

**18A:40-35**  
**LEGISLATIVE HISTORY CHECKLIST**  
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**LAWS OF:** 2007 **CHAPTER:** 122

**NJSA:** 18A:40-35 (Concerns comprehensive eye examinations for certain students)

**BILL NO:** A3817 (Substituted for S2448)

**SPONSOR(S)** Diegnan and others

**DATE INTRODUCED:** December 14, 2006

**COMMITTEE:** **ASSEMBLY:** Education  
**SENATE:** Education  
 Budget and Appropriations

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:** **ASSEMBLY:** June 21, 2007  
**SENATE:** June 21, 2007

**DATE OF APPROVAL:** August 2, 2007

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

FINAL TEXT OF BILL (Second reprint enacted)

A3817

SPONSOR'S STATEMENT: (Begins on page 4 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

**SENATE:** Yes Education 2-26-07  
 B & A 5-14-07

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: Yes

S2448

SPONSOR'S STATEMENT: (Begins on page 4 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

**SENATE:** Yes Education 2-26-07  
 B & A 5-14-07

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: Yes

(continued)

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**VETO MESSAGE:**

No

**GOVERNOR'S PRESS RELEASE ON SIGNING:**

Yes    8-2-07

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

LAW

---

1 AN ACT concerning comprehensive eye examinations for certain  
2 students and supplementing chapter 40 of Title 18A of the New  
3 Jersey Statutes.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. The Legislature finds and declares that: approximately one-  
9 half of all New Jersey students with a special education  
10 classification are classified as Specific Learning Disabled (SLD);  
11 the rate of growth in SLD classified students in recent years has  
12 been 9%, while total school enrollment has grown at only 2%;  
13 nationwide, approximately 80% of SLD students have primary  
14 difficulties with reading, and as many as 70% of those students  
15 might not have been classified if they had received appropriate  
16 early intervention; undiagnosed and untreated vision-related  
17 learning problems are significant contributors to early reading  
18 difficulties and often lead to special education classification; under  
19 current State Board of Education regulations, only one vision  
20 assessment is required by the end of grade three and that screening  
21 tests only for vision acuity; the number of children classified as  
22 requiring special education continues to increase, and once  
23 classified few students return to full-time general education; it is  
24 therefore imperative that the State takes steps to study the impact of  
25 comprehensive eye examinations for students in the primary grades  
26 to assess their impact on eliminating the special education  
27 classification of students for treatable vision-related difficulties.

28  
29 2. As used in this act, "comprehensive eye examination" means  
30 an evaluation that includes a child's history, external and  
31 ophthalmoscopic examination, visual acuity, ocular alignment and  
32 motility, refraction, and assessment of accommodation and  
33 binocular vision, performed by an optometrist or ophthalmologist.

34  
35 3. a. The Commissioner of Education, in consultation with the  
36 Commissioner of Health and Senior Services, shall establish a  
37 three-year comprehensive eye examination pilot program for second  
38 grade students. The purpose of the program shall be to eliminate  
39 inappropriate referrals for special education programs and services  
40 by examining students at the end of second grade for vision-related  
41 problems that may go undiagnosed and result in special education  
42 classification.

43 b. The commissioner shall select for participation in the pilot  
44 program one school district in each of the northern, central, and

**EXPLANATION** – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SBA committee amendments adopted May 14, 2007.

<sup>2</sup>Senate floor amendments adopted June 18, 2007.

1 southern regions of the State, including an urban school district, a  
2 suburban school district, and a rural school district. In selecting the  
3 pilot school districts, the commissioner may consider the percentage  
4 of students in the district classified as eligible for special education  
5 programs and services, the percentage increase in such  
6 classifications over the prior five school years, and the district's  
7 interest in participating in the program. The commissioner shall  
8 collaborate with each pilot school district on the procedures to be  
9 implemented to conduct the comprehensive eye examinations,  
10 including the coverage of any costs associated with the  
11 examinations. <sup>1</sup>In any agreement concerning the cost of providing  
12 examinations, no parent or guardian of a student shall be required to  
13 make any payment to the optometrist or ophthalmologist providing  
14 a comprehensive eye examination, or the school district or any other  
15 entity <sup>2</sup>; except that if the student is covered by a health insurance  
16 plan which has a copayment requirement, the parent or guardian  
17 shall pay the health care provider the required copayment. In this  
18 case, the parent or guardian may apply to the Comprehensive Eye  
19 Examination Fund for reimbursement of the copayment<sup>2</sup>.<sup>1</sup>

20 c. The commissioner shall develop and distribute to the pilot  
21 districts a form to document and provide information on each  
22 comprehensive eye examination conducted under the program.

23  
24 4. The commissioner shall implement a plan to collect data  
25 from each participating school district on the impact of the pilot  
26 program on reducing the number of students classified as eligible  
27 for special education programs and services. The data collected  
28 from each district shall include, but not be limited to: information  
29 regarding the types, number, and severity of vision-related  
30 problems diagnosed; the percentage of students classified as eligible  
31 for special education programs and services in the district in each of  
32 the five school years prior to the inception of the pilot program; the  
33 percentage of students classified as eligible for special education  
34 programs and services in each of the school years in which the  
35 district participates in the pilot program; an analysis of the cost-  
36 savings to the school district attributable to a reduction in the  
37 number of classified students; the level of parental satisfaction with  
38 the program; and any other information required by the  
39 commissioner.

