

# COMMITTEE REPORT

## HOUSE

FURTHER:

(11)

2/24/82

Date:

4/16/82

Mr. Speaker:

The Committee on FINANCE has had HB 464

"An Act relating to vision and hearing examinations in public schools; and providing for an effective date."

under consideration and ~~-(a majority of the committee)-~~ ~~-(the committee)-~~ reports it back with the following recommendations:

do pass

do not pass

do pass with attached amendments(s)

replace with CS for

464 (H255)

same title  
 new title

and recommends

it do pass

AND attaches a "Letter of Intent"

New Fiscal Note

reports it back without recommendation

referred to the \_\_\_\_\_

Committee

### MEMBERS SIGNING

#### DO PASS

Robert S. Odum

Robert Stewart

Robert S. Odum

Robert Stewart

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Robert Stewart

### MEMBERS HAVING

#### OTHER RECOMMENDATIONS:

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Robert S. Odum

CHAIRMAN

Original sponsors: Zharoff and Beirne

Offered: 2/24/82  
Referred: Finance

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2

CS FOR HOUSE BILL NO. 464 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - SECOND SESSION

5

A BILL

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For an Act entitled: "An Act relating to vision and hearing examinations in  
7 public schools; and providing for an effective date."

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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\* Section 1. AS 14.30 is amended by adding a new section to read:

10

Sec. 14.30.075. VISION AND HEARING SCREENING EXAMINATIONS. (a) A

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vision and hearing screening examination shall be given to each child

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attending public school in the state. The examination shall be made

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when the child enters school or as soon thereafter as is practicable,

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and at regular intervals specified by regulation by the governing body

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of the district.

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(b) The Department of Health and Social Services shall

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(1) set standards for the performance of vision and hearing

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screening;

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(2) train and certify public health nurses and school district

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employees to conduct hearing and vision screening tests;

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(3) assist with referral and follow-up of children needing

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professional examination or treatment; and

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(4) assist with maintenance and repair of screening equipment.

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(c) The Department of Health and Social Services shall pay school

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districts for vision and hearing screening examination. Payment shall

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be based on the cost per child for each examination.

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\* Sec. 2. This Act takes effect July 1, 1982.

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POSITION PAPER

CS for House Bill No. 464 (HESS)

"An Act relating to vision and hearing examinations in public schools; and providing for an effective date."

OVERVIEW

Periodic examination of school children to detect hearing impairment and vision abnormalities has long been considered a valuable and cost-effective preventive health measure. Simple tests can effectively and efficiently screen large numbers of children who are in need of corrective medical care or premedical education intervention. Early identification of hearing and vision abnormalities is critical in order to provide an opportunity for each child to maximize his learning experience.

The initiation of periodic vision and hearing examination of school children has been uniformly supported by the Departments of Education and Health and Social Services, local school districts, public health nurses, Native Corporations, the Governor's Council for the Handicapped and Gifted, and the private medical community. In spite of this widespread support, no uniform program currently exists in the State of Alaska. Recent reports by the Governor's Council for the Handicapped and Gifted and by the Blue Ribbon Committee on Otitis Media and Hearing Impairment strongly recommend legislation to establish a comprehensive program to provide for periodic vision and hearing examination of school children.

With the dramatic rise in health costs in Alaska and in the United States, efforts are increasingly being directed to preventive services and to use, where possible, nonmedical personnel. Screening examinations to identify children with hearing impairment or vision abnormalities can be performed effectively, rapidly, and inexpensively by appropriately trained lay personnel. The proposed legislation will allow vision and hearing tests to be performed by the lay people who are appropriately trained to conduct the examination. Periodic screening of all children in Alaska schools will allow for early intervention so that children with readily treatable impairments can be ameliorated and children with chronic or permanent impairments can be offered medical habilitation and educational program support.

The Department of Health and Social Services will have the responsibility to provide training and certification for persons doing vision and hearing screening and to assist with the needed referral and follow-up services.

This HESS Committee Substitute for HB 464 now has the features that were unanimously supported by the State Board of Education at its April 22, 1981 meeting. It contains all the features that our Department feels are essential for development of a quality vision and hearing screening program.

POSITION

The Department of Health and Social Services supports passage of this bill.

