



HOUSE BILL 13: Amend School Health Assessment Requirement

2015-2016 General Assembly

Committee:

Introduced by:

Analysis of: S.L. 2015-222

Date:

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Legislative Analyst

SUMMARY: *S.L. 2015-222 requires each child entering the public schools for the first time to submit proof of a health assessment to the school principal within 30 calendar days of the child's first day of attendance. The health assessment results must be submitted on a statewide standardized health assessment transmittal form developed by the Department of Health and Human Services (DHHS) and the Department of Public Instruction (DPI) and the form must only include those items specifically listed in the act. Information on the form is not a public record. If the health assessment transmittal form is not presented on or before the child's first day of attendance, the principal will issue a deficiency notice indicating that the form must be submitted within the specified timeframe or the child will not be permitted to attend school. Local board of education policies must state that absences due to failure to submit the health assessment are not suspensions and a student absent due to the lack of a health assessment form must have the opportunity to: take a textbook and school-furnished digital device home; receive missed assignments upon request; and take missed exams. DHHS and DPI must develop a health assessment transmittal form for the 2016-2017 school year and report on or before December 1, 2015, to the Joint Legislative Oversight Committee on Health and Human Services and Joint Legislative Education Oversight Committee.*

This act became effective August 18, 2015, and applies to children enrolling in the public schools for the first time beginning with the 2016-2017 school year.

BILL ANALYSIS:

Section 1 of the act amends the title of Article 18 of Chapter 130A (Public Health) to reflect that each child entering public school for the first time will be required to have a health assessment. As provided in G.S. 130A-440(d), this Article does not apply to children entering private church schools, schools of religious charter, or qualified nonpublic schools, regulated by Article 39 of Chapter 115C.

Section 2 amends G.S. 130A-440 pertaining to the requirement for health assessments and specifies the following:

- A child entering public school for the first time at any grade will be required to have a health assessment.
- "Parent, guardian, or person standing in loco parentis" means parent, legal guardian, legal custodian, and caregiver adult as used in G.S. 115C-336.
- The health assessment transmittal form must be submitted within 30 calendar days of a child's first day of attendance in the public schools and the parent, guardian, or person standing in loco parentis must be advised of the requirement for the form on or before the child's first day of attendance.
- If a health assessment transmittal form is not submitted by the child's first day of attendance, the principal must present a notice of deficiency providing: (1) notice that the form must be

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submitted within 30 calendar days of the child's first day of attendance or the child will not be permitted to attend school, and (ii) an explanation of how the child may make up work missed.

- A child cannot be suspended for failure to present the form and must be allowed to make up work missed.
- It will be noted in the child's official school record when the health assessment transmittal form has been received.

Section 3 amends G.S. 130A-441 pertaining to reporting the health assessment results. The act provides that there is only one health assessment transmittal form and it must include only the following items:

- 1) A statement that the form will be maintained on file in the school once it has been completed.
- 2) The **name of the school** the student is attending or will attend.
- 3) A **student information section** to be completed by the parent, guardian, or person standing in loco parentis for the student that requires the following about the student: first, middle, and last name; date of birth; sex; race; ethnicity; county of residence; and home address.
- 4) A **parent information section** that includes the following: name of the parent, guardian, or person standing in loco parentis for the student, a telephone number, and space allowing the parent to share any concerns about the student's health with those individuals authorized to have access to the form.
- 5) **A section that includes the following information, if applicable, supplied by a health care provider:**
 - a. A list of medications prescribed for the student.
 - b. A list of the student's allergies, the type of allergic reaction, and the response required.
 - c. Guidance regarding a special diet for the student.
 - d. Health-related recommendations to enhance the student's school performance.
 - e. Information on whether the student passed a vision screening and any concerns.
 - f. Information on whether the student passed a hearing screening and any concerns.
 - g. An opportunity to indicate whether there are recommendations, concerns, or needs related to the student's health and whether school follow-up is needed.
 - h. An opportunity to provide comments.
- 6) **Instructions to the health care provider to provide the student's current immunization record and any of the following applicable school health forms:**
 - a. School medication authorization form.
 - b. Diabetes care plan.
 - c. Asthma action plan.
 - d. Health care plans for any other condition for which the school needs to be aware.
- 7) A **certification from the health care provider** indicating that the provider conducted a health assessment and that the information on the form is accurate and complete to the best of their knowledge.
- 8) The date the health assessment was conducted.
- 9) The health care provider's name, signature, telephone and fax number, and the name and address for the health care provider's practice, and a section for the health care provider's stamp.

The section further specifies that the health assessment transmittal form will be maintained on file in the school once it has been submitted and student's official school record will only reflect whether or not a health assessment form has been received. The form is not a public record and is open to inspection only by authorized NC public school administrators, teachers, and other school personnel who require access to perform assigned duties. De-identified health assessment information will be

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provided upon request to employees of the Department of Health and Human Services who require such information to perform their assigned duties.

Section 4.5 amends G.S. 115C-390.2 to require local board policies to state that absences due to failure to submit the form will not be suspensions and a student will be allowed: (1) the opportunity to take textbooks and school-furnished digital devices home; (2) to receive all missed assignments upon request; and (3) the opportunity to take any quarterly, semester, or grading period examinations that are missed.

Section 5 of the act requires the Department of Health and Human Services and the Department of Public Instruction to develop a health assessment transmittal form in accordance with the act and to report to the Joint Legislative Oversight Committee on Health and Human Services and the Joint Legislative Education Oversight Committee by December 1, 2015.

EFFECTIVE DATE: Sections 1-4.5 of the act became law August 18, 2015 and apply to children enrolling in the public schools for the first time beginning with the 2016-17 school year. The remainder of the act became effective August 18, 2015.