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HOUSE BILL 13
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PROPOSED SENATE COMMITTEE SUBSTITUTE H13-PCS20385-TB-22

Short Title: Amend School Health Assessment Requirement.

(Public)

Sponsors:

Referred to:

January 29, 2015

A BILL TO BE ENTITLED

AN ACT TO REQUIRE EACH CHILD PRESENTED FOR ADMISSION INTO THE PUBLIC SCHOOLS FOR THE FIRST TIME TO SUBMIT PROOF OF A HEALTH ASSESSMENT; TO REQUIRE THAT ABSENCES DUE TO THE FAILURE TO PRESENT THE HEALTH ASSESSMENT TRANSMITTAL FORM NOT RESULT IN SUSPENSIONS AND TO ALLOW STUDENTS TO MAKE UP THE WORK MISSED; TO SPECIFY WHAT INFORMATION SHALL BE INCLUDED ON THE HEALTH ASSESSMENT TRANSMITTAL FORM AND WHO IS AUTHORIZED TO HAVE ACCESS TO THE FORM; AND TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE DEPARTMENT OF PUBLIC INSTRUCTION TO AMEND THE HEALTH ASSESSMENT TRANSMITTAL FORM AND TO REPORT TO THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES AND TO THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

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

"Article 18.

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

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

"§ 130A-440. Health assessment required.

(a) Every parent, guardian, or person standing in loco parentis shall submit proof of a health assessment for each child in this State entering kindergarten in who is presented for admission into kindergarten or a higher grade in the public schools shall receive a health assessment for the first time. The health assessment shall be made no more than 12 months prior to the date of ~~school entry~~ the child would have first been eligible for initial entry into the public schools. No child ~~shall attend kindergarten~~ is eligible for initial entry into kindergarten or a higher grade in the public schools unless a health assessment transmittal form, developed pursuant to G.S. 130A-441, indicating that the child has received the health assessment required by this section, is presented to the school principal. The only health assessment transmittal form utilized by public schools shall be the form developed pursuant to G.S. 130A-441. ~~The medical provider, or the parent, guardian, or person in loco parentis, must present a~~ A completed health assessment transmittal form shall be presented to the principal of



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1 the school on or before the child's first day of ~~attendance~~attendance by either (i) the parent,
2 guardian, or person standing in loco parentis or (ii) the health care provider specified in
3 G.S. 130A-440(c), if authorized in writing by the parent, guardian, or person standing in loco
4 parentis. If a health assessment transmittal form is not presented on or before the child's first
5 day, day of attendance, the principal shall present a notice of deficiency to the parent, guardian,
6 or ~~responsible person~~person standing in loco parentis. The parent, guardian, or ~~responsible~~
7 ~~person~~person standing in loco parentis shall have 30 calendar days from the first day of
8 attendance to present the required health assessment transmittal form for the child. Upon
9 termination of 30 calendar days, the principal shall not permit the child to attend the school
10 until the required health assessment transmittal form has been presented. A child shall not be
11 suspended for absences accrued for failure to present the required health assessment transmittal
12 form upon the termination of 30 calendar days, and the child shall be allowed to make up work
13 missed in accordance with G.S. 115C-390.2(1). It shall be noted in the child's official school
14 record when the health assessment transmittal form has been received.

15 (b) A health assessment shall include a medical history and physical examination with
16 screening for vision and hearing and, if appropriate, testing for anemia and tuberculosis. Vision
17 screening shall be conducted in accordance with G.S. 130A-440.1. The health assessment may
18 also include dental screening and developmental screening for cognition, language, and motor
19 function. The developmental screening of cognition and language abilities may be conducted in
20 accordance with G.S. 115C-83.5(a).

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

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

28 (e) As used in this section, "parent, guardian, or person standing in loco parentis"
29 means parent, legal guardian, legal custodian, and caregiver adult, as those terms are used in
30 G.S. 115C-366."

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

32 **"§ 130A-441. Reporting.**

33 (a) Health assessment results shall be submitted ~~to the school principal by the medical~~
34 ~~provider on the statewide standardized health assessment transmittal forms~~form developed by
35 the Department and the Department of Public ~~Instruction~~Instruction and submitted to the
36 school principal by either (i) the parent, guardian, or person standing in loco parentis for the
37 student or (ii) the health care provider specified in G.S. 130A-440(c), if authorized in writing
38 by the parent, guardian, or person standing in loco parentis. The health assessment transmittal
39 form shall include only the items listed below:

40 (1) A statement that the form and information on the form will be maintained on
41 file in the school once it has been completed.

42 (2) The name of the school the student is attending or will attend.