40  
41 5. There is hereby created a special fund in the Department of  
42 Education, which shall be entitled the "Comprehensive Eye  
43 Examination Fund." The fund shall be maintained in a separate  
44 account and administered by the commissioner to carry out the  
45 provisions of this section. The fund shall consist of (1) any monies  
46 appropriated by the State for the purposes of the fund; (2) any  
47 monies donated for the purposes of the fund; and (3) all interest and  
48 investment earnings received on monies in the fund. The fund shall

1 be used to cover the costs of comprehensive eye examinations <sup>1</sup> [for  
2 any uninsured students] <sup>1</sup> conducted pursuant to P.L. , c.  
3 (C. ) (pending before the Legislature as this bill) <sup>1</sup>, for any  
4 uninsured students and students without applicable healthcare  
5 coverage <sup>2</sup> and to reimburse the cost of copayments for any insured  
6 students <sup>2</sup>. <sup>1</sup>

7

8 6. No later than June 30 of the third school year following the  
9 enactment of the pilot program, the commissioner shall submit to  
10 the Governor and the Legislature pursuant to section 2 of P.L.1991,  
11 c.164 (C.52:14-19.1) a report that evaluates the effectiveness of the  
12 pilot program in reducing the number of students classified as in  
13 need of special education programs and services. The report shall  
14 include a recommendation on the advisability of the program's  
15 continuation and extension to additional school districts.

16

17 7. This act shall take effect immediately.

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2

3

4               *SPONSOR'S*       STATEMENT

5

6       This bill establishes a three-year pilot program to conduct  
7 comprehensive eye examinations for second grade students. The  
8 purpose of the pilot program is to minimize inappropriate referrals  
9 for special education classification by examining students at the end  
10 of second grade for vision-related problems that may go  
11 undiagnosed and result in classification for special education  
12 programs and services.

13       Under the bill, the Commissioner of Education will select for  
14 participation in the pilot program one school district in each of the  
15 northern, central, and southern regions of the State, including an  
16 urban school district, a suburban school district, and a rural school  
17 district. In selecting the pilot school districts, the commissioner may  
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19 eligible for special education programs and services, the percentage  
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22 commissioner will collaborate with each pilot school district on the  
23 procedures to be implemented to conduct the comprehensive eye  
24 examinations.

25       Under the bill, the commissioner is required to implement a plan  
26 to collect data from each participating school district on the impact  
27 of the pilot program on reducing the number of classified students.  
28 The data collected from each district would include: information  
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38 the program; and any other information required by the  
39 commissioner.

40       The bill also creates the "Comprehensive Eye Examination  
41 Fund" in the Department of Education to cover the costs of  
42 comprehensive eye examinations that may be conducted on  
43 uninsured students. The fund would consist of (1) any monies  
44 appropriated by the State; (2) any monies donated to the fund; and  
45 (3) all interest and investment earnings received on monies in the  
46 fund.

47       The bill requires the commissioner to submit a report that  
48 evaluates the effectiveness of the pilot program in reducing the

A3817 DIEGNAN, BARNES

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1 number of students classified as eligible for special education  
2 programs and services and which includes a recommendation on the  
3 advisability of the program's continuation and extension to  
4 additional school districts.

5       Undiagnosed and untreated vision-related learning problems are  
6 significant contributors to early reading difficulties and often lead  
7 to special education classification. Under current State Board of  
8 Education regulations, only one vision assessment is required by the  
9 end of grade three and that screening tests only for vision acuity. A  
10 program that studies the impact of comprehensive eye examinations  
11 on the special education classification rates of students in the  
12 primary grades will not only be critical to the academic  
13 achievement of students, but will also serve to reduce the  
14 significant costs associated with special education.

# ASSEMBLY EDUCATION COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 3817

# STATE OF NEW JERSEY

DATED: JANUARY 22, 2007

The Assembly Education Committee favorably reports Assembly Bill No. 3817.

This bill establishes a three-year pilot program to conduct comprehensive eye examinations for second grade students. The purpose of the pilot program is to minimize inappropriate referrals for special education classification by examining students at the end of second grade for vision-related problems that may go undiagnosed and result in classification for special education programs and services.

Under the bill, the Commissioner of Education will select for participation in the pilot program one school district in each of the northern, central, and southern regions of the State, including an urban school district, a suburban school district, and a rural school district. In selecting the pilot school districts, the commissioner may consider the percentage of students in the district classified as eligible for special education programs and services, the percentage increase in such classifications over the prior five school years, and the district's interest in participating in the program. The commissioner will collaborate with each pilot school district on the procedures to be implemented to conduct the comprehensive eye examinations.

