

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015**

**SESSION LAW 2015-222
HOUSE BILL 13**

AN ACT TO REQUIRE EACH CHILD PRESENTED FOR ADMISSION INTO THE PUBLIC SCHOOLS FOR THE FIRST TIME TO SUBMIT PROOF OF A HEALTH ASSESSMENT; TO REQUIRE THAT ABSENCES DUE TO THE FAILURE TO PRESENT THE HEALTH ASSESSMENT TRANSMITTAL FORM NOT RESULT IN SUSPENSIONS AND TO ALLOW STUDENTS TO MAKE UP THE WORK MISSED; TO SPECIFY WHAT INFORMATION SHALL BE INCLUDED ON THE HEALTH ASSESSMENT TRANSMITTAL FORM AND WHO IS AUTHORIZED TO HAVE ACCESS TO THE FORM; AND TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE DEPARTMENT OF PUBLIC INSTRUCTION TO AMEND THE HEALTH ASSESSMENT TRANSMITTAL FORM AND TO REPORT TO THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES AND TO THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.

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 standing 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 Within 30 calendar days of a child's first day of attendance 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 shall be presented to the school principal. The only health assessment transmittal form utilized by public schools shall be the form developed pursuant to G.S. 130A-441. The medical provider, or the parent, guardian, or person in loco parentis, must present a A completed health assessment transmittal form shall be presented to the principal of the school on or before the child's first day of attendance. by either (i) the parent, guardian, or person standing in loco parentis or (ii) the health care provider specified in G.S. 130A-440(c), if authorized in writing by the parent, guardian, or person standing in loco parentis. At the time of enrollment, the parent, guardian, or person standing in loco parentis shall be advised that a health assessment transmittal form is needed 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 person standing in loco parentis. The notice of deficiency shall include at least the following information: (i) the health assessment transmittal form must be submitted to the principal within 30 calendar days of the child's first day of attendance or the child will not be permitted to attend school until the form is submitted and (ii) an explanation for how the child may make up work missed in accordance with G.S. 115C-390.2(l). The parent, guardian, or responsible person person standing in loco parentis shall have 30 calendar days from the first day of attendance to present the required health assessment transmittal form for the child. Upon



termination of 30 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 30 calendar days, and the child shall be allowed to make up work missed in accordance with G.S. 115C-390.2(1). It shall be noted in the child's official school record when the health assessment transmittal form has been received.

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

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

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

(e) As used in this section, "parent, guardian, or person standing in loco parentis" means parent, legal guardian, legal custodian, and caregiver adult, as those terms are used in G.S. 115C-366."

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

"§ 130A-441. Reporting.

(a) ~~Health assessment results shall be submitted to the school principal by the medical provider on the statewide standardized health assessment transmittal forms form developed by the Department and the Department of Public Instruction. Instruction and submitted to the school principal by either (i) the parent, guardian, or person standing in loco parentis for the student or (ii) the health care provider specified in G.S. 130A-440(c), if authorized in writing by the parent, guardian, or person standing in loco parentis. The health assessment transmittal form shall include only the items listed below:~~

- (1) A statement that the form and information on the form will be maintained on file in the school once it has been completed.
- (2) The name of the school the student is attending or will attend.
- (3) A student information section to be completed by the parent, guardian, or person standing in loco parentis for the student that requires the following about the student: first, middle, and last name; date of birth; sex; race; ethnicity; county of residence; and home address.
- (4) A parent information section that includes the following: name of the parent, guardian, or person standing in loco parentis for the student; a telephone number; and space allowing the parent to share any concerns about the student's health with those individuals authorized to have access to the form in subsection (b) of this section.
- (5) A section that includes the following information, if applicable, supplied by a health care provider specified in G.S. 130A-440(c):
 - a. A list of medications prescribed for the student.
 - b. A list of the student's allergies, the type of allergic reaction, and the response required.
 - c. Guidance regarding a special diet for the student.
 - d. Health-related recommendations to enhance the student's school performance.
 - e. Information on whether the student passed a vision screening and any concerns related to the student's vision.
 - f. Information on whether the student passed a hearing screening and any concerns related to the student's hearing.
 - g. An opportunity to indicate whether there are recommendations, concerns, or needs related to the student's health and whether school follow-up is needed.
 - h. An opportunity to provide comments.

- (6) Instructions to the health care provider specified in G.S. 130A-440(c) to provide the student's current immunization record and any of the following applicable school health forms:
 - a. School medication authorization form.
 - b. Diabetes care plan.
 - c. Asthma action plan.
 - d. Health care plans for any other condition for which the school needs to be aware.
- (7) A certification from a health care provider specified in G.S. 130A-440(c) stating: "I certify that I performed, on the student named above, a health assessment in accordance with G.S. 130A-440(b) that included a medical history and physical examination with screening for vision and hearing and, if appropriate, testing for anemia and tuberculosis. I certify that the information on this form is accurate and complete to the best of my knowledge."
- (8) The date the health assessment was conducted.
- (9) The health care provider's name, signature, telephone and fax number, and the name and address for the health care provider's practice.
- (10) A section for the health care provider's stamp.

(b) ~~Each school having a kindergarten shall maintain on file the health assessment results. The form will be maintained on file in the school once it has been submitted. A student's official school record shall only reflect whether or not a health assessment transmittal form has been received. The files health assessment transmittal form shall be open to inspection only by the Department, the Department of Public Instruction, or their authorized representatives and persons inspecting the files authorized North Carolina public school administrators, teachers, and other school personnel who require such access to perform their assigned duties. These personnel shall maintain the confidentiality of the files. Upon transfer of a child to another kindergarten, a copy of the health assessment results shall be provided upon request and without charge to the new kindergarten form. Information contained on the health assessment transmittal form is confidential and is not a public record within the meaning of G.S. 132-1. The local board of education shall provide, upon request, de-identified health assessment information from the forms to authorized employees of the Department of Health and Human Services who require such information to perform their assigned duties.~~

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

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

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

- (1) The opportunity to take textbooks and school-furnished digital devices home for the duration of the absence.
- (2) Upon request, the right to receive all missed assignments and, to the extent practicable, the materials distributed to students in connection with the assignment.
- (3) The opportunity to take any quarterly, semester, or grading period examinations missed during the absence period."

SECTION 5. The Department of Health and Human Services and the Department of Public Instruction, pursuant to G.S. 130A-441, as amended by this act, shall develop a health assessment transmittal form for the 2016-2017 school year and shall report to the Joint Legislative Oversight Committee on Health and Human Services and to the Joint Legislative Education Oversight Committee on the revised health assessment transmittal form on or before December 1, 2015.

SECTION 6. Sections 1 through 4.5 of this act are effective when this act becomes law and apply to children enrolling in the public schools for the first time beginning with the 2016-2017 school year. The remainder of this act is effective when it becomes law.
In the General Assembly read three times and ratified this the 13th day of August, 2015.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Pat McCrory
Governor

Approved 2:20 p.m. this 18th day of August, 2015