

Date of Hearing: March 29, 2023

ASSEMBLY COMMITTEE ON EDUCATION  
Al Muratsuchi, Chair  
AB 1722 (Megan Dahle) – As Introduced February 17, 2023

**AS PROPOSED TO BE AMENDED**

**SUBJECT:** School nurses: requirements

**SUMMARY:** Authorizes a local educational agency (LEA) to employ a licensed vocational nurse (LVN) who is supervised by a credentialed school nurse (CSN) employed by a different LEA, as specified. Specifically, **this bill:**

- 1) Authorizes an LVN to be supervised by a CSN who serves as a school nurse at the same LEA or at another LEA.
- 2) Requires the partnering LEAs to establish a written agreement on the duties of the CSN and LVN, the communication policy, the financial arrangement between the LEAs including additional compensation for the CSN; and the indemnification policy. Authorizes an LEA to hire an LVN under this authorization only with this agreement in place.
- 3) Authorizes an LEA to hire an LVN according to this agreement only if they are unable to hire a CSN.
- 4) Clarifies that this authorization shall not be interpreted to allow an LVN to go beyond the approved scope of practice.
- 5) Encourages county offices of education (COEs) to establish networks of CSNs for LEAs that are not able to hire a CSN; and encourages COEs to provide mentoring opportunities for LVNs.
- 6) States that the LEA employing a CSN pursuant to this measure shall have indemnification for the supervisorial liability from the LEA employing the LVN.
- 7) Includes appropriately trained registered nurses (RNs) and LVNs under the supervision of a CSN, on the list of authorized school personnel to complete vision and hearing screenings.
- 8) Defines LEA to mean a school district, county office of education or a charter school.

**EXISTING LAW:**

- 1) Defines a school nurse as a Registered Nurse (RN) currently licensed under the Nursing Practices Act, and who has completed the additional educational requirements for, and possesses a current credential in, school nursing. (Education Code (EC) 49426)
- 2) Specifies the qualifications for a school nurse to be a valid certificate of registration issued by the Board of Nurse Examiners of the State of California or the California Board of Nursing Education and Nurse Registration and a health and development credential, a standard designated services credential with a specialization in health, or a services credential

with a specialization in health. Specifies the services credential with a specialization in health authorizing service as a school nurse shall not authorize teaching services unless the holder also completes the requirements for a special class authorization in health in a program that is approved by the Commission on Teacher Credentialing (CTC). Specifies on and after January 1, 1981, the qualifications for a nurse shall also include proof satisfactory to the school district that the nurse has acquired training in child abuse and neglect detection. (EC 44877)

- 3) During the kindergarten year or upon first enrollment or entry in a California school district of a pupil at an elementary school, and in grades 2, 5, and 8, the pupil's vision shall be appraised by the school nurse or other authorized person. The appraisal shall include tests for visual acuity, including near vision, and color vision; however, color vision shall be appraised once and only on male pupils, and the results of the appraisal shall be entered in the health record of the pupil. Color vision appraisal need not begin until the male pupil has reached the first grade. A pupil's vision may be appraised by using an eye chart or any other scientifically validated photoscreening test. Photoscreening tests must be performed under an agreement with, or the supervision of, an optometrist or ophthalmologist, by the school nurse or a trained individual who meets requirements established by the department. Requires the CDE to adopt guidelines to implement this section, including training requirements and a method of testing for near vision. (EC 49455)
- 4) Requires the governing board of any school district to provide for the testing of the sight and hearing of each pupil enrolled in the schools of the district. The test shall be adequate in nature and must be given only by duly qualified supervisors of health employed by the district; or by certificated employees of the district or of the county superintendent of schools who possess the qualifications prescribed by the CTC; or by contract with an agency duly authorized to perform those services by the county superintendent of schools of the county in which the district is located, under guidelines established by the State Board of Education (SBE); or accredited schools or colleges of optometry, osteopathic medicine, or medicine. (EC 49452)
- 5) Requires the qualifications for an audiometrist working under the direction of health services personnel to be a valid certificate or license issued by, or valid registration with, the California state agency authorized by law to issue the certificate or license, or to effect the registration, required for performance of the service. (EC 44879)
- 6) Requires the CDE, by January 1, 2022, to appoint a state school nurse consultant to be housed within the CDE. The state school nurse consultant shall be a school nurse with a services credential with a specialization in health for a school nurse issued by the CTC, who has a minimum of five years of experience in school health program management. The state school nurse consultant must work with LEAs and school nurses to promote quality school nursing services and school health programs that address the broad health needs of pupils. The state school nurse consultant, in performing the duties of the position, must collaborate with the State Department of Public Health, the State Department of Health Care Services, the Governor's Office of Emergency Services, and the Board of Registered Nursing. (EC 49420)

