

**RESOURCE DOCUMENT
FOR
LOCAL SCREENING REQUIREMENTS
IN
VIRGINIA'S PUBLIC SCHOOLS**

[Implementing 8 VAC 20-81-50 of the *Regulations Governing Special Education Programs for Children with Disabilities in Virginia, 2009*, and other Virginia statutory and regulatory requirements]



**DIVISION OF SPECIAL EDUCATION AND STUDENT SERVICES
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INTRODUCTION

Screening children in various areas has long been a responsibility of Virginia's public schools. In the past, the requirements were included in the special education regulations, the *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*. The current regulations, which became effective July 7, 2009, do not provide the specificity included in prior regulations, since some of the screening regulations are promulgated separately and may change from time to time. This document provides the language from the *Code of Virginia* and from the related Virginia Board of Education regulations. Local educational agencies should become familiar with these requirements in order to understand the flexibility inherent in the provisions and to develop operational procedures consistent with the requirements.

This document includes two sections. The first, entitled "Requirements with Legal Authority", includes the specific statutory and regulatory language. The second section is a table which summarizes the requirements for each area of screening. Localities are also encouraged to consult the Virginia School Health Guidelines which provides suggested operational procedures.

This document is available at the Virginia Department of Education web site:
<http://www.doe.virginia.gov/VDOE/duproc>

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PART I

LEGAL REQUIREMENTS

- GENERAL
- PRE-SCHOOL PHYSICAL EXAMINATIONS
- HEARING AND VISION
- SCOLIOSIS

GENERAL

Code of Virginia, § 22.1-215, School divisions to provide special education; plan to be submitted to Board, states in part:

Each school division shall provide free and appropriate education, including special education, for the children with disabilities residing within its jurisdiction in accordance with regulations of the Board of Education.

Regulations Governing Special Education Programs for Children with Disabilities in Virginia, 2009, 8 VAC 20-81-50.

C. Screening

1. Each local school division shall have procedures, including timelines, to document the screening of children enrolled in the division, including transfers from out of state as follows:
 - a. Children shall be screened in the areas of hearing and vision in accordance with the requirements of 8VAC20-250-10. (§22.1-273 of the Code of Virginia)
 - b. Children shall be screened for scoliosis in accordance with the requirements of 8VAC20-690-20. (§22.1-273.1 of the Code of Virginia)
 - c. Children shall be screened in the areas of speech, voice, language, and fine and gross motor functions to determine if a referral for an evaluation for special education and related services is indicated.
 - d. Children who fail any of the above screenings may be rescreened if the original results are not considered valid.

- e. The local educational agency may recognize screenings reported as part of the child's pre-school physical examination required under the Code of Virginia. (§22.1-270 of the Code of Virginia)
 - f. Children shall be referred to the special education administrator or designee if results suggest that a referral for evaluation for special education and related services is indicated. The referral shall include the screening results.
2. The local school division shall provide all applicable procedural safeguards. These [safeguards] include the following:
 - a. Written notice to parents of the scheduled screening and, if the child fails the screening, the results of the screening;
 - b. Confidentiality; and
 - c. Maintenance of the student's scholastic record.
 3. Screening for instructional purposes is not an evaluation. The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services. (34 CFR 300.302)

PRESCHOOL PHYSICAL EXAMINATIONS
Code of Virginia, § 22.1-270

A. No pupil shall be admitted for the first time to any public kindergarten or elementary school in a school division unless such pupil shall furnish, prior to admission, (i) a report from a qualified licensed physician, or a licensed nurse practitioner or licensed physician assistant acting under the supervision of a licensed physician, of a comprehensive physical examination of a scope prescribed by the State Health Commissioner performed within the 12 months prior to the date such pupil first enters such public kindergarten or elementary school or (ii) records establishing that such pupil furnished such report upon prior admission to another school or school division and providing the information contained in such report.

