

House Bill 1402 (COMMITTEE SUBSTITUTE)

By: Representatives Hagan of the 156<sup>th</sup>, Burns of the 159<sup>th</sup>, Erwin of the 32<sup>nd</sup>, Donatucci of the 105<sup>th</sup>, Ballard of the 147<sup>th</sup>, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating  
2 elementary and secondary education, so as to require vision and hearing screening for all  
3 public school students enrolled in pre-kindergarten through third grade; to require advance  
4 notification to parents and guardians; to provide for parents and guardians to opt their  
5 children out of such screenings; to require notification to parents and guardians of children  
6 who fail one or both screenings; to require local school systems and other public schools to  
7 report information to the Department of Public Health; to require the Department of Public  
8 Health to annually report such information to the General Assembly; to require the  
9 Department of Public Health to provide training to school personnel and others to administer  
10 such screening; to require the Department of Public Health, in collaboration with the State  
11 Board of Education, to promulgate policies, rules, and regulations; to provide for grants to  
12 local school systems to acquire screening equipment; to require the Department of Education  
13 to administer such grants; to provide for written notification to parents and guardians of  
14 students who have not attained grade level reading proficiency by the end of third grade; to  
15 provide for related matters; to repeal conflicting laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

H. B. 1402 (SUB)

- 1 -

**SECTION 1.**

17

18 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating elementary and  
19 secondary education, is amended in Part 3 of Article 16, relating to health of students, by  
20 adding a new Code section to read as follows:

21 "20-2-770.1.

22 (a) Vision and hearing screenings shall be administered to all public school students  
23 enrolled in pre-kindergarten through third grade. Such screenings shall be facilitated and  
24 coordinated by the public schools and shall take place at a public school. Such screenings  
25 shall be administered directly by trained public school personnel or in cooperation with  
26 trained personnel of a duly qualified third-party organization.

27 (b)(1) Each local school system or other public school shall notify the parent or guardian  
28 of each child who fails a vision screening, a hearing screening, or both, using standard  
29 protocols promulgated by the Department of Public Health.

30 (2) Prior approval of parents or legal guardians of public school students for such  
31 screenings shall not be required; provided, however, that parents and guardians shall be  
32 provided advance written notice of the time and place of the screenings to be  
33 administered to their children; and provided, further, that if the parent or legal guardian  
34 of a child objects to such child being administered a hearing or vision screening, such  
35 child shall be exempt from such screening.

36 (c)(1) Each local school system and other public school shall provide the following  
37 information to the Department of Public Health for each school:

38 (A) For vision screenings, the total number of students:

39 (i) Unable to be screened due to opting out or a medical exclusion;

40 (ii) Screened with correction;

41 (iii) Screened with auto screening device;

42 (iv) Screened with eye chart;

43 (v) Passed;

- 44 (vi) Failed;
- 45 (vii) Failed with auto screening device;
- 46 (viii) Failed with eye chart;
- 47 (ix) Referred with auto screening device;
- 48 (x) Referred with eye chart;
- 49 (xi) With treatment or follow-up; and
- 50 (xii) With no treatment/follow-up;
- 51 (B) For hearing screening, the total number of students:
- 52 (i) Unable to be screened due to opting out or a medical exclusion;
- 53 (ii) Screened;
- 54 (iii) Screened with otoacoustic emissions testing (OAE);
- 55 (iv) Screened with pure-tone audiometer;
- 56 (v) Passed;
- 57 (vi) Failed;
- 58 (vii) Failed with otoacoustic emissions testing (OAE);
- 59 (viii) Failed with pure-tone audiometer;
- 60 (ix) Referred with otoacoustic emissions testing (OAE);
- 61 (x) Referred with pure-tone audiometer;
- 62 (xi) With treatment or follow-up; and
- 63 (xii) With no treatment/follow-up.
- 64 (2) The information required by paragraph (1) of this subsection shall be provided to the
- 65 Department of Public Health within 30 days of screenings conducted pursuant to this
- 66 Code section.
- 67 (d) The Department of Public Health shall:
- 68 (1) Provide training to public school personnel and others who administer the screenings
- 69 required by this Code section;

70 (2) By December 1 each year, provide a report to the General Assembly of the data  
71 received from local school systems and other public schools pursuant to subsection (c)  
72 of this Code section; and

73 (3) Promulgate policies, rules, and regulations to provide for the vision and hearing  
74 screenings of public school students required by this Code section, the training for school  
75 personnel and others who will administer such screenings, and to implement all other  
76 purposes of this Code section.

77 (e)(1) Subject to appropriations, a one-time grant in an amount not to exceed \$15,000.00  
78 per local school system shall be provided to each local school system to be used  
79 exclusively for the purposes of acquiring vision screening and auditory screening  
80 equipment, if needed, to conduct the screenings required by this Code section. Such  
81 screening equipment shall meet the following criteria:

82 (A) Vision screening equipment shall be capable of conducting standardized distance  
83 visual acuity screening using age-appropriate optotypes or symbol charts that allow for  
84 monocular testing in accordance with state protocol. Grant funds may also be used to  
85 purchase instrument based vision screening devices that provide automated pass or refer  
86 results without requiring user interpretation and that are validated for pediatric use,  
87 consistent with the Department of Public Health testing guidelines.

88 (B) Hearing screening equipment shall be capable of conducting calibrated pure-tone  
89 air-conduction hearing screening at the frequencies and intensity levels specified in  
90 state protocol. For students who are unable to complete pure-tone screening, grant  
91 funds may be used to purchase otoacoustic emissions (OAE) screening devices that  
92 provide automated pass or refer results and do not require user interpretation, consistent  
93 with the Department of Public Health testing guidelines. The Department of Education  
94 shall be responsible for administering such grants."

95 **SECTION 2.**

96 Said chapter is further amended in Part 3 of Article 6, relating to educational programs under  
97 the "Quality Basic Education Act," by adding a new Code section to read as follows:

98 "20-2-153.2.

99 Beginning in the 2026-2027 school year, each local board of education and other public  
100 school governing body shall provide written notification to the parent or guardian of each  
101 student who does not achieve grade level reading proficiency as defined by the Office of  
102 Student Achievement in accordance with Code Section 20-14-31 on the third grade  
103 end-of-grade reading assessment developed in accordance with subsection (a) of Code  
104 Section 20-2-281 or who is otherwise determined to not have attained grade level reading  
105 proficiency. Such notification shall be provided to parents and guardians by regular mail  
106 and by other routine methods of providing notifications to parents and guardians."

107 **SECTION 3.**

108 All laws and parts of laws in conflict with this Act are repealed.