

STORAGE NAME: h0357s1.ei.doc
DATE: March 20, 2001

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
EDUCATION INNOVATION
ANALYSIS**

BILL #: CS/HB 357
RELATING TO: Parental Consent
SPONSOR(S): Committee on Education Innovation and Representative(s) Crow
TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) EDUCATION INNOVATION YEAS 13 NAYS 0
 - (2) COUNCIL FOR LIFELONG LEARNING
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

Pursuant to current law, CS/HB 357 requires that a student be exempt from any of the services provided under the school health services plan if his or her parent or guardian requests the exemption in writing.

This bill also limits the transportation of a student in a school district vehicle or a privately owned vehicle to a medical treatment facility, without parental consent, to circumstances when immediate medical treatment is necessary for the health and safety of the student.

This bill does not appear to have a fiscal impact on state or local governments.

The bill becomes effective on July 1, 2001.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|-----------------------------------------|-----------------------------|-----------------------------------------|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |

For any principle that received a “no” above, please explain:

B. PRESENT SITUATION:

PROVISION OF MEDICAL SERVICES

Section 232.465, Florida Statutes, provides that nonmedical school district personnel must not be allowed to perform invasive medical services that require special knowledge, nursing judgment, and nursing assessment. However, nonmedical school district personnel can perform certain health related services if a registered nurse, licensed practical nurse, licensed physician, or licensed physician assistant trains them. For all invasive medical services, not specified in Section 234.465, Florida Statutes, a registered nurse, licensed practical nurse, licensed physician, or licensed physician assistant must determine if nonmedical school district personnel can be allowed to perform such services. Each district school board must establish procedures for life-threatening emergencies in accordance with the School Health Services Act in Subsection 381.0056(5), Florida Statutes.

The “school health services plan” as defined in the School Health Services Act, Section 381.0056, Florida Statutes, requires each county health department to develop, jointly with the district school board and the local school health advisory committee, a school health services plan; that includes, but is not limited to the following: provisions for a health appraisal, records review, nurse assessment, nutrition assessment, a preventive dental program, vision screening, hearing screening, and scoliosis screening, on all students. At the beginning of each school year, district school boards are required to inform parents or guardians in writing that their children who are students in the district schools will receive specified health services. A student will be exempt from any of these services as provided for in the district health services plan if his or her parent requests the exemption in writing.

STUDENT HEALTH AND SAFETY

Section 234.02, Florida Statutes, states that the maximum regard for safety and adequate protection of health are primary requirements that must be observed by district school boards in routing buses, appointing drivers, and providing and operating equipment. District school boards must use school buses as defined in law for all regular transportation. District school boards may authorize the transportation of students in privately owned motor vehicles on a case-by-case basis in certain circumstances.

One such circumstance is authorized when a student is ill or injured and must be taken home or to a medical treatment facility under nonemergency circumstances, if the following conditions are met:

(1) the school has been unable to contact the parent, or the parent is not available to provide transportation; (2) proper adult supervision is available at the destination; (3) transportation is approved by the appropriate school official; and (4) the school continues to try to contact the parent until the school notifies the parent or guardian of the transportation and the relevant circumstances.

Additionally, Subsection 234.02(8), Florida Statutes, authorizes school personnel to take the appropriate action that is needed in order to protect a student's health and safety during an emergency situation that poses an imminent threat to the student's health and safety.

C. EFFECT OF PROPOSED CHANGES:

PROVISION OF MEDICAL SERVICES

CS/HB 357 requires that a student be exempt from any of the services provided under the school health services plan if his or her parent or guardian requests the exemption in writing. However, this exemption is already provided for in Subsection 381.0056(7)(d), Florida Statutes.

STUDENT HEALTH AND SAFETY

This bill amends Subsection 234.02(8), Florida Statutes, to limit transportation of a student in a school district vehicle or a privately owned vehicle to a medical treatment facility without parental consent to those circumstances when immediate medical treatment is necessary for the health and safety of the student. This provision clarifies that students may be taken to a medical treatment facility without parental consent if it is necessary for the health and safety of the student, so school personnel do not have to delay treatment of a student in those circumstances.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Amends Section 232.465, Florida Statutes, to provide that a student is exempt from certain services under the school health services plan if a parent or guardian requests such an exemption in writing.

Section 2: Amends Subsection 234.02(8), Florida Statutes, to clarify that in an emergency situation that is an imminent threat to student health or safety that school personnel may take whatever action necessary to protect student health and safety including the transportation of a student to a medical treatment facility without parental consent.

Section 3: Provides an effective date of July 1, 2001.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a fiscal impact on the private sector.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to expend funds or to take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that counties or municipalities have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties and municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

This bill does not appear to violate any constitutional issues.

B. RULE-MAKING AUTHORITY:

This bill does not necessitate additional rulemaking authority.

C. OTHER COMMENTS:

CS/SB 780 is similar to CS/HB 357.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 19, 2001, the Committee on Education Innovation adopted a strike all amendment. The bill differs from the original bill in the following ways:

- Deletes the requirements for administering nonprescription medication.

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- Deletes the designation of the school nurse as an additional designee of the principal to administer medication.
- Deletes the language related to transporting an ill or injured student to a medical treatment facility in an imminently life-threatening situation.

The Committee on Education Innovation reported the bill favorably as a committee substitute.

VII. SIGNATURES:

COMMITTEE ON EDUCATION INNOVATION:

Prepared by:

Staff Director:

Elsie J. Rogers

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