

ASSEMBLY BILL NO. 191—ASSEMBLYMEN DENIS, KIHUEN,
PARNELL, HARDY; ANDERSON, LESLIE AND SMITH

FEBRUARY 18, 2009

Referred to Committee on Education

SUMMARY—Removes the prospective expiration of a provision requiring certain examinations of the height and weight of pupils. (BDR S-827)

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

~

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

AN ACT relating to education; removing the prospective expiration of a requirement that certain physical examinations in public schools include an examination of the height and weight of a representative sample of pupils; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each school to conduct physical examinations of pupils in certain grades to determine if a child has scoliosis, a visual or auditory problem or a gross physical defect, and to conduct examinations of the height and weight of a representative sample of pupils in certain grades. (NRS 392.420) The requirement for examinations of the height and weight of a representative sample of pupils in certain grades is scheduled to expire on June 30, 2010. (Chapter 414, Statutes of Nevada 2007, p. 1873) This bill removes the prospective expiration of the requirement that each school conduct examinations of the height and weight of a representative sample of pupils.

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

Section 1. Section 5 of chapter 414, Statutes of Nevada 2007, at page 1873, is hereby amended to read as follows:

Sec. 5. ~~1-1~~ This section and sections 1 and 4 of this act become effective on July 1, 2007.

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



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

3 **Sec. 2.** Section 2 of chapter 414, Statutes of Nevada 2007, at
4 page 1872, is hereby repealed.

5 **Sec. 3.** This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

Section 2 of chapter 414, Statutes of Nevada 2007, at page 1872:

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 B 1 9 1 *

~~—(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.~~

~~—3.1~~ 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.

~~[4.1]~~ 3. 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.

~~[5.1]~~ 4. The school authorities shall notify the parent or guardian of any child who is found or believed to have scoliosis, any visual or auditory problem, or any gross physical defect, and shall recommend that appropriate medical attention be secured to correct it.

~~[6.1]~~ 5. 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.

~~[7.1]~~ 6. 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.

~~18-1~~ 7. 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 an examination if his parent or guardian files with the teacher a written statement objecting to the examination.

~~19-1~~ 8. 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 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.

