

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 13
Committee Substitute Favorable 3/17/15
Third Edition Engrossed 3/24/15

Short Title: Amend School Health Assessment Requirement.

(Public)

Sponsors:

Referred to:

January 29, 2015

A BILL TO BE ENTITLED

AN ACT REQUIRING EACH CHILD PRESENTED FOR ADMISSION INTO THE PUBLIC SCHOOLS FOR THE FIRST TIME TO SUBMIT PROOF OF A HEALTH ASSESSMENT, REQUIRING ABSENCES DUE TO THE FAILURE TO PRESENT THE HEALTH ASSESSMENT TRANSMITTAL FORM NOT BE SUSPENSIONS AND STUDENTS BE ALLOWED TO MAKE UP THE WORK MISSED, AND REQUIRING THE HEALTH ASSESSMENT TRANSMITTAL FORM TO BE PERMANENTLY MAINTAINED IN THE CHILD'S OFFICIAL SCHOOL RECORD.

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 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 medical provider, or the parent, guardian, or person in loco parentis, must present a completed health assessment transmittal form to the principal of the school on or before the child's first day of attendance. If a health assessment transmittal form is not presented on or before the child's first day, day of attendance, the principal shall present a notice of deficiency to the parent, guardian, or responsible person. The parent, guardian, or responsible person shall have 3060 calendar days from the first day of attendance to present the required health assessment transmittal form for the child. Upon termination of 3060 calendar days, the principal shall not permit the child to attend the school until the required health assessment transmittal form has been presented. A child shall not be suspended for absences accrued for failure to present the required health assessment transmittal form upon the termination of 60 calendar days, and the child shall be allowed to make up work



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1 missed in accordance with G.S. 115C-390.2(l). The health assessment transmittal form shall be
2 permanently maintained in the child's official school record.

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

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

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

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

17 "**§ 130A-441. Reporting.**

18 (a) Health assessment results shall be submitted to the school principal by the medical
19 provider on health assessment transmittal forms developed by the Department and the
20 Department of Public Instruction.

21 ~~(b) Each school having a kindergarten shall maintain on file the health assessment~~
22 ~~results. The health assessment transmittal form shall be permanently maintained in the student's~~
23 ~~official school record. The files health assessment transmittal form shall be open to inspection~~
24 ~~only by the Department, the Department of Public Instruction, or their authorized~~
25 ~~representatives and persons inspecting the files forms shall maintain the confidentiality of the~~
26 ~~files. Upon transfer of a child to another kindergarten, a copy of the health assessment results~~
27 ~~shall be provided upon request and without charge to the new kindergarten forms.~~

28 (c) Within ~~60~~90 calendar days after the commencement of a new school year, the
29 principal shall file a health assessment status report with the Department on forms developed
30 by the Department and the Department of Public Instruction. The report shall document the
31 number of newly enrolled children in compliance and not in compliance with
32 G.S. 130A-440(a)."

33 **SECTION 4.** G.S. 115C-402(b) reads as rewritten:

34 "(b) The official record shall contain, ~~as~~ at a minimum, adequate identification data
35 including date of birth, attendance data, grading and promotion ~~data, data;~~ a health assessment
36 transmittal form as required by G.S. 130A-440; and such other factual information as may be
37 deemed appropriate by the local board of education having jurisdiction over the school wherein
38 the record is maintained. Each student's official record also shall include notice of any
39 long-term suspension or expulsion imposed pursuant to G.S. 115C-390.7 through
40 G.S. 115C-390.11 and the conduct for which the student was suspended or expelled. The
41 superintendent or the superintendent's designee shall expunge from the record the notice of
42 suspension or expulsion if the following criteria are met:

- 43 (1) One of the following persons makes a request for expungement:
44 a. The student's parent, legal guardian, or custodian.
45 b. The student, if the student is at least 16 years old or is emancipated.
46 (2) The student either graduates from high school or is not expelled or
47 suspended again during the two-year period commencing on the date of the
48 student's return to school after the expulsion or suspension.
49 (3) The superintendent or the superintendent's designee determines that the
50 maintenance of the record is no longer needed to maintain safe and orderly
51 schools.

1 (4) The superintendent or the superintendent's designee determines that the
2 maintenance of the record is no longer needed to adequately serve the child."

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

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

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

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

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

13 **SECTION 5.** This act is effective when it becomes law and applies to children
14 enrolling in the public schools for the first time beginning with the 2015-2016 school year.