

ONE HUNDRED SECOND LEGISLATURE - FIRST SESSION - 2011
COMMITTEE STATEMENT
LB204

Hearing Date: Tuesday February 08, 2011
Committee On: Education
Introducer: Council
One Liner: Require blood-lead testing prior to enrollment in school

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

Vote Results:

Aye: 8 Senators Adams, Avery, Cornett, Council, Haar, Howard, Schilz, Sullivan

Nay:

Absent:

Present Not Voting:

Proponents:

Senator Brenda Council
Doug Clark
John Cavanaugh
Crystal Rhoades
John Lindsay

Representing:

Introducer
Douglas County Health Department
Building Bright Futures
Self
Omaha Public Schools

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

Legislative Bill 204 would require students of public, private, parochial, and denominational schools to undergo blood lead testing between the ages of eighteen months and four years as a condition of enrollment. Transfer students four years of age and older enrolling in the district for the first time would be required to have undergone such blood lead testing within six months prior to enrollment. The Department of Health and Human Services would be required to bear the cost of blood lead testing for students whose parent or guardian is unable to meet the cost. The required blood lead testing would be governed in a similar manner to immunizations.

If a child's blood-lead level is ten micrograms or more of lead per deciliter of blood, the Department of Health and Human Services would be required to notify such child's parent or guardian of the availability of special education services pursuant to the Special Education Act and of the contact information for and resources available through Nebraska ChildFind or any successor entity that provides information to parents, school personnel, and service providers on child development and special education for children from birth to date of diagnosis to age twenty-one and helps parents access information on rights and resources to help them advocate for an appropriate education for their child.

Explanation of amendments:

The committee amendment strikes the original sections and becomes the bill. The changes made by the committee amendment to the original bill are described below.

The committee amendment would amend section 71-7611 to require the State Treasurer, beginning July 15, 2011 and no later than each July 15 thereafter, to transfer \$51,273 from the Health Care Cash Fund to the Department of Health and Human Services Cash Fund to assist the Department of Health and Human Services with the cost of providing blood lead testing to students participating in Medicaid and CHIP.

The committee amendment would modify the changes to section 79-217 proposed in the original bill to (i) limit the requirement for blood lead testing to kindergarten and transfer students enrolling in public schools on and after July 1, 2011 and (ii) require the Department of Health and Human Services to bear the cost of blood lead testing for students participating in Medicaid and CHIP rather than those whose parent or guardian is unable to meet the cost.

The changes to section 79-221 would be modified to divide the exceptions from immunizations and blood lead testing into separate subsections.

The committee amendment would modify the changes to section 79-222 to require students to satisfy both immunization and blood lead testing requirements in order to be provisionally enrolled.

The changes to section 79-1601 would be stricken as a result of removing the blood lead testing requirement for students of private, denominational, and parochial schools.

The committee amendment would modify the language proposed in section 7 of the original bill, which corresponds to section 7 of the amendment, to (i) clarify that special education services are available to students with lead poisoning who are classified as other health impaired; (ii) require the Department of Health and Human Services to provide the parent or guardian of children with blood lead levels above ten micrograms per deciliter with the criteria necessary for a child to be classified as other health impaired; (iii) eliminate the specific reference to Nebraska ChildFind and replaces it with a general reference to a program operated by the State of Nebraska; and (iv) eliminate the reference to school personnel and service providers as recipients of information from such program.

The committee amendment would also add the emergency clause.

Greg Adams, Chairperson