Approved by *Adrian J. Byrne*  
Commissioner of Health  
and Social Services

Approved by: *Marshall D. Hill*  
Commissioner of  
Education

Date: *4/21/82*

Date: *4/21/82*

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 464 (HESS)  
 Title An act relating to vision and hearing screening in public schools  
 Requested by House Finance Date 4/12/82

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services  
 Program Category Affected Family Health/Public Health  
 BRU, Program, Or Subprogram(s) Affected Child & Family Health  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES	0	43.3	47.6	52.3	57.5	63.3
200 TRAVEL	0	20.0	22.0	15.0	15.0	15.0
300 CONTRACTUAL	0	5.0	4.0	4.0	4.0	4.0
400 COMMODITIES	0	4.0	4.0	4.0	4.0	4.0
500 EQUIPMENT	0	4.2	3.0	2.0	1.5	1.5
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	199.3	220.0	240.0	260.0	280.0
TOTAL	0	276.3	300.6	317.3	342.0	367.8

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	0	276.3	300.6	317.3	342.0	367.8
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME	0	1	1	1	1	1
PART TIME	0	0	0	0	0	0
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

This fiscal note reflects the associated cost of a Public Health Nurse III, Range 18, Vision Health Consultant who will train nurses and para-professionals in vision screening skills and in management of the referral and follow-up of children found to be abnormal. This position will be located in Anchorage to minimize the extensive statewide travel requirements. Clerical support can be provided by continue funding of the Communicative Disorders Program, since there are features of hearing and vision screening activities that overlap. See attachment for a cost breakdown of this position.

The grant funds would be directed to school districts that request these funds for their costs in this screening activity.

IV. DATE 4/13/82 PREPARED BY David A. Spence  
 AGENCY H&SS/Public Health/Family Health  
 Original: Legislative Finance PHONE 465-3100  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)  
 33-001 (Rev. 12/81)

100 Personal Services		
Salary and benefits, Range 18, Anchorage		43,250
200 Travel		
In-state: 20 week long trips to regional centers throughout Alaska - Typical trip - Anchorage/Ft.Yukon/Anchorage		
Airfare	\$286	
Per diem X 5	450	
	<u>\$736</u>	
Average trip= \$800 X 20 trips =		16,000
Out of State		
Vision consultant travel to National Assoc. of Blind annual meeting on screening in New York		1,450
Hearing consultant to national meeting of hearing screening consultants - ex. Chicago		1,250
Guest speaker at an Alaska education meeting to emphasize importance of screening to educators		1,300
TOTAL		20,000
300 Contractual		
Office space 150 sq.ft. X \$1.00/sq. ft	1,800	
telephones and teleconference	1,000	
printing of materials, manuals	2,200	
TOTAL		5,000
400 Commodities		
Purchase of training materials, films, screening supplies, office supplies		4,000
500 Equipment		
Office furniture - desk, chairs, files	1,500	
Puretone audiometer	909	
Slide and film projector and other audio-visual equipment - vision testing equipment	1,800	
TOTAL		4,209

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(PRF)

Original sponsors: Zharoff and Beirne

Offered: 2/24/82  
Referred: Finance

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

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CS FOR HOUSE BILL NO. 464 (HESS)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to vision and hearing examinations in public schools; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

\* Section 1. AS 14.30 is amended by adding a new section to read:

Sec. 14.30.075. VISION AND HEARING SCREENING EXAMINATIONS. (a) A vision and hearing screening examination shall be given to each child attending public school in the state. The examination shall be made when the child enters school or as soon thereafter as is practicable, and at regular intervals specified by regulation by the governing body of the district.

(b) The Department of Health and Social Services shall

- (1) set standards for the performance of vision and hearing screening;
- (2) train and certify public health nurses and school district employees to conduct hearing and vision screening tests;
- (3) assist with referral and follow-up of children needing professional examination or treatment; and
- (4) assist with maintenance and repair of screening equipment.

(c) The Department of Health and Social Services shall pay school districts for vision and hearing screening examination. Payment shall be based on the cost per child for each examination.

\* Sec. 2. This Act takes effect July 1, 1982.

POSITION PAPER

CS HB 465 (HESS)

"An Act making special appropriations to the Department of Health and Social Services for a vision and hearing screening program; and providing for an effective date."

EFFECTS OF THIS LEGISLATION:

Section 1. This amount of \$76,459 will support salary, travel, and material support for a vision consultant. The analogous activity in regard to hearing screening can be assumed by the existing appropriations to the Communicative Disorders Program component in the Child and Family Health BRU. The Department of Health and Social Service's responsibilities outlined in CS HB 464 can reasonably be accomplished with these resources.

