

SENATE BILL NO. 178—SENATORS HARDY AND HAMMOND

FEBRUARY 19, 2015

Referred to Committee on Education

SUMMARY—Revises provisions relating to pupil health.
(BDR 34-235)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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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 each school district, charter school and private school to submit an annual report to the Department of Education describing the course of study in physical education that has been provided to pupils during the immediately preceding school year; requiring the board of trustees of a school district to adopt a policy which encourages elementary schools within the district to provide a certain amount of physical activity per school week for certain pupils; requiring a pupil to be excused from physical education under certain circumstances; requiring certain school districts to collect data concerning the height and weight of pupils; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Council to Establish Academic Standards for Public Schools to establish standards of content and performance for physical education. (NRS 389.520) **Section 5** of this bill requires the board of trustees of each school district, the governing body of each charter school and the governing body of each private school to submit an annual report to the Department of Education describing the course of study in physical education that has been provided to pupils at each grade level during the immediately preceding school year.

Section 8.5 of this bill requires the board of trustees of a school district to adopt a policy which encourages elementary schools within the school district to provide not less than 75 minutes of physical activity per school week to pupils enrolled in kindergarten and grades 1 to 5, inclusive.

Existing law requires the board of trustees of a school district to excuse a child from the requirement that the child attend school when written evidence is



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presented to the board of trustees of the school district that the child's physical or mental condition prevents or renders inadvisable the child's attendance at school. (NRS 392.050) **Section 8.7** of this bill requires a pupil to be excused from physical education when written evidence is presented to the teacher who teaches physical education that the pupil's physical condition is such as to prevent or render inadvisable the pupil's participation in physical education.

Existing law requires the board of trustees of each school district in a county whose population is 100,000 or more (currently Clark and Washoe Counties), until June 30, 2015, to: (1) conduct examinations of the height and weight of certain pupils in the schools within the school district; (2) provide notice of such examinations to the parent or guardian of a child before performing the examination; and (3) report the results of such examinations to the Chief Medical Officer. (NRS 392.420) **Section 9** of this bill: (1) requires the board of trustees of each such school district to use school nurses, health personnel and certain teachers to conduct such examinations beginning on July 1, 2016; and (2) provides that school authorities are not required to provide notice to the parent or guardian of a child before conducting such an examination.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

The board of trustees of each school district, the governing body of each charter school and the governing body of each private school shall submit an annual report to the Department describing the course of study in physical education that has been provided to pupils at each grade level during the immediately preceding school year.

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 8.3. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 8.5 and 8.7 of this act.

Sec. 8.5. *The board of trustees of a school district shall adopt a policy which encourages the elementary schools within the school district to provide not less than 75 minutes of physical activity per school week to pupils enrolled in kindergarten and grades 1 to 5, inclusive.*

Sec. 8.7. 1. *A pupil must be excused from participating in a course of physical education when satisfactory written evidence is presented to the principal of the school or the teacher of the*



course that the pupil's physical condition is such as to prevent or render inadvisable the participation by the pupil in the course.

2. A certificate in writing from any qualified physician acting within his or her authorized scope of practice providing the information described in subsection 1 shall be deemed to be satisfactory written evidence for purposes of subsection 1.

Sec. 9. NRS 392.420 is hereby amended to read as follows:

392.420 1. In each school at which a school nurse is responsible for providing nursing services, the 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, the board of trustees of each school district in a county whose population is 100,000 or more shall direct school nurses, qualified health personnel employed pursuant to subsection 6, teachers who teach physical education or health or other licensed educational personnel who have completed training in measuring the height and weight of a pupil provided by the school district, to measure the height and weight of a representative sample of pupils who are enrolled in grades 4, 7 and 10 in the schools within the school district. The Division of Public and Behavioral Health of the Department of Health and Human Services shall determine the number of pupils necessary to include in the representative sample.



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, the child 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.

~~[3-]~~ 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 the child may have such a problem.

~~[4-]~~ 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.

~~[5-]~~ 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. 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.

~~[7.—The]~~

8. *Except as otherwise provided in this subsection, 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 the child's parent or guardian files with the teacher a written statement objecting to the examination.



~~[8.]~~ *School authorities are not required to provide notice to the parent or guardian of a child before measuring the child's height or weight pursuant to subsection 2 if it is not practicable to do so.*

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 or she is responsible for providing services to the Chief Medical Officer in the format prescribed by the Chief Medical Officer. Each such report must exclude any identifying information relating to a particular child. The Chief Medical Officer shall compile all such information the Officer receives to monitor the health status of children and shall retain the information.

Sec. 10. (Deleted by amendment.)

Sec. 11. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2016, for all other purposes.