If the pupil is a homeless child or youth as defined in § [22.1-3](#), and for that reason cannot furnish the report or records required by (i) or (ii) of this subsection, and the person seeking to enroll the pupil furnishes to the school division an affidavit so stating and also indicating that, to the best of his knowledge, such pupil is in good health and free from any communicable or contagious disease, the school division shall immediately refer the student to the local school division liaison, as described in the federal McKinney-Vento Homeless Education Assistance Improvements Act of 2001, as amended (42 U.S.C. § 11431 et seq.) (the Act), who shall, as soon as practicable, assist in obtaining the necessary physical examination by the county or

city health department or other clinic or physician's office and shall immediately admit the pupil to school, as required by such Act.

B. The physician, or licensed nurse practitioner or licensed physician assistant acting under the supervision of a licensed physician, making a report of a physical examination required by this section shall, at the end of such report, summarize the abnormal physical findings, if any, and shall specifically state what, if any, conditions are found that would identify the child as handicapped.

C. Such physical examination report shall be placed in the child's health record at the school and shall be made available for review by any employee or official of the State Department of Health or any local health department at the request of such employee or official.

D. Such physical examination shall not be required of any child whose parent shall object on religious grounds and who shows no visual evidence of sickness, provided that such parent shall state in writing that, to the best of his knowledge, such child is in good health and free from any communicable or contagious disease.

E. The health departments of all of the counties and cities of the Commonwealth shall conduct such physical examinations for medically indigent children without charge upon request and may provide such examinations to others on such uniform basis as such departments may establish.

F. Parents of entering students shall complete a health information form which shall be distributed by the local school divisions. Such forms shall be developed and provided jointly by the Department of Education and Department of Health, or developed and provided by the school division and approved by the Superintendent of Public Instruction. Such forms shall be returnable within 15 days of receipt unless reasonable extensions have been granted by the superintendent or his designee. Upon failure of the parent to complete such form within the extended time, the superintendent may send to the parent written notice of the date he intends to exclude the child from school; however, no child who is a homeless child or youth as defined in subdivision 6 of § [22.1-3](#) shall be excluded from school for such failure to complete such form.

HEARING AND VISION

Code of Virginia, § 22.1-214, Board to prepare special education program for children with disabilities, states in part:

A. The Board of Education shall prepare and supervise the implementation by each school division of a program of special education designed to educate and train children with disabilities between the ages [of two to twenty-one, inclusive]... The program shall require (i) that the hearing of each disabled child be tested prior to placement in a special education program and (ii) that a complete audiological

assessment, including tests which will assess inner and middle ear functioning, be performed on each child who is hearing impaired or who fails the test required in clause (i).

Code of Virginia, § 22.1-273, Sight and hearing of pupil to be tested, states in part:

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 in the school to be tested, unless such students are pupils admitted for the first time to a public kindergarten or elementary school who have been so tested as part of the comprehensive physical examination required by § [22.1-270](#) or the parents or guardians of such students object on religious grounds and the students show no obvious evidence of any defect or disease of the eyes or ears. The principal shall keep a record of such examinations in accordance with instructions furnished. Whenever a pupil 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.

Regulations Governing the Testing of sight and hearing; monitoring, 8 VAC 20-250-10

That sight and hearing of pupils in grades K, 3, 7, and 10 be screened within 60 administrative working days of the opening of school. Whenever a pupil is found to have any defect of vision or hearing or a disease of the eyes or ears, the principal shall notify the parent or guardian in writing, of such defect or disease. This screening of pupils will be monitored through the administrative review process.

SCOLIOSIS

Code of Virginia, § 22.1-273.1, Annual screening for scoliosis, states in part:

Within the time periods specified in regulations promulgated by the Board of Education, each school board shall provide parent educational information or implement a program of regular screening for scoliosis for pupils in grades five through ten, unless such students are pupils admitted for the first time to a public school who have been so tested as part of the comprehensive physical examination required by § [22.1-270](#) or the parents of such students have indicated their preference that their children not participate in such screening. Local school boards shall develop procedures for parents to indicate such preference.

Regulations for Scoliosis Screening Program, 8 VAC 20-690

8VAC20-690-10. Definitions.

The following words and terms when used in this regulation shall have the following meanings unless the context clearly indicates otherwise:

"Forward bend test" means a procedure to assess the possible presence of abnormal spinal curvature.

