

ASSEMBLY BILL NO. 387—ASSEMBLYMAN MABEY (BY REQUEST)

MARCH 16, 2007

Referred to Committee on Education

SUMMARY—Requires physical examinations of children before initially enrolling in a public school in this State. (BDR 34-1032)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 education; requiring the parent or legal guardian of a child to submit a certificate stating that the child underwent a physical examination before the child may initially enroll in a public school in this State; providing exceptions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that each child enrolled in a specified grade level in a public school undergo an examination by a school nurse or a designee to determine whether the child has scoliosis, visual or auditory problems or a gross physical defect. (NRS 392.420) Existing law also requires proof of immunization of a child for certain diseases before the child may enroll in a public school. (NRS 392.435) A child is exempt from the requirement of immunizations for religious belief or for a medical condition. (NRS 392.437, 392.439)

This bill requires the parent or legal guardian of a child to submit a certificate stating that the child underwent a physical examination within the immediately preceding 12 months as a condition to the initial enrollment of the child in a public school. This bill also provides an exception to the requirement of a physical examination if: (1) the parent or legal guardian submits a written statement that his religious belief prohibits the physical examination; (2) the child underwent a substantially similar examination in another state; or (3) the parent or legal guardian submits evidence of good cause for a waiver from the requirement of a physical examination.



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

Section 1. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, a child must not be enrolled in a public school within this State unless the parent or legal guardian of the child submits to the principal of the public school or the administrative head of the charter school in which the child has been accepted for enrollment a certificate stating that the child underwent a physical examination within the immediately preceding 12 months before the date of the child's initial enrollment in a public school in this State. The State Board of Health shall prescribe the type of physical examination that satisfies the requirements of this section.

2. A certificate submitted pursuant to subsection 1 must be signed by a physician, osteopathic physician's assistant or a physician assistant.

3. A public school shall not refuse to enroll a child as a pupil because the child has not undergone a physical examination if the parent or legal guardian of the child submits to the principal of the public school or the administrative head of the charter school in which the child has been accepted for enrollment:

(a) A written statement indicating that the religious belief of the parent or legal guardian prohibits the physical examination of the child as required by the State Board of Health; or

(b) Evidence that the child underwent a substantially similar physical examination for enrollment in school in another state.

4. The principal of a public school or the administrative head of a charter school may enroll a child in the school without the certificate required by this section if the parent or legal guardian of the child submits evidence of good cause for a waiver from the requirements of the physical examination, including, without limitation, financial hardship.

5. On or before December 31 of each year, each school district and the governing body of each charter school shall report to the Health Division of the Department of Health and Human Services, on a form furnished by the Division, the number of pupils who have undergone physical examinations and complied with the provisions of this section.

6. The certificate of physical examination submitted pursuant to subsection 1 must be maintained in the pupil's academic or cumulative record and transferred as a part of that record.



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1 **Sec. 2.** This act becomes effective on July 1, 2008.

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