Under the bill, the commissioner is required to implement a plan to collect data from each participating school district on the impact of the pilot program on reducing the number of classified students. The data collected from each district would include: information regarding the types, number, and severity of vision-related problems diagnosed; the percentage of students classified as eligible for special education programs and services in the district in each of the five school years prior to the inception of the pilot program; the percentage of students classified as eligible for special education programs and services in each of the school years in which the district participates in the pilot program; an analysis of the cost-savings to the school district attributable to a reduction in the number of classified students; the level of parental satisfaction with the program; and any other information required by the commissioner.

The bill also creates the "Comprehensive Eye Examination Fund" in the Department of Education to cover the costs of comprehensive eye examinations that may be conducted on uninsured students. The fund would consist of (1) any monies appropriated by the State; (2)



any monies donated to the fund; and (3) all interest and investment earnings received on monies in the fund.

The bill requires the commissioner to submit a report that evaluates the effectiveness of the pilot program in reducing the number of students classified as eligible for special education programs and services and which includes a recommendation on the advisability of the program's continuation and extension to additional school districts.

SENATE EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3817

**STATE OF NEW JERSEY**

DATED: FEBRUARY 26, 2007

The Senate Education Committee favorably reports Assembly Bill No. 3817.

This bill establishes a three-year pilot program to conduct comprehensive eye examinations for second grade students. The purpose of the pilot program is to minimize inappropriate referrals for special education classification by examining students at the end of second grade for vision-related problems that may go undiagnosed and result in classification for special education programs and services.

Under the bill, the Commissioner of Education will select for participation in the pilot program one school district in each of the northern, central, and southern regions of the State, including an urban school district, a suburban school district, and a rural school district. In selecting the pilot school districts, the commissioner may consider the percentage of students in the district classified as eligible for special education programs and services, the percentage increase in such classifications over the prior five school years, and the district's interest in participating in the program. The commissioner will collaborate with each pilot school district on the procedures to be implemented to conduct the comprehensive eye examinations.

Under the bill, the commissioner is required to implement a plan to collect data from each participating school district on the impact of the pilot program on reducing the number of classified students. The data collected from each district would include: information regarding the types, number, and severity of vision-related problems diagnosed; the percentage of students classified as eligible for special education programs and services in the district in each of the five school years prior to the inception of the pilot program; the percentage of students classified as eligible for special education programs and services in each of the school years in which the district participates in the pilot program; an analysis of the cost-savings to the school district attributable to a reduction in the number of classified students; the level of parental satisfaction with the program; and any other information required by the commissioner.

The bill also creates the "Comprehensive Eye Examination Fund" in the Department of Education to cover the costs of comprehensive eye examinations that may be conducted on uninsured students. The fund would consist of (1) any monies appropriated by the State; (2)

any monies donated to the fund; and (3) all interest and investment earnings received on monies in the fund.

The bill requires the commissioner to submit a report that evaluates the effectiveness of the pilot program in reducing the number of students classified as eligible for special education programs and services and which includes a recommendation on the advisability of the program's continuation and extension to additional school districts.

As reported by the committee, this bill is identical to Senate Bill No. 2448.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 3817

with committee amendments

# STATE OF NEW JERSEY

DATED: MAY 14, 2007

The Senate Budget and Appropriations Committee reports favorably, with committee amendments, Assembly Bill No. 3817.

The bill establishes a three-year pilot program to conduct comprehensive eye examinations for second grade students. The purpose of the pilot program is to minimize inappropriate referrals for special education classification by examining students at the end of second grade for vision-related problems that may go undiagnosed and result in classification for special education programs and services.

Under the bill, the Commissioner of Education will select for participation in the pilot program one school district in each of the northern, central, and southern regions of the State, including an urban school district, a suburban school district, and a rural school district. The commissioner is required to collaborate with each pilot school district on the procedures necessary to conduct the comprehensive eye examinations, including the coverage of any costs associated with the examinations. As amended, the bill provides that no agreement concerning the cost of examination shall require any out-of-pocket payment by the parent or guardian of a student.

Under the bill, the commissioner is required to implement a plan to collect data from each participating school district on the impact of the pilot program on reducing the number of classified students.

The bill also creates the "Comprehensive Eye Examination Fund" in the Department of Education to cover the costs of comprehensive eye examinations for any uninsured students or for students without applicable health care coverage. The fund would consist of (1) any monies appropriated by the State; (2) any monies donated to the fund; and (3) all interest and investment earnings received on monies in the fund.

The bill requires the commissioner to submit a report that evaluates the effectiveness of the pilot program in reducing the number of students classified as eligible for special education programs and services and which includes a recommendation on the advisability of the program's continuation and extension to additional school districts.

As amended and reported, this bill is identical to Senate Bill No. 2448, as also amended and reported by the committee.

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COMMITTEE AMENDMENTS:

The committee amendments clarify that:

1) In addition to covering the costs of comprehensive eye exams for uninsured students, monies in the “Comprehensive Eye Examination Fund” may also be used to cover the cost of exams for insured students without applicable health care coverage; and

2) No agreement between the Commissioner and a school district concerning the cost of comprehensive eye examinations shall require any out-of-pocket payment by the parent or guardian of a student.