Section 2. This amount of \$199,836 was determined by multiplying the number of public school children in the five grades which should be screened for vision or hearing times a cost of \$3 per screening event. This figure was derived from analysis of similar screening activity in other states. It assumes that larger school districts would continue to use school nurses to organize this activity and that smaller, rural districts would continue to use Public Health Nurses. This incremental cost will be for some equipment and supplies, for training of volunteers, and for salary support where necessary. We have received input from a number of districts, both large and small, that they will gladly perform the screening if our Department would just provide the necessary training and organizational support to make vision and hearing screening a truly effective program.

POSITION

The Department of Health and Social Services and the Department of Education both support passage of this bill.

Approved by: H. O. B...  
Commissioner of Health  
and Social Services

Date: 4-14-82

Approved by: M. ...  
Commissioner of  
Education

Date: 4/19/82

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 465 (HESS)  
Title Vision & Hearing Screening  
Requested by House Finance Date 4/2/82

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services  
Program Category Affected Health/Public Health  
BRU, Program, Or Subprogram(s) Affected \_\_\_\_\_

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 COMMODITIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify Source)	0	0	0	0	0	0

POSITIONS.

FULL TIME	0	0	0	0	0	0
PART TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

This bill has no fiscal impact on the Department of Health & Social Services but is an appropriation bill to offset the financial impact of CSHB 464 (HESS).

IV. DATE April 12 1982 PREPARED BY David A. Spence, M.D. ACC  
AGENCY Section of Family Health /  
Original: Legislative Finance PHONE 465-3100  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)  
33-001 (Rev. 12/81)

PH  
CPKE

Original sponsors: Zharoff and Beirne

Offered: 2/24/82  
Referred: Finance

<u>Funding Information</u>	
General Fund	\$276,295
Other Funds	-0-
	<u>\$276,295</u>

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 465 (HESS)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making special appropriations to the Department  
7 of Health and Social Services for a vision and hearing  
8 screening program; and providing for an effective  
9 date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 \* Section 1. The sum of \$76,459 is appropriated from the general fund to  
12 the Department of Health and Social Services for a vision consultant position  
13 and expenses in training public health nurses and school personnel to conduct  
14 hearing and vision screening tests for children in public schools as required  
15 by AS 14.30.075.

16 \* Sec. 2. The sum of \$199,836 is appropriated from the general fund to  
17 the Department of Health and Social Services for payment to school districts  
18 for conducting hearing and vision screening tests as required by AS 14.30.075.

19 \* Sec. 3. This Act takes effect on the effective date of an Act entitled  
20 "An Act relating to vision and hearing examinations in public schools, and  
21 providing for an effective date."

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Introduced: 4/2/81  
Referred: Health, Education &  
Social Services and Finance

1 IN THE HOUSE

BY ZHAROFF

2 HOUSE BILL NO. 464

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to vision and hearing examinations in  
7 public schools; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 14.30 is amended by adding a new section to read:

10 Sec. 14.30.075. VISION AND HEARING SCREENING EXAMINATIONS. (a)

11 A vision and hearing screening examination shall be given to each child  
12 attending public school in the state. The examination shall be made  
13 when the child enters school or as soon thereafter as is practicable,  
14 and at regular intervals considered advisable by the governing body of  
15 the district.

16 (b) The Department of Health and Social Services shall train and  
17 certify public health nurses and school district employees to conduct  
18 hearing and vision screening tests, assist with referral and follow-up  
19 of children needing professional examination or treatment, and assist  
20 with maintenance and repair of screening equipment.

21 (c) The Department of Education shall pay school districts for  
22 vision and hearing screening examination. Payment shall be based on  
23 the cost per child for each examination.

24 \* Sec. 2. This Act takes effect July 1, 1981.

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No. 464  
Title An Act relating to vision and hearing screening in public schools  
Requested by Commissioner's Office Date 2/9/82

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services  
Program Category Affected Health/Public Health  
BRU, Program, Or Subprogram(s) Affected Child and Family Health  
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES	0	43,250	47,575	52,332	57,565	63,321
200 TRAVEL	0	20,000	22,000	15,000	15,000	15,000
300 CONTRACTUAL	0	5,000	4,000	4,000	4,000	4,000
400 COMMODITIES	0	4,000	4,000	4,000	4,000	4,000
500 EQUIPMENT	0	4,209	3,000	2,000	1,500	1,500
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>76,459</b>	<b>80,575</b>	<b>77,332</b>	<b>82,065</b>	<b>87,821</b>

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	0	76,459	80,575	77,332	82,065	87,821
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME	1	1	1	1	1	1
PART TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

This fiscal note reflects the associated cost of a Public Health Nurse III, Range 18, Vision Health Consultant who will train nurses and para-professionals in vision screening skills and in management of the referral and follow-up of children found to be abnormal. This position will be located in Anchorage to minimize the extensive statewide travel requirements. Clerical support can be provided by continued funding of the Communicative Disorders Program, since there are features of hearing and vision screening activities that overlap.

