STATE OF NEW YORK

7343

2025-2026 Regular Sessions

IN ASSEMBLY

March 25, 2025

Introduced by M. of A. ROSENTHAL -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to required vision screenings for public school students; and to amend the state finance law, in relation to establishing the school vision examination screening fund

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 4 of section 905 of the education law, as amended by chapter 477 of the laws of 2004, is amended to read as follows:

4. **(a)** Vision screening examinations of students in the schools of this state made pursuant to subdivision one of this section, or made pursuant to the by-laws, regulations or practices of the board of education of the city school district of the city of New York, shall be subject to the provisions of this subdivision, and where inconsistent herewith, the provisions of this subdivision shall prevail. In addition to any vision screening examinations otherwise required by the provisions or practices cited in this subdivision, all students who enroll in a school of this state shall be tested for color perception, distance acuity and near vision within six months of admission to the school, or by such other date as may be prescribed in the regulations of the commissioner. The results of any such vision screening examinations, whether made pursuant to this subdivision or pursuant to the provisions or practices cited in this subdivision, shall be in writing and shall be made available to the student's parent or person in parental relation and to any teacher of the student within the school while the student 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 fifty-seven-A of the arts and cultural affairs law.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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(b) Every student under the age of six entering a public preschool or elementary school for the first time shall undergo a comprehensive eye exam conducted by a licensed optometrist or ophthalmologist. Such optometrist or ophthalmologist shall provide proof of such vision examination for a parent or person in parental relation to file with the school where the student is enrolled. Any student who fails a school administered vision screening examination shall be required to undergo a comprehensive eye exam conducted by a licensed optometrist or ophthalmologist and submit proof of such eye exam within sixty days of notification of failing such vision screening examination.

(c) The department shall promulgate rules and regulations on how schools will communicate with students' parents or persons in parental relation before and after conducting vision screening examinations pursuant to paragraph (a) of this subdivision, including:

(i) informing such parents or persons in parental relation of the date that such vision screening examination will be conducted;

(ii) advising such parents or persons in parental relation that an in-school vision screening examination is not the equivalent of a comprehensive eye exam performed by a licensed optometrist or ophthalmologist; and

(iii) providing the results of such vision screening examination in a clear and easily understandable format to such parents or persons in parental relation;

(iv) informing the parents or persons in parental relation of students who fail a vision examination screening of such parents' or persons in parental relation's duty to ensure that such student receives a comprehensive eye exam from a licensed optometrist or ophthalmologist; and

(v) providing such parents or persons in parental relation with a list of resources for low-cost or no-cost pediatric eye exams and publishing such list on the department's website. The department shall update such list on an annual basis.

(d) The department shall provide examination screenings to students without health insurance at no cost. The department shall deposit all monies appropriated to carry out the purposes of this paragraph to the credit of the school vision examination fund established pursuant to section ninety-nine-ss of the state finance law.

§ 2. The state finance law is amended by adding a new section 99-ss to read as follows:

§ 99-ss. School vision examination fund. 1. There is hereby established in the custody of the state comptroller a special fund to be known as the school vision examination fund.

2. Such fund shall consist of all monies deposited pursuant to paragraph (d) of subdivision four of section nine hundred five of the education law, and all other monies credited or transferred thereto from any other fund or source pursuant to law.

3. Monies of the fund shall be expended solely for the purposes of conducting in-school comprehensive vision examinations for students without health insurance who are required to receive a comprehensive eye examination from a licensed optometrist or ophthalmologist pursuant to section nine hundred five of the education law. Monies shall be paid out of the fund on the audit and warrant of the state comptroller on vouchers approved by the commissioner of education. Any interest received by the comptroller on monies on deposit in the school vision examination fund shall be retained in and become part of such fund.

§ 3. This act shall take effect immediately.