

**ONE HUNDRED FIRST LEGISLATURE - SECOND SESSION - 2010**  
**COMMITTEE STATEMENT**  
**LB713**

---

**Hearing Date:** Tuesday January 19, 2010  
**Committee On:** Education  
**Introducer:** Gloor  
**One Liner:** Change provisions relating to school health inspections

---

**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

---

**Vote Results:**

**Aye:** 8 Senators Adams, Ashford, Avery, Cornett, Giese, Haar, Howard, Sullivan

**Nay:**

**Absent:**

**Present Not Voting:**

---

**Proponents:**

Senator Mike Gloor  
Tammy Dean

Jan Thede

Judith Zabel

Trish Guinan

**Representing:**

Introducer  
Central Nebraska School Nurses Association,  
Bridgeport Public Schools  
Grand Island Public Schools, Nebraska School Nurses  
Association  
Nebraska Nurses Association, Nebraska School Nurses  
Association, Lincoln Public Schools  
NSEA

**Opponents:**

**Neutral:**

John Bonaiuto  
Brian Halstead

**Representing:**

Nebraska Association of School Boards  
Nebraska Department of Education

---

**Summary of purpose and/or changes:**

Basic Summary

Legislative Bill 713 would allow school districts to perform student health inspections at any time during the school year, as opposed to during the first quarter of the year as currently required. The bill would require schools to confirm such inspections for students entering during the school year, rather than make such inspections immediately upon entrance. Schools would be required to conduct health inspections based on a schedule prescribed by the Department of Health and Human Services and in accordance with current medical and public health practice. The Department of Health and Human Services would have the authority to provide schools with methods for gathering, analyzing, and sharing student health data that do not violate privacy laws.

Section-By-Section Summary

Section 1 amends section 79-248 to require child health inspections performed by school districts to be (i) conducted on a schedule prescribed by the Department of Health and Human Services and (ii) based on current medical and public health practice. Language requiring "every child" to be inspected is stricken and replaced with the term "children".

---

Section 2 amends section 79-249 to allow the Department of Health and Human Services to make available to schools methods for the gathering, analysis, and sharing of school health data that do not violate privacy laws. Current language requiring the department to provide school authorities with "regulations" to carry out the purposes of sections 79-248 through 79-253 is amended to require the department to provide school authorities with "the rules and regulations" currently required to be adopted and promulgated by the department pursuant to this section.

Section 3 amends section 79-250 to enable student health inspections to be conducted at any time during the school year, rather than during the first quarter of each school year as currently required. For children entering during the school year, schools would be required to confirm such health inspections upon entrance, rather than make such inspections immediately.

Section 4 repeals the original sections.

---

**Explanation of amendments:**

The committee amendment is intended to clarify existing policy regarding the requirement for children to submit to school health inspections. The amendment strikes existing language in section 79-248 which states that (i) no child shall be compelled to submit to a physical examination other than the inspection by the school over the written objection of his or her parent or guardian delivered to the school authorities, and (ii) such objection does not exempt the child from the quarantine laws of the state and does not prohibit an examination for infectious or contagious diseases. Section 79-220 currently provides a parent or guardian an opportunity to refuse a physical examination required pursuant to section 79-214 for his or her child.

In place of the stricken language, the amendment inserts new language which provides children an exception from health inspections only if the parent or guardian of a child provides school authorities with a statement signed by a physician, physician assistant, or an advanced practice registered nurse practicing under and in accordance with his or her respective credentialing act, stating that such child has undergone such required inspection within the past six months. Children would be required to submit to any inspection for which such a statement is not received.

The amendment also amends section 79-252 to clarify the ability of school boards to employ regularly licensed physicians to perform school health inspections in lieu of such inspections being conducted by the district.

---

Greg Adams, Chairperson