FISCAL IMPACT:

The Office of Legislative Services (OLS) finds that the cost of the bill is indeterminate, because it is not known which districts will be selected for participation in the pilot program and therefore the number of pupils for whom the comprehensive eye examination will be performed under the program. The dollar amount of the exam can be estimated at \$150 per uninsured pupil but this amount is likely to vary by: the region of the State in which the eye exam is performed; whether the exam is conducted by an ophthalmologist or an optometrist; and whether a group rate can be negotiated. In addition, as amended, the bill provides that the fund cover the cost of examination for those students who have insurance, but whose insurance does not provide applicable eye examination coverage. The bill further requires the commissioner to collaborate with each district on the procedures necessary to implement the examinations, including the cost of the examinations. Hence, program costs will also depend on these agreements.

STATEMENT TO  
[First Reprint]  
**ASSEMBLY, No. 3817**

with Senate Floor Amendments  
(Proposed By Senator DORIA)

ADOPTED: JUNE 18, 2007

The floor amendments clarify that if the student undergoing the comprehensive eye examination is covered by a health insurance plan which has a copayment requirement, the parent or guardian will pay the required copayment and then may seek reimbursement for the copayment from the Comprehensive Eye Examination Fund.

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**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY, No. 3817**  
**STATE OF NEW JERSEY**  
**212th LEGISLATURE**

DATED: MAY 29, 2007

**SUMMARY**

**Synopsis:** Establishes pilot program to conduct comprehensive eye examination for second grade students.

**Type of Impact:** An expenditure increase from the General Fund.

**Agencies Affected:** Department of Education and local school districts.

**Office of Legislative Services Estimate**

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
<b>State Cost</b>	Indeterminate - See Comments Below		

- The bill requires the Commissioner of Education, in consultation with the Commissioner of Health and Senior Services, to establish a pilot program in which comprehensive eye examinations for second grade students will be conducted in three school districts selected by the Commissioner of Education according to two criteria: one district each from the northern, central and southern regions of the State; and to include an urban, suburban, and rural district. The pilot program is to run for three years and is designed to eliminate inappropriate referrals for special education programs and services due to vision-related problems that go undiagnosed.
- Under the bill, each of the school districts selected for the pilot program is to collect certain data that will be used to evaluate the impact of the program on reducing the number of students classified as eligible for special education programs and services.
- The bill establishes the "Comprehensive Eye Examination Fund" in the Department of Education to cover the costs of the eye examinations conducted on uninsured students.
- Costs associated with a comprehensive eye examination are estimated to be approximately \$150 per student. As discussed below, the total cost will depend on several factors, basic to which is the number of uninsured second grade students in each district in each of the three years of the pilot program.

- If the number of pupils who may be inappropriately referred for special education services is reduced, the total cost of the pilot program may be mitigated due to a decrease in the amount of special education State aid provided to a district.

## **BILL DESCRIPTION**

Assembly Bill No. 3817 of 2006 establishes a three-year pilot program to conduct comprehensive eye examinations for second grade students. The purpose of the pilot program is to minimize inappropriate referrals for special education classification by examining students at the end of second grade for vision-related problems that may go undiagnosed and result in classification for special education programs and services.

Under the bill, the Commissioner of Education will select for participation in the pilot program one school district in each of the northern, central, and southern regions of the State, including an urban school district, a suburban school district, and a rural school district. In selecting the pilot school districts, the commissioner may consider the percentage of students in the district classified as eligible for special education programs and services, the percentage increase in such classifications over the prior five school years, and the district's interest in participating in the program. The commissioner will collaborate with each pilot school district on the procedures to be implemented to conduct the comprehensive eye examinations.

Under the bill, the commissioner is required to implement a plan to collect data from each participating school district on the impact of the pilot program on reducing the number of classified students. The data collected from each district would include: information regarding the types, number, and severity of vision-related problems diagnosed; the percentage of students classified as eligible for special education programs and services in the district in each of the five school years prior to the inception of the pilot program; the percentage of students classified as eligible for special education programs and services in each of the school years in which the district participates in the pilot program; an analysis of the cost-savings to the school district attributable to a reduction in the number of classified students; the level of parental satisfaction with the program; and any other information required by the commissioner.

The bill also creates the "Comprehensive Eye Examination Fund" in the Department of Education to cover the costs of comprehensive eye examinations that may be conducted on uninsured students. The fund would consist of (1) any monies appropriated by the State; (2) any monies donated to the fund; and (3) all interest and investment earnings received on monies in the fund.

The bill requires the commissioner to submit a report that evaluates the effectiveness of the pilot program in reducing the number of students classified as eligible for special education programs and services and which includes a recommendation on the advisability of the program's continuation and extension to additional school districts.

