

ASSEMBLY BILL NO. 354—ASSEMBLYMEN
PARNELL, SMITH AND MABEY

MARCH 15, 2007

JOINT SPONSOR: SENATOR WIENER

Referred to Committee on Education

SUMMARY—Revises provisions governing the health of pupils.
(BDR 34-850)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Contains Appropriation not included
in Executive Budget.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the health of pupils; requiring that certain physical examinations of children in schools include an examination of height and weight of a representative sample of pupils; requiring school nurses to report the results of such physical examinations to the State Health Officer for statistical purposes and to exclude from the reports any identifying information relating to a particular child; requiring the Legislative Committee on Health Care to hold a hearing during the interim concerning the health-related issues of children; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, physical examinations of children are required in certain
2 grades in school to determine if a child has scoliosis, any visual or auditory
3 problem or any gross physical defect. (NRS 392.420) This bill requires such a
4 physical examination before the completion of the first year of enrollment in
5 elementary school. This bill also requires examinations of height and weight of a
6 representative sample of pupils. This bill authorizes school districts to collaborate
7 with qualified health care providers and students enrolled in health care programs
8 in postsecondary educational institutions to assist in the physical examinations.
9 This bill requires school nurses to report the results of such physical examinations
10 to the State Health Officer for statistical purposes and to exclude from the reports
11 any identifying information relating to a particular child.



* A B 3 5 4 R 2 *

Section 4 of this bill requires the Legislative Committee on Health Care to hold a hearing, during the 2007-2009 interim, concerning the health-related issues of children.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 392.420 is hereby amended to read as follows:
392.420 1. In each school at which he is responsible for providing nursing services, a school nurse shall plan for and carry out, or supervise qualified health personnel in carrying out, a separate and careful observation and examination of every child who is regularly enrolled in a grade specified by the board of trustees or superintendent of schools of the school district *in accordance with this subsection* to determine whether the child has scoliosis, any visual or auditory problem, or any gross physical defect. The grades in which the observations and examinations must be carried out are as follows:

(a) For visual and auditory problems ~~in~~:

(1) Before the completion of the first year of initial enrollment in elementary school;

(2) In at least ~~two grades~~ one additional grade of the elementary schools ~~in~~; and

(3) In one grade of the middle or junior high schools ~~in~~ and one grade of the high schools; and

(b) For scoliosis, in at least one grade of schools below the high schools.

➤ Any person other than a school nurse who performs an observation or examination pursuant to this subsection must be trained by a school nurse to conduct the observation or examination.

2. *In addition to the requirements of subsection 1, each school district shall conduct examinations of height and weight of a representative sample of pupils in at least one grade of the:*

(a) Elementary schools within the school district;

(b) Middle schools or junior high schools within the school district; and

(c) High schools within the school district,

➤ *The Health Division of the Department of Health and Human Services shall define "representative sample" in collaboration with the school districts for purposes of this subsection.*

3. If any child is attending school in a grade above one of the specified grades and has not previously received such an observation and examination, he must be included in the current schedule for observation and examination. Any child who is newly



1 enrolled in the district must be examined for any medical condition
2 for which children in a lower grade are examined.

3 ~~13-1~~ 4. A special examination for a possible visual or auditory
4 problem must be provided for any child who:

5 (a) Is enrolled in a special program;

6 (b) Is repeating a grade;

7 (c) Has failed an examination for a visual or auditory problem
8 during the previous school year; or

9 (d) Shows in any other way that he may have such a problem.

10 ~~14-1~~ 5. The school authorities shall notify the parents or
11 guardian of any child who is found or believed to have ~~14-1 scoliosis,~~
12 ~~any~~ visual or auditory problem, ~~14-1 scoliosis~~ or any gross physical
13 defect, and shall recommend that appropriate medical attention be
14 secured to correct it.

15 ~~15-1~~ 6. In any school district in which state, county or district
16 public health services are available or conveniently obtainable, those
17 services may be used to meet the responsibilities assigned under the
18 provisions of this section. The board of trustees of the school district
19 may employ qualified personnel to perform them. Any nursing
20 services provided by such qualified personnel must be performed in
21 compliance with chapter 632 of NRS.

22 ~~16-1~~ 7. *The board of trustees of a school district may*
23 *collaborate with:*

24 (a) *Qualified health care providers within the community to*
25 *perform, or assist in the performance of, the services required by*
26 *this section; and*

27 (b) *Postsecondary educational institutions for qualified*
28 *students enrolled in such an institution in a health-related*
29 *program to perform, or assist in the performance of, the services*
30 *required by this section.*

31 8. Any child must be exempted from the examination if his
32 parents or guardian filed with the teacher a written statement
33 objecting to the examination.

