

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 713

Introduced by Gloor, 35; Adams, 24.

Read first time January 06, 2010

Committee: Education

A BILL

1 FOR AN ACT relating to schools; to amend sections 79-248, 79-249,
2 and 79-250, Reissue Revised Statutes of Nebraska; to
3 change provisions relating to health inspections; and to
4 repeal the original sections.

5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-248, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 79-248 Every school district shall cause ~~every child~~
4 children under its jurisdiction to be separately and carefully
5 inspected, except as otherwise provided in this section, to
6 ascertain if such child is suffering from (1) defective sight or
7 hearing, (2) dental defects, or (3) other conditions as prescribed
8 by the Department of Health and Human Services. Such inspections
9 shall be conducted on a schedule prescribed by the department and
10 shall be based on current medical and public health practice. If
11 such inspection determines that any child has such condition, the
12 school shall notify the parent of the child in writing of such
13 condition and explain to such parent the necessity of professional
14 attendance for such child. Whenever a child apparently shows
15 symptoms of any contagious or infectious disease, such child shall
16 be sent home immediately or as soon as safe and proper conveyance
17 can be found and the proper school authority, school board, or
18 board of education shall be at once notified. Such student may
19 be excluded from school as provided in section 79-264. No child
20 shall be compelled to submit to a physical examination other than
21 the inspection by the school over the written objection of his or
22 her parent or guardian delivered to the school authorities. Such
23 objection does not exempt the child from the quarantine laws of
24 the state and does not prohibit an examination for infectious or
25 contagious diseases.

1 Sec. 2. Section 79-249, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 79-249 The Department of Health and Human Services shall
4 adopt and promulgate rules and regulations for conducting school
5 health inspections, the qualifications of the person or persons
6 authorized to make such inspections, and the health conditions to
7 be observed and remedied and shall furnish to school authorities
8 the rules and regulations and other useful materials for carrying
9 out the purposes of sections 79-248 to 79-253. The department may
10 make available to schools methods for the gathering, analysis, and
11 sharing of school health data that do not violate any privacy laws.

12 On and after July 1, 1999, no staff member of any school
13 shall administer medication unless the school complies with the
14 applicable requirements of the Medication Aide Act. Notwithstanding
15 any other provision, nothing in the act shall be construed to
16 require any school to employ or use a school nurse or medication
17 aide in order to be in compliance with the act.

18 Sec. 3. Section 79-250, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 79-250 During ~~the first quarter~~ of each school year the
21 school district shall provide the inspections required by section
22 79-248 for the children then in attendance. As children enter
23 school during the year, such inspections ~~must be made immediately~~
24 shall be confirmed upon their entrance.

25 Sec. 4. Original sections 79-248, 79-249, and 79-250,

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1 Reissue Revised Statutes of Nebraska, are repealed.