

## SENATE BILL No. 116

By Committee on Public Health and Welfare

1-17

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9 AN ACT concerning schools; health programs; amending K.S.A. 72-5214  
10 and repealing the existing section.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 72-5214 is hereby amended to read as follows: 72-  
14 5214. (a) As used in this section:

15 (1) "School board" means the board of education of a school district  
16 and the governing authority of any nonpublic school;

17 (2) "school" means all elementary schools within the state;

18 (3) "local health department" means any county or joint board of  
19 health having jurisdiction over the place where any pupil affected by this  
20 section may reside;

21 (4) "secretary" means the secretary of health and environment;

22 (5) "physician" means a person licensed to practice medicine and  
23 surgery;

24 (6) "nurse" means a person licensed to practice professional nursing;

25 (7) "health assessment" means a health history, physical examination  
26 and such screening tests as are medically indicated to determine hearing  
27 ability, vision ability, nutrition adequacy, *predisposition for asthma* and  
28 appropriate growth and development;

29 (8) "clinic" means an indigent health care clinic as defined by K.S.A.  
30 75-6102 and amendments thereto.

31 (b) Subject to the provisions of subsection (d) and subsection (g), on  
32 and after July 1, 1994, every pupil up to the age of nine years who has  
33 not previously enrolled in any school in this state, prior to admission to  
34 and attendance in school, shall present to the appropriate school board  
35 the results of a health assessment, pursuant to subsection (g), which as-  
36 sessment shall have been conducted within 12 months of school entry by  
37 a nurse who has completed the department of health and environment  
38 training and certification, by a physician or by a person acting under the  
39 direction of a physician. Information contained in the health assessment  
40 shall be confidential and shall not be disclosed or made public beyond  
41 that necessary under this section except that: (1) Information contained  
42 in the health assessment may be disclosed to school board personnel but  
43 only to the extent necessary to administer this section and protect the

1 health of the pupil; (2) if a medical emergency exists, the information  
2 contained in the health assessment may be disclosed to medical personnel  
3 to the extent necessary to protect the health of the pupil; (3) if the parent  
4 or guardian of a pupil under 18 years of age consents to the disclosure of  
5 the information contained in the health assessment or, if the pupil is 18  
6 years of age or older, if the pupil consents to the disclosure of the infor-  
7 mation; and (4) if no person can be identified in the information to be  
8 disclosed and the disclosure is for statistical purposes.

9 (c) As an alternative to the health assessment required under sub-  
10 section (b), a pupil shall present:

11 (1) A written statement signed by one parent or guardian that the  
12 child is an adherent of a religious denomination whose religious teachings  
13 are opposed to such assessments; or

14 (2) a written statement signed by one parent or guardian that such  
15 assessment will be scheduled and completed within 90 days after admis-  
16 sion to school.

17 (d) Prior to the commencement of each school year, the school board  
18 of every school affected by this section shall give to all known pupils who  
19 will be enrolling in the school and who are subject to the requirements  
20 of subsection (b) or (c)(1) and (2), a copy of any policy regarding the  
21 implementation of the provisions of this section adopted by the school  
22 board.

23 (e) If a pupil transfers from one school to another, the school board  
24 of the school from which the pupil transfers shall forward with the pupil's  
25 transcript, upon request of the parent or guardian of the pupil therefor,  
26 the results of the health assessment showing evidence of compliance with  
27 the requirements of this section to the school board of the school to which  
28 the pupil transfers.

29 (f) Local health departments and clinics may charge a sliding fee for  
30 providing such health assessments based on ability to pay and no pupil  
31 shall be denied the health assessment due to inability to pay. The local  
32 health officer shall counsel and advise local school boards on the admin-  
33 istration of this section. The secretary may adopt rules and regulations to  
34 award grants to assist local health departments and clinics in providing  
35 such health assessments, consistent with state appropriations.

36 (g) The secretary may adopt rules and regulations necessary to carry  
37 out the provisions of this section, but shall not prescribe a form on which  
38 the results of health assessments are reported.

39 (h) The school board of every school affected by this section may  
40 exclude from school attendance, or by policy adopted by any such school  
41 board authorize any certificated employee or committee of certificated  
42 employees to exclude from school attendance, any pupil who is subject  
43 to and who has not complied with the requirements of subsection (b) or

- 1 (c). A pupil shall be subject to exclusion from school attendance under  
2 this section until such time as the pupil shall have complied with the  
3 requirements of subsection (b) or (c). The policy shall include provisions  
4 for written notice to be given to the parent or guardian of the involved  
5 pupil. The notice shall indicate the reason for the exclusion from school  
6 attendance, state that the pupil shall continue to be excluded until the  
7 pupil has complied with the requirements of subsection (b) or (c) and  
8 inform the parent or guardian that a hearing thereon shall be afforded  
9 the parent or guardian upon request for a hearing.
- 10 (i) The provisions of K.S.A. 72-1111 and amendments thereto do not  
11 apply to any pupil while excluded from school attendance under the pro-  
12 visions of subsection (h).
- 13 Sec. 2. K.S.A. 72-5214 is hereby repealed.
- 14 Sec. 3. This act shall take effect and be in force from and after its  
15 publication in the statute book.