34 9. *Each school nurse shall report the results of the*
35 *examinations conducted pursuant to this section in each school at*
36 *which he is responsible for providing nursing services to the State*
37 *Health Officer in the format prescribed by the State Health*
38 *Officer. Each such report must exclude any identifying*
39 *information relating to a particular child. The State Health*
40 *Officer shall compile all such information he receives to monitor*
41 *the health status of children and shall retain the information.*

42 Sec. 2. NRS 392.420 is hereby amended to read as follows:

43 392.420 1. In each school at which he is responsible for
44 providing nursing services, a school nurse shall plan for and carry
45 out, or supervise qualified health personnel in carrying out, a



* A B 3 5 4 R 2 *

1 separate and careful observation and examination of every child
2 who is regularly enrolled in a grade specified by the board of
3 trustees or superintendent of schools of the school district in
4 accordance with this subsection to determine whether the child has
5 scoliosis, any visual or auditory problem, or any gross physical
6 defect. The grades in which the observations and examinations must
7 be carried out are as follows:

8 (a) For visual and auditory problems:

9 (1) Before the completion of the first year of initial
10 enrollment in elementary school;

11 (2) In at least one additional grade of the elementary schools;
12 and

13 (3) In one grade of the middle or junior high schools and one
14 grade of the high schools; and

15 (b) For scoliosis, in at least one grade of schools below the high
16 schools.

17 ➡ Any person other than a school nurse who performs an
18 observation or examination pursuant to this subsection must be
19 trained by a school nurse to conduct the observation or examination.

20 2. ~~In addition to the requirements of subsection 1, each school~~
21 ~~district shall conduct examinations of height and weight of a~~
22 ~~representative sample of pupils in at least one grade of the:~~

23 ~~—(a) Elementary schools within the school district;~~

24 ~~—(b) Middle schools or junior high schools within the school~~
25 ~~district; and~~

26 ~~—(c) High schools within the school district;~~

27 ~~➡ The Health Division of the Department of Health and Human~~
28 ~~Services shall define “representative sample” in collaboration with~~
29 ~~the school districts for purposes of this subsection.~~

30 ~~—3.1~~ If any child is attending school in a grade above one of the
31 specified grades and has not previously received such an
32 observation and examination, he must be included in the current
33 schedule for observation and examination. Any child who is newly
34 enrolled in the district must be examined for any medical condition
35 for which children in a lower grade are examined.

36 ~~[4.]~~ 3. A special examination for a possible visual or auditory
37 problem must be provided for any child who:

38 (a) Is enrolled in a special program;

39 (b) Is repeating a grade;

40 (c) Has failed an examination for a visual or auditory problem
41 during the previous school year; or

42 (d) Shows in any other way that he may have such a problem.

43 ~~[5.]~~ 4. The school authorities shall notify the parents or
44 guardian of any child who is found or believed to have scoliosis, any
45 visual or auditory problem, or any gross physical defect, and shall



1 recommend that appropriate medical attention be secured to correct
2 it.

3 ~~16-1~~ 5. In any school district in which state, county or district
4 public health services are available or conveniently obtainable, those
5 services may be used to meet the responsibilities assigned under the
6 provisions of this section. The board of trustees of the school district
7 may employ qualified personnel to perform them. Any nursing
8 services provided by such qualified personnel must be performed in
9 compliance with chapter 632 of NRS.

10 ~~17-1~~ 6. The board of trustees of a school district may
11 collaborate with:

12 (a) Qualified health care providers within the community to
13 perform, or assist in the performance of, the services required by
14 this section; and

15 (b) Postsecondary educational institutions for qualified students
16 enrolled in such an institution in a health-related program to
17 perform, or assist in the performance of, the services required by
18 this section.

19 ~~18-1~~ 7. Any child must be exempted from the examination if
20 his parents or guardian filed with the teacher a written statement
21 objecting to the examination.

22 ~~19-1~~ 8. Each school nurse shall report the results of the
23 examinations conducted pursuant to this section in each school at
24 which he is responsible for providing nursing services to the State
25 Health Officer in the format prescribed by the State Health Officer.
26 Each such report must exclude any identifying information relating
27 to a particular child. The State Health Officer shall compile all such
28 information he receives to monitor the health status of children and
29 shall retain the information.

30 **Sec. 3.** (Deleted by amendment.)

31 **Sec. 4.** The Legislative Committee on Health Care shall,
32 during the 2007-2009 interim, hold at least one hearing to identify
33 the health-related issues, needs and priorities of children residing in
34 this State. The Committee shall solicit input from all health
35 authorities in this State and all county and local public health
36 officials.

37 **Sec. 5.** 1. This section and sections 1 and 4 of this act
38 become effective on July 1, 2007.

39 2. Section 1 of this act expires by limitation on June 30, 2010.

40 3. Section 2 of this act becomes effective on July 1, 2010.