SEE ATTACHMENT

IV. DATE 2/9/82 PREPARED BY David A. Spence, M.D.  
AGENCY Dept. of Health & Social Services  
Original: Legislative Finance PHONE 465-3100  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)  
33-001 (Rev. 12/81)

Jcc

## POSITION PAPER

HB 464 and HB 465

"Acts relating to vision and hearing examinations in public schools and providing special appropriations..."

OVERVIEW

Periodic examination of school children to detect hearing impairment and visual abnormalities has long been considered a valuable and cost effective preventive health measure. Simple tests can effectively and efficiently screen large numbers of children at minimal cost in order to identify those children who are in need of further corrective medical or remedial intervention. Early identification of hearing and vision abnormalities is critical in order to provide an opportunity for each child to maximize his learning experience.

The initiation of periodic vision and hearing examination of school children has been uniformly supported by the Departments of Education and Health & Social Services, local school districts, public health nurses, Native Corporations, the Governor's Council on the Gifted and Handicapped, and the private medical community. In spite of this widespread support, no uniform program currently exists in the State of Alaska. Recent reports by the Governor's Council on the Gifted and Handicapped and by a Blue Ribbon Committee on Otitis Media and Hearing Impairment strongly recommend legislation to establish a comprehensive program to provide for periodic vision and hearing examination of school children.

With the dramatic rise in health costs in Alaska and in the United States, efforts are increasingly being directed to preventive services and to the use, where possible, of non-medical personnel. Screening examinations which can identify children with hearing impairment or visual abnormalities can be performed effectively, rapidly, and inexpensively by appropriately trained lay personnel. Children who fail the initial screening examination are then referred for further evaluation, diagnosis, treatment, and remediation. A cost-effective program relies upon the use of trained lay personnel. The proposed legislation will allow vision and hearing tests to be performed by lay people who are appropriately trained to conduct the examinations. Periodic screening of all children in Alaska schools will allow for early intervention so that children with readily identifiable and readily treatable impairments can be identified. Children with chronic or permanent impairments will be offered remedial educational programs.

The Department of Health and Social Services will have the responsibility to provide training and certification for persons doing vision and hearing screening and to assist with the needed referral and follow-up services. During its April 22, 1981, regular meeting, the State Board of Education voted unanimously to support the concept of HB-464 and to recommend that Section 2 of HB-465 be amended by making the appropriation to the Department of Health and Social Services rather than the Department of Education.

DISCUSSION

The Department of Health and Social Services attempted to implement this same program by regulation under AS 14.30.065-120. However, the public hearing on that proposal pointed out the need for a statute of this nature, because of the requirement for a physician or nurse to do the examination under existing statute.

In addition to HB 464, p. 1, line 16 of "... .. and Social Services shall set standards for performance of vision and hearing screening, shall train and ... .." and the addition to p. 1, line 14, of "... .. and at regular intervals as specified by regulation [considered advisable] by the ... .." would improve the ability of the State to ensure a quality program.

This legislation will enable the screening activities to be conducted in a comprehensive and coordinated fashion, combining the support services of both health and education agencies.

POSITION: With the proposed amendment, the departments support these bills.

Approved by: H. D. Baird  
Commissioner of Health  
and Social Services

Approved by: [Signature]  
Commissioner of  
Education

Date: 4/28/81

Date: 5/11/81



February 23, 1981

## LEGISLATIVE PROPOSAL

### VISION AND HEARING SCREENING OF SCHOOL-AGE CHILDREN

SE: The State of Alaska should insure that adequate resources are provided so that all school-age children receive periodic vision and hearing screening.

There is a definite relationship between a child's physical well-being and his/her readiness to learn. Seventy-five per cent of all learning is attained through the sense of vision. A great deal of learning is obtained by auditory means. Undetected vision and hearing difficulties can and do adversely affect a child's school adjustment, learning, and health.

