

Amendment No. 975

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| Senate Amendment to Assembly Bill No. 354 Second Reprint | (BDR 34-850) |
| Proposed by: Senate Committee on Human Resources and Education | |
| Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes | |

| ASSEMBLY ACTION | | Initial and Date | SENATE ACTION | | Initial and Date |
|-----------------|--------------------------|-------------------------------|---------------|--------------------------|-------------------------------|
| Adopted | <input type="checkbox"/> | Lost <input type="checkbox"/> | Adopted | <input type="checkbox"/> | Lost <input type="checkbox"/> |
| Concurred In | <input type="checkbox"/> | Not <input type="checkbox"/> | Concurred In | <input type="checkbox"/> | Not <input type="checkbox"/> |
| Receded | <input type="checkbox"/> | Not <input type="checkbox"/> | Receded | <input type="checkbox"/> | Not <input type="checkbox"/> |

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold* is newly added transitory language.

SLP/KCR



Date: 5/25/2007

A.B. No. 354—Revises provisions governing the health of pupils. (BDR 34-850)



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 that notice be provided to the parent or guardian of a child before the examinations are performed**; requiring school nurses **or a designee of a school nurse** 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:

Under existing law, physical examinations of children are required in certain grades in school to determine if a child has scoliosis, any visual or auditory problem or any gross physical defect. (NRS 392.420) This bill requires such a physical examination before the completion of the first year of enrollment in elementary school. This bill also requires examinations of height and weight of a representative sample of pupils. This bill authorizes **the board of trustees of a school district to adopt a policy encouraging the school district and schools within the district** ~~[school districts]~~ to collaborate with qualified health care providers and students enrolled in health care programs in postsecondary educational institutions to assist in the physical examinations. **This bill also requires that notice be provided to the parent or guardian of a child before the physical examinations are performed on the child.** This bill requires school nurses **or a designee of a school nurse** 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.

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 ~~[-]; and~~

(3) In one grade of the middle or junior high schools ~~[-]~~ 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, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, 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 enrolled in the district must be examined for any medical condition for which children in a lower grade are examined.

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

(a) Is enrolled in a special program;

(b) Is repeating a grade;

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

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

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

~~[-]~~ 6. In any school district in which state, county or district public health services are available or conveniently obtainable, those services may be used to meet the responsibilities assigned under the provisions of this section. The board of

trustees of the school district may employ qualified personnel to perform them. Any nursing services provided by such qualified personnel must be performed in compliance with chapter 632 of NRS.

~~6.7~~ 7. *The board of trustees of a school district may adopt a policy which encourages the school district and schools within the school district to collaborate with:*

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

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

8. *The school authorities shall provide notice to the parent or guardian of a child before performing on the child the examinations required by this section.*

The notice must inform the parent or guardian of the right to exempt the child from all or part of the examinations.

Any child must be exempted from ~~the~~ an examination if his ~~parents~~ parent or guardian ~~files~~ files with the teacher a written statement objecting to the examination.

9. *Each school nurse or a designee of a school nurse, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, shall report the results of the examinations conducted pursuant to this section in each school at which he is responsible for providing ~~nursing~~ services to the State Health Officer in the format prescribed by the State Health Officer. Each such report must exclude any identifying information relating to a particular child. The State Health Officer shall compile all such information he receives to monitor the health status of children and shall retain the information.*

Sec. 2. 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:

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

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

(3) In one grade of the middle or junior high schools 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, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, 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;~~

NEW
SECTION
PARALLEL
SECTION

~~1 The Health Division of the Department of Health and Human Services shall~~
~~2 define "representative sample" in collaboration with the school districts for~~
~~3 purposes of this subsection.~~

~~4 3. If any child is attending school in a grade above one of the specified~~
~~5 grades and has not previously received such an observation and examination, he~~
~~6 must be included in the current schedule for observation and examination. Any~~
~~7 child who is newly enrolled in the district must be examined for any medical~~
~~8 condition for which children in a lower grade are examined.~~

~~9 4.3. A special examination for a possible visual or auditory problem must~~
~~10 be provided for any child who:~~

~~11 (a) Is enrolled in a special program;~~

~~12 (b) Is repeating a grade;~~

~~13 (c) Has failed an examination for a visual or auditory problem during the~~
~~14 previous school year; or~~

~~15 (d) Shows in any other way that he may have such a problem.~~

~~16 5.4. The school authorities shall notify the parent or guardian of any child~~
~~17 who is found or believed to have scoliosis, any visual or auditory problem, or any~~
~~18 gross physical defect, and shall recommend that appropriate medical attention be~~
~~19 secured to correct it.~~

~~20 6.6. In any school district in which state, county or district public health~~
~~21 services are available or conveniently obtainable, those services may be used to~~
~~22 meet the responsibilities assigned under the provisions of this section. The board of~~
~~23 trustees of the school district may employ qualified personnel to perform them. Any~~
~~24 nursing services provided by such qualified personnel must be performed in~~
~~25 compliance with chapter 632 of NRS.~~

~~26 7.7. The board of trustees of a school district may adopt a policy which~~
~~27 encourages the school district and schools within the school district to collaborate~~
~~28 with:~~

~~29 (a) Qualified health care providers within the community to perform, or assist~~
~~30 in the performance of, the services required by this section; and~~

~~31 (b) Postsecondary educational institutions for qualified students enrolled in~~
~~32 such an institution in a health-related program to perform, or assist in the~~
~~33 performance of, the services required by this section.~~

~~34 8.8. The school authorities shall provide notice to the parent or guardian of~~
~~35 a child before performing on the child the examinations required by this section.~~
~~36 The notice must inform the parent or guardian of the right to exempt the child from~~
~~37 all or part of the examinations. Any child must be exempted from an examination if~~
~~38 his parent or guardian files with the teacher a written statement objecting to the~~
~~39 examination.~~

~~40 9.9. Each school nurse or a designee of a school nurse, including, without~~
~~41 limitation, a person employed at a school to provide basic first aid and health~~
~~42 services to pupils, shall report the results of the examinations conducted pursuant to~~
~~43 this section in each school at which he is responsible for providing services to the~~
~~44 State Health Officer in the format prescribed by the State Health Officer. Each such~~
~~45 report must exclude any identifying information relating to a particular child. The~~
~~46 State Health Officer shall compile all such information he receives to monitor the~~
~~47 health status of children and shall retain the information.~~

~~48 Sec. 3. (Deleted by amendment.)~~

~~49 Sec. 4. The Legislative Committee on Health Care shall, during the 2007-~~
~~50 2009 interim, hold at least one hearing to identify the health-related issues, needs~~
~~51 and priorities of children residing in this State. The Committee shall solicit input~~
~~52 from all health authorities in this State and all county and local public health~~
~~53 officials.~~

- 1 **Sec. 5.** 1. This section and sections 1 and 4 of this act become effective on
- 2 July 1, 2007.
- 3 2. Section 1 of this act expires by limitation on June 30, 2010.
- 4 3. Section 2 of this act becomes effective on July 1, 2010.