend section 136.3(e) of the Commissioner's Regulations, relating to the requirement for vision screenings for hyperopia?

Reason(s) for Consideration

Provide mandate relief to allow school districts to operate more efficiently and cost-effectively.

Proposed Handling

The proposed amendment is being presented to the Full Board for adoption at the September 2011 Regents meeting.

Procedural History

The Regents approved their State Aid proposal for school year 2011-12 in December 2010. The proposal supports the continued review and examination of cost containment and mandate relief options. In February, March, April and May 2011, the Regents reviewed and discussed a set of draft mandate relief options intended to increase flexibility and reduce requirements for school districts in ways that do not adversely impact the health and safety of students or the essential elements of the educational reform efforts underway.

Background Information

The Regents carefully crafted this year's State Aid proposal to retain those critical funding directions necessary to continue the State's progress toward educational adequacy, despite the State's worsening revenue picture. In order to preserve funding for critical priorities, the Regents recommended cost-containment strategies including mandate relief.

The proposed amendment will provide mandate relief to school districts by repealing the requirement that school districts provide vision screening for hyperopia to all new entrants. Hyperopia (farsightedness) screening is not required by Education Law section 905, but was inadvertently included in a previous amendment to section 136.3 in 2005. Section 136.3(e) presently requires new entrants to be screened for vision abnormalities in; color perception, near vision, distance acuity, and hyperopia. Subsequent vision screenings are required for distance acuity only in grades K, 1, 2, 3, 5, 7 and 10. Eliminating the hyperopia screening requirement is appropriate because it goes beyond what is required by law and the remaining requirements in section 136.3(e) are sufficient to ensure adequate visual screening of students.

A Notice of Proposed Rule Making was published in the State Register on July 6, 2011. Supporting materials are available upon request from the Secretary to the Board of Regents.

Recommendation

It is recommended that the Board of Regents take the following action:

VOTED: that subparagraph (ii) of paragraph (1) of subdivision (e) of section 136.3 of the Regulations of the Commissioner of Education is amended, effective October 5, 2011.

Timetable for Implementation

If adopted at the September Regents meeting, the amendment will become effective on October 5, 2011.

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 305 and 905 of the Education Law.

Subparagraph (ii) of paragraph (1) of subdivision (e) of section 136.3 of the Regulations of the Commissioner of Education is amended, effective October 5, 2011, as follows:

(ii) vision screening to all students who enroll in a school of this state including at a minimum color perception, distance acuity, near vision [and hyperopia] within six months of admission to the school; in addition, all students shall be screened for distance acuity in grades Kindergarten, 1, 2, 3, 5, 7 and 10 and at any other time deemed necessary; the results of all such vision screening examinations shall be in writing and shall be provided to the pupil's parent or person in parental relation and to any teacher of the pupil within the school while the pupil is enrolled in the school, and shall be kept in a permanent file of the school for at least as long as the minimum retention period for such records, as prescribed by the commissioner pursuant to article 57-A of the Arts and Cultural Affairs Law;