

## Amendment No. 69

Assembly Amendment to Assembly Bill No. 191

(BDR S-827)

**Proposed by:** Assembly Committee on Education**Amends:** Summary: Yes 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 dashed underlining* is newly added transitory language.

KCR



Date: 4/1/2009

A.B. No. 191—Removes the prospective expiration of a provision requiring certain examinations of the height and weight of pupils. (BDR S-827)



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]~~  
Revises provisions governing certain examinations of the  
height and weight of pupils. (BDR ~~[S 827]~~ 34-827)

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; revising provisions governing examinations of the height and weight of pupils enrolled in public schools; removing the prospective expiration of ~~[a] the~~ requirement that ~~[certain physical examinations in public schools include an examination of the height and weight of a representative sample of pupils]~~ those examinations be conducted; 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]~~ Section 2 of 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. Section 1 of this bill revises the grades in which the examinations of the height and weight of a representative sample of pupils are conducted to require each school district to conduct and report on the examinations for grades 4, 7 and 10 and authorizes a school district to conduct the examinations in other grade levels. (NRS 392.420)

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:

(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 the height and weight of a representative sample of pupils enrolled 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;~~ grades 4, 7 and 10 in the schools within the school district.

In addition to those grade levels, a school district may conduct examinations of the height and weight of a representative sample of pupils enrolled in other grade levels 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 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. 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. 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 an examination if his parent or guardian files with the teacher a written statement objecting to the examination.

9. ~~Each~~ Except as otherwise provided in this subsection, 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. If a school district conducts examinations of the height and weight of a representative sample of pupils enrolled in grade levels other than the grade levels required by subsection 2, the results of those examinations must not be included in the report submitted to 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.

~~Section 1.~~ **Sec. 2.** Section 5 of chapter 414, Statutes of Nevada 2007, at page 1873, is hereby amended to read as follows:

Sec. 5. ~~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.~~

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

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

**Sec. 4.** The Legislative Committee on Health Care shall, during the 2009-2010 interim, examine issues related to the weight and health of children, including, without limitation, any information reported to the State Health Officer pursuant to NRS 392.420, as amended by section 1 of this act. The Committee may identify programs, practices and studies to address the needs of children in this State related to maintaining a healthy weight.

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

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## TEXT OF REPEALED SECTION

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### 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) 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.]~~ 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.]~~ 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.]~~ 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.]~~ 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.

~~§8.1~~ 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.

~~§9.1~~ 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.