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AMENDED IN SENATE JUNE 5, 2006

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AMENDED IN ASSEMBLY MAY 23, 2005

AMENDED IN ASSEMBLY APRIL 27, 2005

AMENDED IN ASSEMBLY APRIL 5, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

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**ASSEMBLY BILL**

**No. 1433**

**Introduced by Assembly Members Emmerson and Laird**  
**(Coauthors: Assembly Members Daucher, Jerome Horton,**  
**Nakanishi, Richman, Ridley-Thomas, Saldana, and Wolk)**  
(Coauthors: Senators Aanestad, *Alquist*, Ducheny, and Figueroa)

February 22, 2005

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An act to add Section 49452.7 to the Education Code, relating to pupil health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1433, as amended, Emmerson. Pupil health: oral health assessment.

Existing law requires the governing board of any school district to make rules for the physical examination of pupils that will ensure proper care of the pupils and proper secrecy with regard to any defect noted. Existing law allows the parent or guardian having control or charge of any child enrolled in ~~the~~ *a public-schools school* to file annually a statement in writing, signed by the parent or guardian, that he or she will not consent to an examination of his or her child.

Existing law exempts a child from physical examinations once such a statement is filed with the principal.

This bill would require a pupil, while enrolled in kindergarten in a public school, or while enrolled in first grade in a public school if the pupil was not previously enrolled in kindergarten in a public school, to present proof, no later than May 31 of the school year, of having received an oral health assessment by a licensed dentist or other licensed or registered dental health professional operating within his or her scope of practice that was performed no earlier than 12 months prior to the date of the initial enrollment of the pupil. *The bill would authorize a parent or guardian to be excused from complying with the above requirement by indicating on a specified form that the oral health assessment could not be completed because of one or more specified reasons.* The bill would require public schools to send a notification of the assessment requirement to the parent or guardian of a the pupil subject to that requirement, including a standardized form that can be used for an assessment or on which the parent or guardian can indicate one of several specified reasons why an assessment cannot be completed. The bill would require all public schools, after receiving completed assessments, and by December 31 of each year, to send a report, as specified, to the local health officer of the public health department of the county in which the school is located.

By requiring public schools to perform additional duties, this 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.

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) Oral health is integral to overall health.

1 (b) Tooth decay is the most common chronic childhood  
2 disease, experienced by more than two-thirds of California's  
3 children and five times more common than asthma.

4 (c) California's schoolchildren, ages 6 to 8, inclusive,  
5 experience oral disease at twice the rate of schoolchildren in  
6 other states.

7 (d) Oral diseases are infectious, are not self-limiting,  
8 contribute to many lost school hours, negatively impact learning,  
9 interfere with eating, contribute to poor self-esteem, and can  
10 cause considerable pain.

11 (e) Tooth decay is preventable.

12 SEC. 2. Section 49452.7 is added to the Education Code, to  
13 read:

14 49452.7. (a) A pupil, while enrolled in kindergarten in a  
15 public school, or while enrolled in first grade in a public school if  
16 the pupil was not previously enrolled in kindergarten in a public  
17 school, shall, no later than May 31 of the school year, present  
18 proof of having received an oral health assessment by a licensed  
19 dentist, or other licensed or registered dental health professional  
20 operating within his or her scope of practice, that was performed  
21 no earlier than 12 months prior to the date of the initial  
22 enrollment of the pupil.

23 *(b) The parent or guardian of a pupil may be excused from*  
24 *complying with subdivision (a) by indicating on the form*  
25 *described in subdivision (d) that the oral health assessment could*  
26 *not be completed because of one or more of the reasons provided*  
27 *in subparagraphs (A) to (C), inclusive, of paragraph (2) of*  
28 *subdivision (d).*

29 ~~(b)~~

30 (c) A public school shall notify the parent or guardian of a  
31 pupil described in subdivision (a) concerning the assessment  
32 requirement. The notification shall, at a minimum, consist of a  
33 letter that includes all of the following:

34 (1) An explanation of the administrative requirements of this  
35 section.

36 (2) Information on the importance of primary teeth.

37 (3) Information on the importance of oral health to overall  
38 health and to learning.

1 (4) A toll-free telephone number to request an application for  
2 Healthy Families, Medi-Cal, or other government subsidized  
3 health insurance programs.

4 (5) Contact information for county public health departments.

5 (6) *A statement of privacy applicable under state and federal*  
6 *laws and regulations.*

7 ~~(e)~~

8 (d) In order to ensure uniform data collection, the notification  
9 specified in subdivision ~~(b)~~ (c) shall include a standardized form  
10 that includes all of the following:

11 (1) A section that can be used by the licensed dentist or other  
12 licensed or registered dental health professional performing the  
13 assessment to record information that is consistent with the  
14 information collected on the oral health assessment form  
15 developed by the Association of State and Territorial Dental  
16 Directors.

17 (2) A section in which the parent or guardian of a pupil can  
18 indicate the reason why an assessment could not be completed by  
19 marking the box next to the appropriate reason. The reasons for  
20 not completing an assessment shall include all of the following:

21 (A) Completion of an assessment poses an undue financial  
22 burden on the parent or guardian.

23 (B) Lack of access by the parent or guardian to a licensed  
24 dentist or other licensed or registered dental health professional.

25 (C) The parent or guardian does not consent to an assessment.

26 ~~(d)~~

27 (e) Upon receiving completed assessments, all ~~public schools~~  
28 *school districts* shall, by December 31 of each year, submit a  
29 report to the public health department of the county in which the  
30 school *district* is located. The report shall include all of the  
31 following:

32 (1) The total number of pupils in the ~~school district~~, *by school*,  
33 who are subject to the requirement to present proof of having  
34 received an oral health assessment pursuant to subdivision (a).

35 (2) The total number of pupils described in paragraph (1) who  
36 present proof of an assessment.

37 (3) The total number of pupils described in paragraph (1) who  
38 could not complete an assessment due to financial burden.

39 (4) The total number of pupils described in paragraph (1) who  
40 could not complete an assessment due to lack of access to a

1 licensed dentist or other licensed or registered dental health  
2 professional.

3 (5) The total number of pupils described in paragraph (1) who  
4 could not complete an assessment because their parents or  
5 guardians provided a written statement to the school that they did  
6 not want their child to receive an assessment.

7 (e)

8 (f) This section does not prohibit any of the following:

9 (1) County public health departments from sharing aggregate  
10 data collected pursuant to this section with other governmental  
11 agencies, philanthropic organizations, or other nonprofit  
12 organizations for the purpose of data analysis.

13 (2) Use of assessment data that is compliant with the federal  
14 Health Insurance Portability and Accountability Act of 1996  
15 (P.L. 104-191) for purposes of conducting research and analysis  
16 on the oral health status of public school pupils in California.

17 SEC. 3. If the Commission on State Mandates determines that  
18 this act contains costs mandated by the state, reimbursement to  
19 local agencies and school districts for those costs shall be made  
20 pursuant to Part 7 (commencing with Section 17500) of Division  
21 4 of Title 2 of the Government Code.