

**ARKANSAS DEPARTMENT OF EDUCATION DIVISION OF ELEMENTARY AND  
SECONDARY EDUCATION AND ARKANSAS DEPARTMENT OF HEALTH  
RULES GOVERNING SCOLIOSIS SCREENING**

**PUBLIC COMMENTS AND RESPONSES OF THE DIVISION OF ELEMENTARY AND  
SECONDARY EDUCATION**

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Commenter Name: Rebecca Miller-Rice, Bureau of Legislative Research (02/12/2020)

**Comment:**

- (1) 4.02 – Missing period at end? **Non-substantive change made**
  
  - (2) 4.09 –
    - (a) Extraneous quotation marks at end? **Non-substantive change made**
    - (b) Is there a reason the language does not correspond with the changes made by Act 843 of 2019, recently codified at Ark. Code Ann. § 20-15-803(b)(1) as: “A child is not to be screened if his or her parent or guardian objects to the screening in writing, stating as the basis of the objection that it is contrary to the parent's or guardian's religious beliefs.” ? **Changed language and copied specifically from Act 843 to correspond. Non-substantive change made.**
  
  - (3) 6.01 – Should “Department of Education” be “Division of Elementary and Secondary Education” in that Ark. Code Ann. § 20-15-803, as recently codified, provides that it is the Division that is responsible for the rules, in coordination with the State Board of Health? **Added “Division of Secondary and Elementary Education.” Non-substantive change made**
  
  - (4) 6.02 – Same as question (3). **Non-substantive change made.**
  
  - (5) End of 6.02 – Missing period after “evaluation”? **Non-substantive change made**
  
  - (6) I may be missing it, but other than some language similar to the latter present in Section 4.02, I’m not seeing the language found in Ark. Code Ann. § 20-15-803(b)(2) that the rules shall provide that “[a] school is not required to hire personnel on a full-time, part-time, or consultant basis to conduct the screening, but shall utilize school health personnel, volunteers, and other school employees who are not classroom teachers and who meet the qualifications prescribed by the rules”? **Copied language from statute and included at the end of Section 4.02. Non-substantive change made**
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Commenter Name: Lucas Harder Arkansas School Board Association (10/28/2019)

**Comment:**

3.01: The term used at 4.02 is “Certified Scoliosis Screening Instructor” so I would recommend changing this definition to match. It would also be possible to include the abbreviation here in the definition so that only the abbreviation has to be used later in the Rules. **Non-substantive change made**

3.02: For consistency with other Rules, the “five” here is missing a following parenthetical Arabic numeral. **Number added Non-substantive change made**

3.06: There does not appear to be a 3.05. If 3.07 is moved up to 3.02 as recommended below, then this can remain as 3.06; otherwise, this should be 3.05. **Numbers corrected, Non-substantive change made**

For consistency with other Rules, there are a couple of places here where there is a number that is missing a following parenthetical Arabic numeral. **Numbers added. Non-substantive change made**

3.07: I would recommend moving this up to 3.02 so that the definitions are in alphabetical order. If this is not moved, it should become 3.06 due to there not appearing to be a 3.05. **Moved definition to 3.02 so the definitions would be in alphabetical order. Non substantive change made.**

4.01: For consistency with other rules, “Seven” is missing a parenthetical Arabic numeral afterwards. **Non-substantive change made**

4.02: For consistency with other Rules, the “five” here is missing a following parenthetical Arabic numeral. **Non-substantive change**

4.03: For consistency with other rules, this should read:Girls shall receive a scoliosis screening in grades six (6) and eight (8). Boys shall receive a scoliosis screening in grade eight (8). **Non-substantive changes made.**

4.05: The first sentence here reads more like an instruction manual than a requirement. I would recommend changing it to read:

A child with an abnormal screening, scoliometer reading of greater than or equal to seven degrees ( $\geq 7^\circ$ ), or both shall be referred to a licensed physician.

A child with a scoliometer reading of greater than eight degrees ( $> 8^\circ$ ) should be referred to an orthopedist in addition to a referral to a licensed physician.

**Amended language for suggestion. Non-substantive change made.**

4.05.1-3: These should be 4.06.1 through 4.06.3. **Corrected numbers, non-substantive change made.**

- 4.056.3: Due to the possibility of a referral to an orthopedist under 4.05, I would recommend changing this to read “Discuss the need for referral to a licensed physician or orthopedist.” **Added language, non-substantive change made.**
- 4.07: Due to the possibility of a referral to an orthopedist under 4.05, I would recommend adding “or orthopedist” to the end of this subsection. **Added “orthopedist”, non-substantive change made.**
- 4.08: This subsection appears to be covering three distinct issues so I would recommend splitting it into three different subsections and would recommend having them read as follows:
- 4.08 The School shall reschedule the screening for students who were not screened due to the student’s absence to occur within ninety (90) days after the missed screening. **Comment considered, non-substantive change made.**
- 4.09 The reason for a student’s exclusion from the screening shall be documented. The reasons may include, but are not limited to, the student possessing a waiver under Section 4.11 of these Rules. **Comment considered, non-substantive change made.**
- 4.10 The School shall recontact the parents of students who failed the screening and were referred to a licensed physician or an orthopedist , but then missed that appointment. This contact shall be made by letter, telephone call, or in person at least one additional time to discuss the importance of follow-up. **Comment considered. non-substantive change made.**
- 4.09: I would recommend changing “its” to “the child’s”. **Comment considered, non-substantive change made from previous comment.**
- The quotation mark at the end of this subsection is unnecessary as there is no opening quotation mark in the subsection. **Comment considered, non-substantive change made.**
- 5.00: For consistency with other Rules, there are a couple of places here where there is a number that is missing a following parenthetical Arabic numeral. **Comment considered, non-substantive change made.**
- 6.02.1: There is an extra period here following the “1”. **Comment considered, non-substantive change made.**