

**Introduced by Senator Torlakson**

February 16, 2001

An act to amend Section 49452.5 of the Education Code, relating to pupil health.

LEGISLATIVE COUNSEL'S DIGEST

SB 293, as introduced, Torlakson. Scoliosis screening.

Existing law requires the governing board of any school district to provide for the screening of every female pupil in grade 7 and every male pupil in grade 8 for the condition known as scoliosis.

This bill would, instead, require this screening of every female during some point when the female pupil is in grades 5 to 7, inclusive, and every male pupil during some point when the male pupil is in grades 6 to 8, inclusive.

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

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

- 1 SECTION 1. The Legislature finds and declares that children  
2 are developing and maturing at earlier ages and that early detection  
3 of scoliosis is the best way to treat the condition. Therefore, it is  
4 the Legislature's intent to allow the required scoliosis screening  
5 for pupils to begin at an earlier age.  
6 SEC. 2. Section 49452.5 of the Education Code is amended  
7 to read:  
8 49452.5. The governing board of any school district shall,  
9 subject to Section 49451 and in addition to the physical  
10 examinations required pursuant to Sections 100275, 124035, and



1 124090 of the Health and Safety Code, provide for the screening  
2 of every female pupil ~~in grade 7~~ *during some point when the female*  
3 *pupil is in grades 5 to 7, inclusive*, and every male pupil ~~in grade~~  
4 *8 during some point when the male pupil is in grades 6 to 8,*  
5 *inclusive*, for the condition known as scoliosis. The screening shall  
6 be in accord with standards established by the State Department of  
7 Education. The screening shall be supervised only by qualified  
8 supervisors of health as specified in Sections 44871 to 44878,  
9 inclusive, and Section 49422, or by school nurses employed by the  
10 district or the county superintendent of schools, or pursuant to  
11 contract with an agency authorized to perform these services by  
12 the county superintendent of schools of the county in which the  
13 district is located pursuant to Sections 1750 to 1754, inclusive, and  
14 Section 49402 of this code, Section 101425 of the Health and  
15 Safety Code, and guidelines established by the State Board of  
16 Education. The screening shall be given only by individuals who  
17 supervise, or who are eligible to supervise, the screening, or  
18 licensed chiropractors, or by certificated employees of the district  
19 or of the county superintendent of schools who have received  
20 in-service training, pursuant to rules and regulations adopted by  
21 the State Board of Education, to qualify them to perform these  
22 screenings. It is the intent of the Legislature that these screenings  
23 be performed, at no additional cost to the state, the school district,  
24 or the parent or guardian, during the regular schoolday and that any  
25 staff time devoted to these activities be redirected from other  
26 ongoing activities not related to the pupil's health care.

27 In-service training may be conducted by orthopedic surgeons,  
28 physicians, registered nurses, physical therapists, and  
29 chiropractors, who have received specialized training in scoliosis  
30 detection.

31 Pupils suspected of having scoliosis during the initial screening  
32 shall be rescreened by an orthopedic surgeon when there will be  
33 no cost to the state, the school district, or the parent or guardian.

34 No person screening pupils for scoliosis pursuant to this section  
35 shall solicit, encourage, or advise treatment or consultation by that  
36 person, or any entity in which that person has a financial interest,  
37 for scoliosis or any other condition discovered in the course of the  
38 screening.

39 The governing board of any school district shall provide for the  
40 notification of the parent or guardian of any pupil suspected of



1 having scoliosis. The notification shall include an explanation of  
2 scoliosis, the significance of treating it at an early age, and the  
3 public services available, after diagnosis, for treatment. Referral  
4 of the pupil and the pupil's parent or guardian to appropriate  
5 community resources shall be made pursuant to Sections 49426  
6 and 49456.

7 No action of any kind in any court of competent jurisdiction  
8 shall lie against any individual, authorized by this section to  
9 supervise or give a screening, by virtue of this section.

10 In enacting amendments to this section, it is the intent of the  
11 Legislature that no participating healing arts licentiate use the  
12 screening program for the generation of referrals or for his or her  
13 financial benefit. The Legislature does not intend to deny or limit  
14 the freedom of choice in the selection of an appropriate health care  
15 provider for treatment or consultation.

