

AMENDED IN SENATE AUGUST 5, 2002

AMENDED IN SENATE JUNE 26, 2002

AMENDED IN ASSEMBLY MAY 23, 2002

AMENDED IN ASSEMBLY MARCH 11, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1905**

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**Introduced by Assembly Member Longville  
(Principal coauthor: Assembly Member Koretz)  
(Coauthors: Assembly Members Alquist, Goldberg, Reyes,  
Richman, Salinas, Strom-Martin, and Vargas)**

February 7, 2002

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1905, as amended, 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 the risk of developing 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 or guardian notification of any pupil suspected of being at risk of developing 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 risk of developing type 2 diabetes mellitus. The  
19 screening shall be in accord with standards and procedures  
20 developed by the State Department of Education in conjunction



1 with the State Department of Health Services' Diabetes Control  
2 Program, and adopted as regulations by the State Board of  
3 Education. The screening shall be supervised only by qualified  
4 supervisors of health as specified in Sections 44871 to 44878,  
5 inclusive, and Sections 49422 and 49452.5, or pursuant to contract  
6 with an agency authorized to perform these services by the county  
7 superintendent of schools of the county in which the district is  
8 located pursuant to Sections 1750 to 1754, inclusive, and Section  
9 49402, Section 101425 of the Health and Safety Code, and  
10 guidelines established by the State Board of Education. The  
11 screening shall be performed only by individuals who supervise,  
12 or who are eligible to supervise, the screening, or by certificated  
13 employees of the district or of the county superintendent of schools  
14 who have received in-service training, pursuant to rules and  
15 regulations adopted by the State Board of Education, to qualify  
16 them to perform these screenings.

17 (b) The screening process shall be noninvasive and ~~may~~ *shall*  
18 include, but shall not be limited to, the following:

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

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

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

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

27 (c) In-service training ~~may~~ *shall* be conducted by appropriately  
28 licensed health care providers acting within the scope of their  
29 practice who have received specialized training in screening for  
30 the risk of developing type 2 diabetes mellitus.

31 (d) No person screening pupils for the risk of type 2 diabetes  
32 mellitus pursuant to this section shall solicit, encourage, or advise  
33 treatment or consultation by that person, or any entity in which that  
34 person has a financial interest, for the risk of type 2 diabetes  
35 mellitus or any other condition discovered in the course of the  
36 screening.

37 (e) The State Department of Health Services' Diabetes Control  
38 ~~Program shall be responsible for selecting and reviewing all~~  
39 *Program shall select and review all* educational and notification  
40 materials to be sent to the parent or guardian of any pupil suspected



1 of being at risk for developing type 2 diabetes mellitus. The  
2 governing board of any school district shall provide for the  
3 notification of the parent or guardian of any pupil suspected of  
4 being at *elevated* risk of developing type 2 diabetes mellitus. ~~The~~  
5 ~~notification shall include an explanation of the mellitus, and the~~  
6 ~~notification shall be provided by mail. The notification shall be~~  
7 ~~culturally and linguistically appropriate, and shall include an~~  
8 ~~explanation of the meaning of being at *elevated* risk of developing~~  
9 ~~type 2 diabetes mellitus, the significance of exercise and weight~~  
10 ~~control in preventing the development of it, and the information~~  
11 ~~on aspects of the school environment that may contribute to obesity~~  
12 ~~or type 2 diabetes, information on Medi-Cal, the Healthy Families~~  
13 ~~Program, the Child Health and Disability Prevention Program,~~  
14 ~~and other public services available for helping with prevention-~~  
15 ~~Referral of, and referrals for the pupil and the pupil's parent or~~  
16 ~~guardian to appropriate community resources, which shall be~~  
17 ~~made pursuant to Sections 49426 and 49456. The State~~  
18 ~~Department of Health Services' Diabetes Control Program shall~~  
19 ~~be responsible for identifying and distributing information relative~~  
20 ~~to where identify and distribute to the State Department of~~  
21 ~~Education information for parents on where health assessments~~  
22 ~~and health care, including fee free and low-cost, may be obtained~~  
23 ~~in communities across the state.~~

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

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

33 SEC. 3. Notwithstanding Section 17610 of the Government  
34 Code, if the Commission on State Mandates determines that this  
35 act contains costs mandated by the state, reimbursement to local  
36 agencies and school districts for those costs shall be made pursuant  
37 to Part 7 (commencing with Section 17500) of Division 4 of Title  
38 2 of the Government Code. If the statewide cost of the claim for  
39 reimbursement does not exceed one million dollars (\$1,000,000),



- 1 reimbursement shall be made from the State Mandates Claims
- 2 Fund.

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