

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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HOUSE BILL 13  
PROPOSED COMMITTEE SUBSTITUTE H13-PCS10114-TB-6

Short Title: Amend School Health Assessment Requirement.

(Public)

Sponsors:

Referred to:

January 29, 2015

1 A BILL TO BE ENTITLED  
2 AN ACT REQUIRING EACH CHILD PRESENTED FOR ADMISSION INTO THE PUBLIC  
3 SCHOOLS FOR THE FIRST TIME TO SUBMIT PROOF OF A HEALTH  
4 ASSESSMENT AND REQUIRING THE HEALTH ASSESSMENT TRANSMITTAL  
5 FORM TO BE PERMANENTLY MAINTAINED IN THE CHILD'S OFFICIAL SCHOOL  
6 RECORD.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** The title of Article 18 of Chapter 130A of the General Statutes reads  
9 as rewritten:

10 "Article 18.

11 Health Assessments for ~~Kindergarten~~ Children in the Public Schools."

12 **SECTION 2.** G.S. 130A-440 reads as rewritten:

13 "**§ 130A-440. Health assessment required.**

14 (a) Every parent, guardian, or person in loco parentis shall submit proof of a health  
15 assessment for each child in this State entering kindergarten in who is presented for admission  
16 into kindergarten or a higher grade in the public schools shall receive a health assessment for  
17 the first time. The health assessment shall be made no more than 12 months prior to the date of  
18 school entry. ~~the child would have first been eligible for initial entry into the public schools.~~ No  
19 child shall attend kindergarten is eligible for initial entry into kindergarten or a higher grade in  
20 the public schools unless a health assessment transmittal form, developed pursuant to  
21 G.S. 130A-441, indicating that the child has received the health assessment required by this  
22 section, is presented to the school principal. The medical provider, or the parent, guardian, or  
23 person in loco parentis, must present a completed health assessment transmittal form to the  
24 principal of the school on or before the child's first day of attendance. If a health assessment  
25 transmittal form is not presented on or before the child's first day of attendance, the  
26 principal shall present a notice of deficiency to the parent, guardian, or responsible person. The  
27 parent, guardian, or responsible person shall have 30 calendar days from the first day of  
28 attendance to present the required health assessment transmittal form for the child. Upon  
29 termination of 30 calendar days, the principal shall not permit the child to attend the school  
30 until the required health assessment transmittal form has been presented. The health assessment  
31 transmittal form shall be permanently maintained in the child's official school record.

32 (b) A health assessment shall include a medical history and physical examination with  
33 screening for vision and hearing and, if appropriate, testing for anemia and tuberculosis. Vision  
34 screening shall be conducted in accordance with G.S. 130A-440.1. The health assessment may  
35 also include dental screening and developmental screening for cognition, language, and motor



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1 function. The developmental screening of cognition and language abilities may be conducted in  
2 accordance with G.S. 115C-83.5(a).

3 (c) The health assessment shall be conducted by a physician licensed to practice  
4 medicine, a physician's assistant as defined in G.S. 90-18.1(a), a certified nurse practitioner, or  
5 a public health nurse meeting the Department's Standards for Early Periodic Screening,  
6 Diagnosis, and Treatment Screening.

7 (d) This Article shall not apply to children entering ~~kindergarten in~~ private church  
8 schools, schools of religious charter, or qualified nonpublic schools, regulated by Article 39 of  
9 Chapter 115C of the General Statutes."

10 **SECTION 3.** G.S. 130A-441 reads as rewritten:

11 "**§ 130A-441. Reporting.**

12 (a) Health assessment results shall be submitted to the school principal by the medical  
13 provider on health assessment transmittal forms developed by the Department and the  
14 Department of Public Instruction.

15 (b) ~~Each school having a kindergarten shall maintain on file the health assessment~~  
16 ~~results. The health assessment transmittal form shall be permanently maintained in the student's~~  
17 ~~official school record. The files health assessment transmittal form shall be open to inspection~~  
18 ~~by the Department, the Department of Public Instruction, or their authorized representatives~~  
19 ~~and persons inspecting the files shall maintain the confidentiality of the files. Upon transfer of a~~  
20 ~~child to another kindergarten, a copy of the health assessment results shall be provided upon~~  
21 ~~request and without charge to the new kindergarten.~~

22 (c) Within 60 calendar days after the commencement of a new school year, the  
23 principal shall file a health assessment status report with the Department on forms developed  
24 by the Department and the Department of Public Instruction. The report shall document the  
25 number of newly enrolled children in compliance and not in compliance with  
26 G.S. 130A-440(a)."

27 **SECTION 4.** G.S. 115C-402(b) reads as rewritten:

28 "(b) The official record shall contain, ~~as~~ at a minimum, adequate identification data  
29 including date of birth, attendance data, grading and promotion ~~data, data;~~ a health assessment  
30 transmittal form as required by G.S. 130A-440; and such other factual information as may be  
31 deemed appropriate by the local board of education having jurisdiction over the school wherein  
32 the record is maintained. Each student's official record also shall include notice of any  
33 long-term suspension or expulsion imposed pursuant to G.S. 115C-390.7 through  
34 G.S. 115C-390.11 and the conduct for which the student was suspended or expelled. The  
35 superintendent or the superintendent's designee shall expunge from the record the notice of  
36 suspension or expulsion if the following criteria are met:

37 (1) One of the following persons makes a request for expungement:

38 a. The student's parent, legal guardian, or custodian.

39 b. The student, if the student is at least 16 years old or is emancipated.

40 (2) The student either graduates from high school or is not expelled or  
41 suspended again during the two-year period commencing on the date of the  
42 student's return to school after the expulsion or suspension.

43 (3) The superintendent or the superintendent's designee determines that the  
44 maintenance of the record is no longer needed to maintain safe and orderly  
45 schools.

46 (4) The superintendent or the superintendent's designee determines that the  
47 maintenance of the record is no longer needed to adequately serve the child."

48 **SECTION 5.** This act is effective when it becomes law and applies to children  
49 enrolling in the public schools for the first time beginning with the 2015-2016 school year.