## **FISCAL ANALYSIS**

### ***OFFICE OF LEGISLATIVE SERVICES***

The Office of Legislative Services finds that the cost of Assembly No. 3817 is indeterminate because it is not known which districts will be selected for participation in the pilot program and therefore the number of uninsured pupils for whom the comprehensive eye examination will be



performed under the program. The dollar amount of the exam can be estimated at \$150 per pupil but this amount is likely to vary by: the region of the State in which the eye exam is performed; whether the exam is conducted by an ophthalmologist or an optometrist; and whether a group rate can be negotiated. The bill requires the commissioner to collaborate with each district on the procedures to be implemented to conduct the comprehensive eye examination. The Office of Legislative Services notes that even if a student is covered by insurance, the cost of a comprehensive eye examination may not be fully covered for the student's parent as a result of any co-pay requirement. Under the provisions of the bill, only the costs of uninsured students are paid from the fund set up under the bill.

*Section: Education*  
*Analyst: Theodore C. Settle*  
*Principal Research Analyst*  
*Approved: David J. Rosen*  
*Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

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12 been 9%, while total school enrollment has grown at only 2%;  
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20 assessment is required by the end of grade three and that screening  
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22 requiring special education continues to increase, and once  
23 classified few students return to full-time general education; it is  
24 therefore imperative that the State takes steps to study the impact of  
25 comprehensive eye examinations for students in the primary grades  
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29 2. As used in this act, "comprehensive eye examination" means  
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31 ophthalmoscopic examination, visual acuity, ocular alignment and  
32 motility, refraction, and assessment of accommodation and  
33 binocular vision, performed by an optometrist or ophthalmologist.

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35 3. a. The Commissioner of Education, in consultation with the  
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17 shall pay the health care provider the required copayment. In this  
18 case, the parent or guardian may apply to the Comprehensive Eye  
19 Examination Fund for reimbursement of the copayment <sup>2, 1</sup>

20 c. The commissioner shall develop and distribute to the pilot  
21 districts a form to document and provide information on each  
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24 4. The commissioner shall implement a plan to collect data  
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3 P.L. , c. (C. ) (pending before the Legislature as this bill) <sup>1</sup> ,  
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6 any insured students<sup>2, 1</sup>

7

8 6. No later than June 30 of the third school year following the  
9 enactment of the pilot program, the commissioner shall submit to  
10 the Governor and the Legislature pursuant to section 2 of P.L.1991,  
11 c.164 (C.52:14-19.1) a report that evaluates the effectiveness of the  
12 pilot program in reducing the number of students classified as in  
13 need of special education programs and services. The report shall  
14 include a recommendation on the advisability of the program's  
15 continuation and extension to additional school districts.

16

17 7. This act shall take effect immediately.

1       7. This act shall take effect immediately.

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SPONSOR'S STATEMENT

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6       This bill establishes a three-year pilot program to conduct  
7 comprehensive eye examinations for second grade students. The  
8 purpose of the pilot program is to minimize inappropriate referrals  
9 for special education classification by examining students at the end  
10 of second grade for vision-related problems that may go  
11 undiagnosed and result in classification for special education  
12 programs and services.

13       Under the bill, the Commissioner of Education will select for  
14 participation in the pilot program one school district in each of the  
15 northern, central, and southern regions of the State, including an  
16 urban school district, a suburban school district, and a rural school  
17 district. In selecting the pilot school districts, the commissioner may  
18 consider the percentage of students in the district classified as  
19 eligible for special education programs and services, the percentage  
20 increase in such classifications over the prior five school years, and  
21 the district's interest in participating in the program. The  
22 commissioner will collaborate with each pilot school district on the  
23 procedures to be implemented to conduct the comprehensive eye  
24 examinations.

25       Under the bill, the commissioner is required to implement a plan  
26 to collect data from each participating school district on the impact  
27 of the pilot program on reducing the number of classified students.  
28 The data collected from each district would include: information  
29 regarding the types, number, and severity of vision-related  
30 problems diagnosed; the percentage of students classified as eligible  
31 for special education programs and services in the district in each of  
32 the five school years prior to the inception of the pilot program; the  
33 percentage of students classified as eligible for special education  
34 programs and services in each of the school years in which the  
35 district participates in the pilot program; an analysis of the cost-  
36 savings to the school district attributable to a reduction in the  
37 number of classified students; the level of parental satisfaction with  
38 the program; and any other information required by the  
39 commissioner.

40       The bill also creates the "Comprehensive Eye Examination  
41 Fund" in the Department of Education to cover the costs of  
42 comprehensive eye examinations that may be conducted on  
43 uninsured students. The fund would consist of (1) any monies  
44 appropriated by the State; (2) any monies donated to the fund; and  
45 (3) all interest and investment earnings received on monies in the  
46 fund.

47       The bill requires the commissioner to submit a report that  
48 evaluates the effectiveness of the pilot program in reducing the

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1 number of students classified as eligible for special education  
2 programs and services and which includes a recommendation on the  
3 advisability of the program's continuation and extension to  
4 additional school districts.

