

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 713**

FINAL READING

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 79-250, and 79-252, Reissue Revised Statutes of Nebraska;  
3 to change provisions relating to health inspections; to  
4 authorize the gathering, analysis, and sharing of school  
5 health data; and to repeal the original sections.

6 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 a~~ 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~~  
22 ~~or her parent or guardian delivered to the school authorities.~~  
23 ~~Such objection does not exempt the child from the quarantine laws~~  
24 ~~of the state and does not prohibit an examination for infectious~~  
25 ~~or contagious diseases.~~ A child shall not be required to submit

1 to an inspection required by this section if his or her parent  
2 or guardian provides school authorities with a statement signed  
3 by a physician, a physician assistant, or an advanced practice  
4 registered nurse practicing under and in accordance with his or  
5 her respective credentialing act or other qualified provider as  
6 identified by the department in rules and regulations adopted  
7 pursuant to section 79-249, stating that such child has undergone  
8 such required inspection within the past six months. A child shall  
9 submit to any required inspection for which such a statement is not  
10 received.

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

13           79-249 The Department of Health and Human Services shall  
14 adopt and promulgate rules and regulations for conducting school  
15 health inspections, the qualifications of the person or persons  
16 authorized to make such inspections, and the health conditions to  
17 be observed and remedied and shall furnish to school authorities  
18 the rules and regulations and other useful materials for carrying  
19 out the purposes of sections 79-248 to 79-253. The department may  
20 make available to schools methods for the gathering, analysis, and  
21 sharing of school health data that do not violate any privacy laws.

22           On and after July 1, 1999, no staff member of any school  
23 shall administer medication unless the school complies with the  
24 applicable requirements of the Medication Aide Act. Notwithstanding  
25 any other provision, nothing in the act shall be construed to

1 require any school to employ or use a school nurse or medication  
2 aide in order to be in compliance with the act.

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

5 79-250 During ~~the first quarter~~ of each school year the  
6 school district shall provide the inspections required by section  
7 79-248 for the children then in attendance. As children enter  
8 school during the year, such inspections ~~must be made immediately~~  
9 shall be confirmed upon their entrance.

10 Sec. 4. Section 79-252, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12 79-252 ~~The~~ In lieu of conducting the inspections required  
13 by section 79-248, the board of education or school board of  
14 any school district may employ regularly licensed physicians to  
15 make ~~physical examinations or inspections in lieu of school health~~  
16 ~~inspections required by section 79-248.~~ such inspections.

17 Sec. 5. Original sections 79-248, 79-249, 79-250, and  
18 79-252, Reissue Revised Statutes of Nebraska, are repealed.