"Scoliometer" means a device for measuring the amount of abnormal curvature in the spine.

"Scoliosis" means a lateral or sideways curvature of the spine, generally associated with the rotation of the spine and rib cage.

"Scoliosis screening" means a postural screening process of assessment and evaluation used to identify students with spinal deviations at an early stage of development and to refer students for a medical evaluation. Early detection and intervention may prevent further structural deformity and resulting secondary problems.

8VAC20-690-20. Scoliosis program.

A. Each school board shall implement a scoliosis program that shall consist of the provision of parent educational information on scoliosis for students in grades 5 through 10 or the implementation of a program of regular screening for scoliosis for students in grades 5 through 10. School boards shall not impose a fee for any scoliosis program implemented.

B. School boards shall not be required to screen students in grades 5 through 10 who have been admitted for the first time to a public school and who have been tested for scoliosis as part of the comprehensive physical examination required by § [22.1-270](#) of the Code of Virginia or those students whose parents have indicated their preference that their children not participate in scoliosis screening.

C. Each school board shall review and adhere to the federal Family Educational Rights and Privacy Act (20 USC § 1232g; 34 CFR Part 99) and the Protection of Pupil Rights Act (20 USC § 1232h; 34 CFR Part 98) in the development and implementation of a regular scoliosis screening program.

8VAC20-690-30. Parent educational information.

A. School boards implementing a scoliosis program consisting of the provision of parent educational information on scoliosis shall provide such information to the parents of students in grades 5 through 10 within 60 business days after the opening of school each year.

B. Parent educational information on scoliosis shall include but not be limited to (i) a definition of scoliosis, (ii) a description of how scoliosis is identified, (iii) a

statement describing why it is important to screen for the condition, (iv) a description of the types of screening procedures, (v) a description of potential treatments for the condition, and (vi) information on where screening may be obtained.

8VAC20-690-40. Regular scoliosis screening.

A. School boards implementing a scoliosis program of regularly screening students in grades 5 through 10 shall provide written notice to parents a minimum of 10 business days prior to screening.

B. The written notice shall contain (i) information indicating when the screening will occur, (ii) the purpose of screening that shall include the parent educational information described in [8VAC20-690-30](#), (iii) a procedure for notifying parents of students who are identified as having a possible spinal curvature, and (iv) a procedure for parents to opt out of the screening.

C. School boards implementing a scoliosis program of regular screening shall screen each student in selected grades 5 through 10 a minimum of two times during the six-year period except for those students entering the school division for the first time during the 10th grade year who shall be screened once.

D. Parent educational information as required by [8VAC20-690-20](#) shall be provided to parents of students in selected grades 5 through 10 who are not screened.

8VAC20-690-50. Training required for personnel and volunteers.

A. School boards implementing a scoliosis program of regular screening shall provide training for school personnel and volunteers who may conduct the screening. School boards may seek volunteers from among professional health care providers to provide training, to perform screenings, or both. School boards using volunteers shall comply with all requirements of the Family Educational Rights and Privacy Act (20 USC § 1232g; 34 CFR Part 99) and the Protection of Pupil Rights Act (20 USC § 1232h; 34 CFR Part 98) in maintaining the confidentiality of student records.

B. Training of school personnel and volunteers shall be conducted by qualified licensed medical practitioners. Practitioners may use various training methods including, but not limited to, in-person training, video instruction, or review of a training manual.

C. Practitioners shall provide training in medically accepted scoliosis screening procedures including the use of the forward bend test, or use of a scoliometer, or both, to school personnel and volunteers.

PART II
SUMMARY OF REQUIREMENTS

The following table summarizes these same requirements in chart form.