While many school districts (22 of 33 districts which responded to a 1980 survey) conduct some type of vision and hearing screening, other districts do not. There is presently no requirement for all children to receive vision and hearing screening.

#### RECOMMENDATIONS:

School vision and hearing screening programs should be required to:

1. Identify children who may have vision or hearing problems.
2. Inform parents of each child who fails screening of the possibility of a problem.
3. Recommend to the parents, when appropriate, that professional examination and/or treatment be sought and instituted.
4. Refer children who have a vision or hearing impairment (as identified by a physician, audiologist or eye specialist) for evaluation of the educational and communication implications of the hearing loss or vision impairment.
5. Inform the child's teacher of the vision or hearing difficulty.
6. Maintain records of the status of children referred to insure that needed services are obtained whenever possible.
7. Maintain records of the over-all screening program activities and complete and transmit reports of these activities at the close of each school year.

PROGRAM: A statewide screening system must include the following:

1. Regulations, program standards and guidelines adopted by the Department of Health and Social Services in conjunction with the Department of Education.
2. General supervision of school district screening programs by the Department of Health and Social Services:

Vision Consultant Public Health Nurse in the Division of Public Health for vision screening.

Communicative Disorders Program in the Division of Public Health for hearing screening.

3. Training and certification of screening personnel by the Department of Health and Social Services.
4. Funding for local school districts on a cost per child basis and funding for general statewide program supervision and training of screening personnel.

RATIONALE: The Department of Health and Social Services position states that:

Screening to detect vision and hearing impairments is a valuable and cost-effective preventive health measure. Simple tests can effectively and efficiently screen large numbers of children at minimal cost in order to identify those children in need of further treatment or intervention. Early identification is critical in order to provide an opportunity for each child to maximize his/her learning experience.

The initiation of periodic vision and hearing screening of school children has been uniformly supported by the Departments of Education and Health and Social Services, local school districts, public health nurses, native corporations, the Governor's Council for the Handicapped and Gifted, and the private medical community.

With the dramatic rise in health costs in Alaska and the United States, efforts are increasingly being directed to preventive services and to the use, where possible, of non-medical personnel. Screening examinations which can identify children with vision or hearing impairments can be performed effectively, rapidly, and inexpensively by appropriately trained lay personnel. Children who fail the initial screening are referred for further evaluation, diagnosis, treatment, and remediation. Children with chronic or permanent impairments will be identified so that remedial or special education programs can be appropriately provided.

LEGISLATIVE OPTIONS:

PRIORITY 1: New legislation under educational statutes, Section 14 as follows:

"An Act relating to vision and hearing screening in the schools,  
and providing for an effective date."

Section 14.30.080. Vision and hearing screening required. Vision and hearing screening shall be required for all school children.

(a) Screening shall be done in accordance with regulations promulgated by the Department of Health and Social Services in cooperation with the Department of Education.

(b) The Department of Health and Social Services shall train local school district screening personnel, assist with referral and follow-up of children needing professional examination or treatment, and assist with maintenance and repair of screening equipment.

(c) Local personnel conducting vision and hearing screening shall be trained and certified by the Department of Health and Social Services.

(d) School districts shall receive funds for screening from the Department of Education on the basis of cost per child per screening event.

(e) This Act takes effect July 1, 1981.

PRIORITY 2: Amend existing physical examination statute as follows:

Section 1. AS 14.30.070 is amended by adding a new sub-section to read:

(d) Vision and hearing screening examinations required by regulations promulgated under AS 14.30.065 shall be made by a competent individual authorized by the commissioner of health and social services to perform such tests.

Section 2. This Act takes effect immediately in accordance with AS 01.10.070(c).



Official Business

# Alaska State Legislature

## House of Representatives

Committee on

Health, Education & Social Services

Pouch V  
State Capitol  
Juneau, Alaska 99811

February 22, 1982

The Honorable Al Adams, Chairman  
House Committee on Finance  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

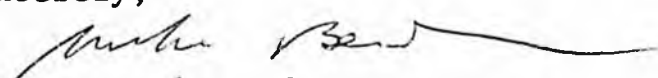
Dear Mr. Chairman:

The House Committee on Health, Education and Social Services is referring House Bills 464 and 465 to your committee with the recommendation that the scope of the bills be broadened to include private school children as candidates for vision and hearing examinations. These examinations will be funded through the Department of Health and Social Services.

The Committee did not amend these bills in this respect because they were awaiting legal clarification of the constitutionality of this point. This opinion is attached for your reference.

