

AMENDED IN ASSEMBLY APRIL 13, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2454

Introduced by Assembly Member Torlakson

February 19, 2010

An act to add Sections ~~49429 and 49429.1~~ *49404 and 49426.5* to the Education Code, relating to ~~school nurses~~ *pupil health*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2454, as amended, Torlakson. ~~Education: school nurses~~ *Pupil health*.

Existing law requires the governing board of any school district to give diligent care to the health of pupils, and ~~the boards are authorized~~ *authorizes school boards* to employ properly certified persons for the work.

This bill, *on and after July 1, 2020*, would require ~~every school district with over 500 pupils to employ at least one school nurse, as defined~~ *the governing board of a school district to employ at least one school nurse, registered nurse, or licensed vocational nurse for every 750 pupils. The bill would require registered nurses and licensed vocational nurses to provide health care services to pupils under the supervision of a school nurse.*

Because this bill would require school districts to perform new duties, it 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 no reimbursement is required by this act for a specified reason.

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) The health needs of pupils are currently not being adequately
4 met in California’s schools due to the lack of qualified health
5 professionals employed by the school districts who have access
6 to local school campuses.

7 (b) Nurses are uniquely qualified to attend to the primary care
8 of pupils suffering from chronic and acute health conditions.

9 (c) It is the intent of the Legislature in enacting this act to ensure
10 that school districts more adequately address and meet the health
11 care needs of pupils by requiring that school districts employ a
12 sufficient number of qualified nurses to attend to the health needs
13 of pupils.

14 ~~SEC. 2. Section 49429 is added to the Education Code, to read:~~

15 ~~49429. (a) A school nurse is defined in Section 49426.~~

16 ~~(b) A registered nurse is defined under Chapter 6 (commencing~~
17 ~~with Section 2700) of Division 2 of the Business and Professions~~
18 ~~Code.~~

19 ~~SEC. 3. Section 49429.1 is added to the Education Code, to~~
20 ~~read:~~

21 ~~49429.1. Notwithstanding Section 49400, every school district~~
22 ~~with 500 or more pupils shall employ at least one school nurse as~~
23 ~~defined in subdivision (a) of Section 49429.~~

24 *SEC. 2. Section 49404 is added to the Education Code, to read:*

25 *49404. The governing board of a school district may bill a*
26 *pupil’s health insurer for the cost of health care services provided*
27 *to the pupil.*

28 *SEC. 3. Section 49426.5 is added to the Education Code, to*
29 *read:*

30 *49426.5. (a) The governing board of a school district shall*
31 *employ at least one school nurse, registered nurse, or licensed*
32 *vocational nurse for every 750 pupils.*

33 *(b) A registered nurse or licensed vocational nurse shall provide*
34 *health care services to pupils under the supervision of a school*

1 nurse. A school nurse may not supervise more than a combined
2 total of five registered nurses and licensed vocational nurses.

3 (c) A school district may contract with a county office of
4 education for the services of a school nurse employed by the county
5 office of education.

6 (d) This section shall not apply to school districts that are served
7 by a school health center, as defined in Section 124174 of the
8 Health and Safety Code.

9 (e) For purposes of this section, the following definitions apply:

10 (1) "Registered nurse" means a registered nurse currently
11 licensed under Chapter 6 (commencing with Section 2700) of
12 Division 2 of the Business and Professions Code.

13 (2) "Licensed vocational nurse" means a licensed vocational
14 nurse currently licensed under Chapter 6.5 (commencing with
15 Section 2840) of Division 2 of the Business and Professions Code.

16 (f) This section shall become operative on July 1, 2020.

17 SEC. 4. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district are the result of a program for which legislative authority
21 was requested by that local agency or school district, within the
22 meaning of Section 17556 of the Government Code and Section
23 6 of Article XIII B of the California Constitution.