43 (3) A student information section to be completed by the parent, guardian, or
44 person standing in loco parentis for the student that requires the following
45 about the student: first, middle, and last name; date of birth; sex; race;
46 ethnicity; county of residence; and home address.

47 (4) A parent information section that includes the following: name of the parent,
48 guardian, or person standing in loco parentis for the student; a telephone
49 number; and space allowing the parent to share any concerns about the
50 student's health with those individuals authorized to have access to the form
51 in subsection (b) of this section.

- 1 (5) A section that includes the following information, if applicable, supplied by
2 a health care provider specified in G.S. 130A-440(c):
3 a. A list of medications prescribed for the student.
4 b. A list of the student's allergies, the type of allergic reaction, and the
5 response required.
6 c. Guidance regarding a special diet for the student.
7 d. Health-related recommendations to enhance the student's school
8 performance.
9 e. Information on whether the student passed a vision screening and any
10 concerns related to the student's vision.
11 f. Information on whether the student passed a hearing screening and
12 any concerns related to the student's hearing.
13 g. An opportunity to indicate whether there are recommendations,
14 concerns, or needs related to the student's health and whether school
15 follow-up is needed.
16 h. An opportunity to provide comments.
17 (6) Instructions to the health care provider specified in G.S. 130A-440(c) to
18 attach the student's current immunization record and any of the following
19 applicable school health forms:
20 a. School medication authorization form.
21 b. Diabetes care plan.
22 c. Asthma action plan.
23 d. Health care plans for any other condition for which the school needs
24 to be aware.
25 (7) A certification from a health care provider specified in G.S. 130A-440(c)
26 stating: "I certify that I performed, on the student named above, a health
27 assessment in accordance with G.S. 130A-440(b) that included a medical
28 history and physical examination with screening for vision and hearing and,
29 if appropriate, testing for anemia and tuberculosis. I certify that the
30 information on this form is accurate and complete to the best of my
31 knowledge."
32 (8) The date the health assessment was conducted.
33 (9) The health care provider's name, signature, telephone and fax number, and
34 the name and address for the health care provider's practice.
35 (10) A section for the health care provider's stamp.
36 (b) ~~Each school having a kindergarten shall maintain on file the health assessment~~
37 ~~results.~~The form will be maintained on file in the school once it has been submitted. A student's
38 official school record shall only reflect whether or not a health assessment transmittal form has
39 been received. The fileshealth assessment transmittal form shall be open to inspection only by
40 ~~the Department, the Department of Public Instruction, or their authorized representatives and~~
41 ~~persons inspecting the files~~authorized North Carolina public school administrators, teachers,
42 and other school personnel who require such access to perform their assigned duties. These
43 personnel shall maintain the confidentiality of the files. Upon transfer of a child to another
44 ~~kindergarten, a copy of the health assessment results shall be provided upon request and~~
45 ~~without charge to the new kindergarten.~~form. Information contained on the health assessment
46 transmittal form is confidential and is not a public record within the meaning of G.S. 132-1.
47 The local board of education shall provide, upon request, de-identified health assessment
48 information from the forms to authorized employees of the Department of Health and Human
49 Services who require such information to perform their assigned duties.
50 (c) Within 60 calendar days after the commencement of a new school year, the
51 principal shall file a health assessment status report with the Department on ~~forms~~ a form

1 developed by the Department and the Department of Public Instruction. The report shall
2 document the number of newly enrolled children in compliance and not in compliance with
3 G.S. 130A-440(a)."

4 **SECTION 4.5.** G.S. 115C-390.2 is amended by adding a new subsection to read:

5 "(1) Board policies shall state that absences under G.S. 130A-440 shall not be
6 suspensions. A student subject to an absence under G.S. 130A-440 shall be provided the
7 following:

8 (1) The opportunity to take textbooks home for the duration of the absence.

9 (2) Upon request, the right to receive all missed assignments and, to the extent
10 practicable, the materials distributed to students in connection with the
11 assignment.

12 (3) The opportunity to take any quarterly, semester, or grading period
13 examinations missed during the absence period."

14 **SECTION 5.** The Department of Health and Human Services and the Department
15 of Public Instruction, pursuant to G.S. 130A-441, as amended by this act, shall develop a health
16 assessment transmittal form for the 2016-2017 school year and shall report to the Joint
17 Legislative Oversight Committee on Health and Human Services and to the Joint Legislative
18 Education Oversight Committee on the revised health assessment transmittal form on or before
19 December 1, 2015.

20 **SECTION 6.** Sections 1 through 4.5 of this act are effective when this act becomes
21 law and apply to children enrolling in the public schools for the first time beginning with the
22 2016-2017 school year. The remainder of this act is effective when it becomes law.