The Committee feels that preventive examinations should be made available to the full range of children in the school system. Children in private schools also need this preventive care and might miss their opportunity if they move from one system to another. In order to enhance the health of the state's residents as a whole, the recommendation for amendment is offered.

Sincerely,

  
Representative Mike Beirne  
Chairman  
House Committee on Health, Education  
and Social Services

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 17, 1982

SUBJECT:           Constitutionality of providing state-sponsored  
                  vision and hearing examinations to private  
                  school pupils (CSHB 464 (HESS))

TO:                Representative Michael F. Beirne  
                  Chairman, House Health, Education  
                  and Social Services Committee

FROM:             Edward H. Hein *EHA*  
                  Legislative Counsel

You have asked whether it would be constitutional to extend to private school children the state sponsored vision and hearing examinations proposed for public school children in CSHB 464 (HESS).

Under both the federal and Alaska constitutions the legislature is prohibited from making laws "respecting an establishment of religion". U.S. Constitution, Amendments I, XIV; Alaska Constitution, Article I, Sec. 4. State aid to private schools does not violate the establishment clause if the aid is for a clearly secular purpose, neither advances nor inhibits religion, and does not foster excessive entanglements by the state with religion. Committee for Public Education v. Nyquist, 413 U.S. 756 (1973). Under this test, providing funds for vision and hearing examinations for all school children would not violate the establishment clause.

The Alaska Constitution, Article VII, Sec. 1 also provides that "no money shall be paid from public funds for the direct benefit of any religious or other private educational institution". The test under this section is whether the aid would directly benefit the private school. As our Supreme Court has stated,

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Though any state assistance that relieves the burden on a private school to provide for the health and welfare of its students will free the school to concentrate its funds on its private educational mission, numerous delegates (at the constitutional convention) voiced their understanding that the direct benefit clause would not bar such incidental support.

Sheldon Jackson College v. State, 599 P.2d 127, 130 (Alaska 1979).

Providing for vision and hearing exams would clearly be for the health and welfare of students. Under the proposed plan, schools and school districts would merely be the conduit for providing this benefit to the students. The students, and not the schools, would directly benefit from the examinations.

Thus, providing for vision and hearing examinations for both public and private school children would violate neither the federal nor the Alaska Constitutions.

EHH:ljb

Enclosure

Introduced: 4/2/81  
Referred: Health, Education &  
Social Services and Finance

1 IN THE HOUSE

BY ZHAROFF

2 HOUSE BILL NO. 464

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to vision and hearing examinations in  
7 public schools; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 14.30 is amended by adding a new section to read:

10 Sec. 14.30.075. VISION AND HEARING SCREENING EXAMINATIONS. (a)

11 A vision and hearing screening examination shall be given to each child  
12 attending public school in the state. The examination shall be made  
13 when the child enters school or as soon thereafter as is practicable,  
14 and at regular intervals considered advisable by the governing body of  
15 the district.

16 (b) The Department of Health and Social Services shall train and  
17 certify public health nurses and school district employees to conduct  
18 hearing and vision screening tests, assist with referral and follow-up  
19 of children needing professional examination or treatment, and assist  
20 with maintenance and repair of screening equipment.

21 (c) The Department of Education shall pay school districts for  
22 vision and hearing screening examination. Payment shall be based on  
23 the cost per child for each examination.

24 \* Sec. 2. This Act takes effect July 1, 1981.

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Original sponsors: Zharoff and Beirne

Offered: 2/24/82  
Referred: Finance

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 464 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to vision and hearing examinations in  
7 public schools; and providing for an effective date."

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9 \* Section 1. AS 14.30 is amended by adding a new section to read:

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11 vision and hearing screening examination shall be given to each child  
12 attending public school in the state. The examination shall be made  
13 when the child enters school or as soon thereafter as is practicable,  
14 and at regular intervals specified by regulation by the governing body  
15 of the district.

16 (b) The Department of Health and Social Services shall

17 (1) set standards for the performance of vision and hearing  
18 screening;

19 (2) train and certify public health nurses and school district  
20 employees to conduct hearing and vision screening tests;

21 (3) assist with referral and follow-up of children needing  
22 professional examination or treatment; and

23 (4) assist with maintenance and repair of screening equipment.

24 (c) The Department of Health and Social Services shall pay school  
25 districts for vision and hearing screening examination. Payment shall  
26 be based on the cost per child for each examination.

27 \* Sec. 2. This Act takes effect July 1, 1982.  
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