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HOUSE BILL NO. 1437**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the House Committee on Education
on January 23, 2017)

(Patron Prior to Substitute—Delegate Head)

*A BILL to amend and reenact § 22.1-273 of the Code of Virginia, relating to student sight and hearing testing; exception.***Be it enacted by the General Assembly of Virginia:****1. That § 22.1-273 of the Code of Virginia is amended and reenacted as follows:****§ 22.1-273. Sight and hearing of students to be tested; exceptions.**

A. The Superintendent of Public Instruction shall prepare or cause to be prepared, with the advice and approval of the State Health Commissioner, suitable test cards, blanks, record books, and other appliances for testing the sight and hearing of the ~~pupils~~ *students* in the public schools and necessary instructions for the use thereof. The ~~State~~ Department of Education shall furnish the same free of expense to all schools in a school division upon request of the school board of such division accompanied by a resolution of the school board directing the use of such test cards, blanks, record books and other appliances in the schools of the school division.

B. Within the time periods and at the grades provided in regulations promulgated by the Board of Education, the principal of each such school shall cause the sight and hearing of the relevant ~~pupils~~ *students* in the school to be tested, unless ~~such students are pupils~~:

1. *Any such student* is admitted for the first time to a public kindergarten or elementary school ~~who have and has~~ been so tested as part of the comprehensive physical examination required by § 22.1-270 ~~or the~~;

2. *The parents or guardians of any such* ~~students~~ *student* object on religious grounds and the ~~students~~ *show student* shows no obvious evidence of any defect or disease of the eyes or ears; *or*

3. *Any such student has an Individualized Education Program or a Section 504 Plan that documents a defect of vision or hearing or a disease of the eyes or ears and the principal determines that such a test would not identify any previously unknown defect of vision or hearing or a disease of the eyes or ears.*

C. The principal shall keep a record of ~~such~~ examinations conducted pursuant to subsection B in accordance with instructions furnished.

D. Whenever a ~~pupil~~ *student* is found to have any defect of vision or hearing or a disease of the eyes or ears, the principal shall forthwith notify the parent or guardian, in writing, of such defect or disease. Copies of the report shall be preserved for the use of the Superintendent of Public Instruction as he may require.