5 Undiagnosed and untreated vision-related learning problems are  
6 significant contributors to early reading difficulties and often lead  
7 to special education classification. Under current State Board of  
8 Education regulations, only one vision assessment is required by the  
9 end of grade three and that screening tests only for vision acuity. A  
10 program that studies the impact of comprehensive eye examinations  
11 on the special education classification rates of students in the  
12 primary grades will not only be critical to the academic  
13 achievement of students, but will also serve to reduce the  
14 significant costs associated with special education.

# SENATE EDUCATION COMMITTEE

## STATEMENT TO

### SENATE, No. 2448

# STATE OF NEW JERSEY

DATED: FEBRUARY 26, 2007

The Senate Education Committee favorably reports Senate Bill No. 2448.

This bill establishes a three-year pilot program to conduct comprehensive eye examinations for second grade students. The purpose of the pilot program is to minimize inappropriate referrals for special education classification by examining students at the end of second grade for vision-related problems that may go undiagnosed and result in classification for special education programs and services.

Under the bill, the Commissioner of Education will select for participation in the pilot program one school district in each of the northern, central, and southern regions of the State, including an urban school district, a suburban school district, and a rural school district. In selecting the pilot school districts, the commissioner may consider the percentage of students in the district classified as eligible for special education programs and services, the percentage increase in such classifications over the prior five school years, and the district's interest in participating in the program. The commissioner will collaborate with each pilot school district on the procedures to be implemented to conduct the comprehensive eye examinations.

Under the bill, the commissioner is required to implement a plan to collect data from each participating school district on the impact of the pilot program on reducing the number of classified students. The data collected from each district would include: information regarding the types, number, and severity of vision-related problems diagnosed; the percentage of students classified as eligible for special education programs and services in the district in each of the five school years prior to the inception of the pilot program; the percentage of students classified as eligible for special education programs and services in each of the school years in which the district participates in the pilot program; an analysis of the cost-savings to the school district attributable to a reduction in the number of classified students; the level of parental satisfaction with the program; and any other information required by the commissioner.

The bill also creates the "Comprehensive Eye Examination Fund" in the Department of Education to cover the costs of comprehensive eye examinations that may be conducted on uninsured students. The fund would consist of (1) any monies appropriated by the State; (2)

any monies donated to the fund; and (3) all interest and investment earnings received on monies in the fund.

The bill requires the commissioner to submit a report that evaluates the effectiveness of the pilot program in reducing the number of students classified as eligible for special education programs and services and which includes a recommendation on the advisability of the program's continuation and extension to additional school districts.

As reported by the committee, this bill is identical to Assembly Bill No. 3817.



# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### **SENATE, No. 2448**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MAY 14, 2007

The Senate Budget and Appropriations Committee reports favorably, with committee amendments, Senate Bill No. 2448.

The bill establishes a three-year pilot program to conduct comprehensive eye examinations for second grade students. The purpose of the pilot program is to minimize inappropriate referrals for special education classification by examining students at the end of second grade for vision-related problems that may go undiagnosed and result in classification for special education programs and services.

Under the bill, the Commissioner of Education will select for participation in the pilot program one school district in each of the northern, central, and southern regions of the State, including an urban school district, a suburban school district, and a rural school district. The commissioner is required to collaborate with each pilot school district on the procedures necessary to conduct the comprehensive eye examinations, including the coverage of any costs associated with the examinations. As amended, the bill provides that no agreement concerning the cost of examination shall require any out-of-pocket payment by the parent or guardian of a student.

Under the bill, the commissioner is required to implement a plan to collect data from each participating school district on the impact of the pilot program on reducing the number of classified students.

The bill also creates the "Comprehensive Eye Examination Fund" in the Department of Education to cover the costs of comprehensive eye examinations for any uninsured students or for students without applicable health care coverage. The fund would consist of (1) any monies appropriated by the State; (2) any monies donated to the fund; and (3) all interest and investment earnings received on monies in the fund.

The bill requires the commissioner to submit a report that evaluates the effectiveness of the pilot program in reducing the number of students classified as eligible for special education programs and services and which includes a recommendation on the advisability of the program's continuation and extension to additional school districts.

As amended and reported, this bill is identical to Assembly Bill No. 3817, as also amended and reported by the committee.

COMMITTEE AMENDMENTS:

The committee amendments clarify that:

1) In addition to covering the costs of comprehensive eye exams for uninsured students, monies in the "Comprehensive Eye Examination Fund" may also be used to cover the cost of exams for insured students without applicable health care coverage; and

2) No agreement between the Commissioner and a school district concerning the cost of comprehensive eye examinations shall require any out-of-pocket payment by the parent or guardian of a student.

FISCAL IMPACT:

The Office of Legislative Services (OLS) finds that the cost of the bill is indeterminate, because it is not known which districts will be selected for participation in the pilot program and therefore the number of pupils for whom the comprehensive eye examination will be performed under the program. The dollar amount of the exam can be estimated at \$150 per uninsured pupil but this amount is likely to vary by: the region of the State in which the eye exam is performed; whether the exam is conducted by an ophthalmologist or an optometrist; and whether a group rate can be negotiated. In addition, as amended, the bill provides that the fund cover the cost of examination for those students who have insurance, but whose insurance does not provide applicable eye examination coverage. The bill further requires the commissioner to collaborate with each district on the procedures necessary to implement the examinations, including the cost of the examinations. Hence, program costs will also depend on these agreements.