SUMMARY OF REQUIREMENTS

AREA OF SCREENING	PROCEDURES	TIMELINES	FOLLOW-UP	SCREENER QUALIFICATIONS
Hearing COV § 22.1-214 COV § 22.1-273 8 VAC 20-250-10	<ul style="list-style-type: none"> Locally developed. Must provide written notice to parents of scheduled screening. LEA may recognize screenings reported as part of the child's pre-school physical examination required under COV § 22.1-270. 	<ul style="list-style-type: none"> Within 60 administrative days of the opening of school in grades K, 3, 7, & 10 Must be assessed/tested prior to placement in a special education program; complete audiological must be completed when a child fails the assessment/test. 	<ul style="list-style-type: none"> A record of the results must be maintained in the student's scholastic record. Results must be confidential. If the child fails the screening, the results of the screening must be provided to the parent in writing.. Students may be exempt if parents object on religious grounds and the student shows no obvious evidence of any defect or disease of the eyes or ears May be rescreened if the original results are not considered valid. 	Locally determined
Vision COV § 22.1-214 COV § 22.1-273 8 VAC 20-250-10	<ul style="list-style-type: none"> Locally developed. Must provide written notice to parents of scheduled screening. LEA may recognize screenings reported as part of the child's pre-school physical examination required under COV § 22.1-270. 	<ul style="list-style-type: none"> Within 60 administrative days of the opening of school in grades K, 3, 7, & 10. 		
Speech, voice, and language 8 VAC 20-81-50	<ul style="list-style-type: none"> Locally developed. Must provide written notice to parents of scheduled screening. LEA may recognize screenings reported as part of the child's pre-school physical examination required under COV § 22.1-270. 	Locally determined		
Fine Motor 8 VAC 20-81-50				
Gross Motor 8 VAC 20-81-50				
Scoliosis COV § 22.1-273.1 8 VAC 20-690	Parent Educational Information <ul style="list-style-type: none"> Provide parent educational information. Parent educational information shall include but not be limited to: <ul style="list-style-type: none"> A description of how scoliosis is identified, 	Parent Educational Information <ul style="list-style-type: none"> Provision of parent educational information on scoliosis for all students in grades 5 through 10 within 60 business days of the opening of school each year. 	<ul style="list-style-type: none"> A record of the results must be maintained in the student's scholastic record. Results must be 	<ul style="list-style-type: none"> The LEA shall provide training for school personnel and volunteers who may conduct the

	<ul style="list-style-type: none"> ○ A statement describing why it is important to screen for scoliosis, ○ A description of the types of screening procedures ○ A description of potential treatments for scoliosis, and ○ Information on where screening may be obtained. <p style="text-align: center;"><u>or</u></p> <p style="text-align: center;">Screening Program</p> <ul style="list-style-type: none"> ● Implement a program of regular screening for scoliosis for students in grades 5 through 10. ● Schools are not required to screen for scoliosis if the parents indicate a preference that their children not participate in scoliosis screening. ● For students entering the public school for the first time in grades 5 through 10, the LEA may recognize screenings reported as part of the child's comprehensive physical examination required under COV § 22.1-270. ● Schools implementing a screening program in grades 5 through 10 shall provide written notice to parents at least 10 business days prior to the screening. ● Written notice shall contain: <ul style="list-style-type: none"> ○ Information indicating when the screening will occur, ○ The purpose of the screening that shall include the parent educational information required, ○ A procedure for notifying the parents of students who are identified as having a possible spinal curvature, and ○ A procedure for parents to opt out of the screening. 	<p style="text-align: center;"><u>or</u></p> <p style="text-align: center;">Screening Program</p> <ul style="list-style-type: none"> ● Implementation of a program of regular screening for scoliosis for students in grades 5 through 10. This screening must be done at least two during the 6 year period except for those students entering the school division for the first time during the 10th grade year who shall be screened once. ● Parent educational information shall be provided to parents of students in selected grades 5 through 10 who are not screened. 	<p>confidential and this requirement shall apply to volunteers or others who implement any screenings.</p>	<p>screening.</p> <ul style="list-style-type: none"> ● Training of school personnel and volunteers shall be conducted by qualified licensed medical practitioners. ● Schools may seek volunteers from among professional health care providers to provide training, to perform screenings, or both. ● Practitioners shall provide training in medically accepted scoliosis screening procedures including the use of the forward bend test, or use of a scoliometer, or both, to school personnel and volunteers.
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