

ASSEMBLY BILL

No. 1905

Introduced by Assembly Member Longville

February 7, 2002

An act to add Section 49452.6 to the Education Code, relating to pupil health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1905, as introduced, Longville. Type 2 diabetes mellitus: pupil screening.

Existing law requires the governing board of a school district to provide a scoliosis screening of every female pupil in grade 7 and every male pupil in grade 8, in accordance with specified guidelines.

This bill would additionally require the governing board of a school district, in conjunction with the scoliosis screening, to screen pupils for type 2 diabetes mellitus. The bill would specify individuals who may perform and supervise the screenings, and would prescribe procedures for the screening process. The bill would provide for parent notification of any pupil suspected of having type 2 diabetes mellitus.

By imposing new duties on school districts, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Middle school pupils with obesity, acanthosis nigricans,
4 ethnicity, and a family history of type 2 diabetes mellitus (DM2)
5 have metabolic abnormalities consistent with the insulin
6 resistance syndrome and are therefore at risk of developing DM2.

7 (b) Inexpensive, noninvasive clinical screening of pupils at
8 school can provide early detection and identification of pupils at
9 risk for DM2.

10 SEC. 2. Section 49452.6 is added to the Education Code, to
11 read:

12 49452.6. (a) The governing board of a school district shall,
13 in conjunction with the scoliosis screening performed pursuant to
14 Section 49452.5, and subject to Section 49451 and in addition to
15 the physical examinations required pursuant to Sections 100275,
16 124035, and 124090 of the Health and Safety Code, provide for the
17 screening of every female pupil in grade 7 and every male pupil
18 in grade 8 for the condition known as type 2 diabetes mellitus. The
19 screening shall be in accord with standards established by the State
20 Department of Education. The screening shall be supervised only
21 by qualified supervisors of health as specified in Sections 44871
22 to 44878, inclusive, and Section 49422, or by school nurses
23 employed by the district or the county superintendent of schools,
24 or pursuant to contract with an agency authorized to perform these
25 services by the county superintendent of schools of the county in
26 which the district is located pursuant to Sections 1750 to 1754,
27 inclusive, and Section 49402, Section 101425 of the Health and
28 Safety Code, and guidelines established by the State Board of
29 Education. The screening shall be performed only by individuals
30 who supervise, or who are eligible to supervise, the screening, or
31 by certificated employees of the district or of the county



1 superintendent of schools who have received in-service training,
2 pursuant to rules and regulations adopted by the State Board of
3 Education, to qualify them to perform these screenings.

4 (b) The screening process shall include all of the following:

5 (1) Measuring the height and weight of the pupil to calculate
6 the pupil's body mass index.

7 (2) Examining the pupil's neck for acanthosis nigricans, a dark
8 pigmentation that may indicate a high insulin level.

9 (3) Documenting the pupil's ethnicity, based on existing school
10 records.

11 (4) Considering whether the pupil's existing health records
12 indicate a family history of type 2 diabetes mellitus.

13 (c) In-service training may be conducted by physicians and
14 registered nurses who have received specialized training in type 2
15 diabetes mellitus detection.

16 (d) No person screening pupils for type 2 diabetes mellitus
17 pursuant to this section shall solicit, encourage, or advise treatment
18 or consultation by that person, or any entity in which that person
19 has a financial interest, for type 2 diabetes mellitus or any other
20 condition discovered in the course of the screening.

21 (e) The governing board of any school district shall provide for
22 the notification of the parent or guardian of any pupil suspected of
23 having type 2 diabetes mellitus. The notification shall include an
24 explanation of type 2 diabetes mellitus, the significance of treating
25 it at an early age, and the public services available, after diagnosis,
26 for treatment. Referral of the pupil and the pupil's parent or
27 guardian to appropriate community resources shall be made
28 pursuant to Sections 49426 and 49456.

29 (f) No action of any kind in any court of competent jurisdiction
30 shall lie against any individual authorized by this section to
31 supervise or give a screening, by virtue of this section.

32 (g) It is the intent of the Legislature that no participating
33 healing arts licentiate use the screening program for the generation
34 of referrals or for his or her financial benefit. The Legislature does
35 not intend to deny or limit the freedom of choice in the selection
36 of an appropriate health care provider for treatment or
37 consultation.

38 SEC. 3. Notwithstanding Section 17610 of the Government
39 Code, if the Commission on State Mandates determines that this
40 act contains costs mandated by the state, reimbursement to local



1 agencies and school districts for those costs shall be made pursuant
2 to Part 7 (commencing with Section 17500) of Division 4 of Title
3 2 of the Government Code. If the statewide cost of the claim for
4 reimbursement does not exceed one million dollars (\$1,000,000),
5 reimbursement shall be made from the State Mandates Claims
6 Fund.

O