STATEMENT TO  
[First Reprint]  
**SENATE, No. 2448**

with Senate Floor Amendments  
(Proposed By Senator DORIA)

ADOPTED: JUNE 18, 2007

The floor amendments clarify that if the student undergoing the comprehensive eye examination is covered by a health insurance plan which has a copayment requirement, the parent or guardian will pay the required copayment and then may seek reimbursement for the copayment from the Comprehensive Eye Examination Fund.

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**LEGISLATIVE FISCAL ESTIMATE**  
**SENATE, No. 2448**  
**STATE OF NEW JERSEY**  
**212th LEGISLATURE**

DATED: MAY 29, 2007

**SUMMARY**

**Synopsis:** Establishes pilot program to conduct comprehensive eye examination for second grade students.

**Type of Impact:** An expenditure increase from the General Fund.

**Agencies Affected:** Department of Education and local school districts.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<u><b>Year 1</b></u>	<u><b>Year 2</b></u>	<u><b>Year 3</b></u>
<b>State Cost</b>	Indeterminate - See Comments Below		

- The bill requires the Commissioner of Education, in consultation with the Commissioner of Health and Senior Services, to establish a pilot program in which comprehensive eye examinations for second grade students will be conducted in three school districts selected by the Commissioner of Education according to two criteria: one district each from the northern, central and southern regions of the State; and to include an urban, suburban, and rural district. The pilot program is to run for three years and is designed to eliminate inappropriate referrals for special education programs and services due to vision-related problems that go undiagnosed.
- Under the bill, each of the school districts selected for the pilot program is to collect certain data that will be used to evaluate the impact of the program on reducing the number of students classified as eligible for special education programs and services.
- The bill establishes the "Comprehensive Eye Examination Fund" in the Department of Education to cover the costs of the eye examinations conducted on uninsured students.
- Costs associated with a comprehensive eye examination are estimated to be approximately \$150 per student. As discussed below, the total cost will depend on several factors, basic to which is the number of uninsured second grade students in each district in each of the three years of the pilot program.

- If the number of pupils who may be inappropriately referred for special education services is reduced, the total cost of the pilot program may be mitigated due to a decrease in the amount of special education State aid provided to a district.

### **BILL DESCRIPTION**

Senate Bill No. 2448 of 2007 establishes a three-year pilot program to conduct comprehensive eye examinations for second grade students. The purpose of the pilot program is to minimize inappropriate referrals for special education classification by examining students at the end of second grade for vision-related problems that may go undiagnosed and result in classification for special education programs and services.

Under the bill, the Commissioner of Education will select for participation in the pilot program one school district in each of the northern, central, and southern regions of the State, including an urban school district, a suburban school district, and a rural school district. In selecting the pilot school districts, the commissioner may consider the percentage of students in the district classified as eligible for special education programs and services, the percentage increase in such classifications over the prior five school years, and the district's interest in participating in the program. The commissioner will collaborate with each pilot school district on the procedures to be implemented to conduct the comprehensive eye examinations.

Under the bill, the commissioner is required to implement a plan to collect data from each participating school district on the impact of the pilot program on reducing the number of classified students. The data collected from each district would include: information regarding the types, number, and severity of vision-related problems diagnosed; the percentage of students classified as eligible for special education programs and services in the district in each of the five school years prior to the inception of the pilot program; the percentage of students classified as eligible for special education programs and services in each of the school years in which the district participates in the pilot program; an analysis of the cost-savings to the school district attributable to a reduction in the number of classified students; the level of parental satisfaction with the program; and any other information required by the commissioner.

The bill also creates the "Comprehensive Eye Examination Fund" in the Department of Education to cover the costs of comprehensive eye examinations that may be conducted on uninsured students. The fund would consist of (1) any monies appropriated by the State; (2) any monies donated to the fund; and (3) all interest and investment earnings received on monies in the fund.

The bill requires the commissioner to submit a report that evaluates the effectiveness of the pilot program in reducing the number of students classified as eligible for special education programs and services and which includes a recommendation on the advisability of the program's continuation and extension to additional school districts.

### **FISCAL ANALYSIS**

#### ***OFFICE OF LEGISLATIVE SERVICES***

The Office of Legislative Services finds that the cost of Senate No. 2448 is indeterminate because it is not known which districts will be selected for participation in the pilot program and therefore the number of uninsured pupils for whom the comprehensive eye examination will be

performed under the program. The dollar amount of the exam can be estimated at \$150 per pupil but this amount is likely to vary by: the region of the State in which the eye exam is performed; whether the exam is conducted by an ophthalmologist or an optometrist; and whether a group rate can be negotiated. The bill requires the commissioner to collaborate with each district on the procedures to be implemented to conduct the comprehensive eye examination. The Office of Legislative Services notes that even if a student is covered by insurance, the cost of a comprehensive eye examination may not be fully covered for the student's parent as a result of any co-pay requirement. Under the provisions of the bill, only the costs of uninsured students are paid from the fund set up under the bill.

*Section: Education*

*Analyst: Theodore C. Settle  
Principal Research Analyst*

*Approved: David J. Rosen  
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

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## Aug-2-07 Governor Corzine Signs Healthcare Related Legislation

**NEWS RELEASE:**Governor Jon S. Corzine  
August 2, 2007**FOR MORE INFORMATION:**

Press Office - 609-777-2600

**GOVERNOR CORZINE SIGNS HEALTHCARE RELATED LEGISLATION**

SOUTH PLAINFIELD - Governor Jon S. Corzine today signed three healthcare related bills at the South Plainfield Senior Citizen Center.

The first, S2580/A4179, requires hospitals to implement an infection prevention program to eliminate antimicrobial-resistant infections and requires hospitals to report cases of Methicillin-Resistant Staphylococcus Arueus (MRSA) to the New Jersey Department of Health and Senior Services.

"Each year, two million patients in this country become infected with MRSA after entering the hospital," said Governor Corzine. "Staph infections are highly avoidable and having this prevention program in place to protect patients is a matter of good public health policy for New Jersey."

Under the legislation, it will be mandatory for all general hospitals to implement an infection prevention program in their intensive care units. If a hospital has no intensive care unit, the program should then be implemented in another high-risk unit where there is significant risk of facility-acquired infections.

"According to the Centers for Disease Control, MRSA has become the dominant cause of hospital staph infections over the past three decades, rising from 2% of all reported cases in 1974 to more than 63% of all cases in the United States," said Senator Buono, D-Middlesex. "Fortunately, there are simple, proven ways to reduce the prevalence of this infection, saving countless lives. Once again, New Jersey is leading the way in making sure our residents have the best health care possible."

"MRSA infections can be a death sentence for patients with compromised immune systems, such as the elderly," said Senator Vitale, D-Middlesex, the Chair of the Senate Health, Human Services and Senior Citizens Committee. "We want our hospitals and healthcare facilities to be as safe as possible. This new law will go a long way to protecting the State's most vulnerable patients from these drug-resistant, hospital-acquired infections, and improve the overall safety of New Jersey's health care system."

"Changing the way hospitals treat infections in their own buildings would close a troublesome safety gap in our state's health-care safety net," said Assemblywoman Linda Greenstein (D-Middlesex). "Stronger measures are needed to counteract the insidious threat of drug-resistant superbugs."

"At a time when drug-resistant infection strains are on the rise around the globe, we need our laws to keep abreast of disturbing trends in the health care system so patients' safety is never overlooked and never compromised," said Assemblywoman Linda Stender (D-Union).

"Drug-resistant superbugs are the new public enemy number-one in health-care facilities all across the country," said Assemblyman Herb Conaway, Jr., M.D. (D-Burlington), one of only two physicians in the state Legislature. "The containment procedures prescribed under this law will help hospitals fulfill their missions of saving lives and preventing disease."

"Infections prolong illnesses and injuries," said Assemblyman Robert Gordon (D-Bergen). "Uniform procedures to contain the spread of drug-resistant strains will help hold down health-care costs and save lives."

Sponsors of the legislation were Senator Barbara Buono (District 18); Senator Joseph Vitale (District 19); Assemblywoman Linda Greenstein (District 14); Assemblywoman Linda Stender (District 22); Assemblyman Herb Conaway, Jr. (District 7) and Assemblyman Robert Gordon (District 38).

Governor Corzine also signed A3817, which establishes a three year-pilot program to conduct comprehensive eye examinations for second grade students.

"By implementing this program, we hope to minimize the number of children whose vision problems too often go undetected, resulting in their being categorized as special education students," said Governor Corzine.

"Eye-screening will help ensure that children with undiagnosed vision impairments are not incorrectly classified as needing to be enrolled in special education classes," Assemblyman Patrick Diegnan (D-Middlesex) said. "There are indications that a growing number of parents of students with poor eyesight are erroneously being told their child needs placement in a special education program."

Primary sponsors of the legislation were Assemblyman Patrick Diegnan (District 18) former Assemblyman (current Parole Board Chairman) Peter Barnes (District 18), Assemblyman Joseph Malone (District 30) and Assemblyman Joseph Vas (District 19).

Governor Corzine also signed A1190, which requires the placement of organ donation information and materials at public institutions of higher education.

"Organ donation saves lives by offering hope to those afflicted with organ failure," Corzine said. "This legislation will boost public awareness of its benefits and increase participation in donation programs across the state."

"Every effort that we make to promote organ donating helps to save lives," said Diegnan. "Advances in medical science now allow for a wide variety of organ transplants, but more needs to be done so rates of organ donations can keep pace with the scientific advances."

Primary sponsors of the legislation were Assemblyman Patrick Diegnan (District 18) and Assemblyman Douglas Fisher (District 3).

###

Photos and audio and video clips from Governor Corzine's public events are available in the Governor's Newsroom section on the State of New Jersey web page, <http://www.nj.gov/governor/news/>



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