**FISCAL EFFECT:** Unknown

**COMMENTS:**

***Need for the bill.*** According to the author, “We have had a shortage of school nurses in California for years. The recent pandemic has highlighted this crisis, bringing the problem to the forefront of my conversations nearly every day. Our statewide nursing and school nurses shortage preceded COVID-19, but it has accelerated over the past several years as qualified medical professionals retire, experience burn out, battle high cost of living, lack of housing, lower wages and scarce credentialing programs.

A school nurse in California is required to be a registered nurse (RN) and earn a credential in addition to their nursing degree. The credentialing process, which is similar to what teachers go through, can take up to two years (there are only a few schools available) and cost more than \$10,000. These factors, along with others contribute to the existing and continued shortage of RN’s and in turn, school nurses throughout California. And adding insult to injury, rural schools are more likely to lack nursing support than those located in cities, towns, or suburbs.

One school district I represent has gone without a school nurse for 3 years and others share a health clerk who is contracted for 2 hours a week. As a result, the reality for our students means going without a school nurse and/or school staff without medical training are the ones applying bandages, dispensing medication, managing allergies, asthma, monitoring blood glucose levels, and handling medical emergencies. AB 1722 seeks to provide the option for a school district to hire an LVN under the required supervision of a credentialed school nurse with guard rails to keep everyone in their scope of practice.”

***Credentialed school nurse (CSN) recruitment challenges in small and rural school districts.***

Recruiting CSNs is not only difficult for urban districts, it is also difficult for rural school districts. Not only are districts competing with community employers that can often pay nurses higher salaries, but they are also competing against the image that school nursing can be a very challenging job in highly impoverished areas. Some medium to small school districts have a difficult time recruiting a single school nurse because of this competition. Extremely rural districts may not be able to recruit school nurses due to the natural isolation of the district from a nearby city. This bill, as proposed to be amended, authorizes school districts in this difficult situation to hire an LVN and partner with another LEA who employs a CSN to supervise the LVN.

***Nurse to student ratios.*** There has been a long standing shortage of school nurses in California, and many California students do not have regular access to a school nurse. According to the Public Policy Institute of California, California's nurse-to-student ratio is approximately 1:2,410. According to the California Basic Educational Data System (CBEDS), about one-half of school districts do not have a school nurse. The National Association of School Nurses that recommends guidelines of 1:750 for students in general population; 1:225 in the student population that may require daily professional school nursing services or intervention; and, 1:125 in student population with complex health care needs. They recommend that school districts should provide a full-time professionally prepared RN all day, every day in each building. Also recommended is additional school nurse staff to accommodate other student health needs including, but not limited to, special education evaluations, nursing services included in individualized education program (IEPs), nursing services for students with Section 504 Plans, and schools with large populations and large numbers of students with mental or social concerns.

According to the Public Policy Institute of California, in 2020 there was one school nurse for about 890 students in Siskiyou County, which has the lowest overall student-to-nurse ratio. Yuba County had the highest ratio, with one nurse for more than 14,700 students. Alpine, Mono, and Sierra Counties reported no school nurses at all. Even in counties that have lower student-to-nurse ratios, students may still lack access, since not all school districts have nurses on staff.

***Credentialed school nursing requirements.*** Under current law a school nurse is required to have a Bachelor of Science (BS) in nursing, be an RN, and hold a school nurse credential. A preliminary credential is issued for five years and an individual qualifies for a clear credential after successfully completing two years of service as a school nurse and by completing a CTC-approved school nurse program. School nursing certificates require an additional 15-30 units of education above a BS. Requirements from the CTC make the school nursing credential standards based, thereby allowing schools the ability to offer the credential in a variety of formats.

***Registered nurses and licensed vocational nurses.*** According to the Legislative Analyst's Office, all RNs in the state must have a license issued by the California Board of Registered Nursing (BRN). To obtain a license, students must complete a number of steps, including graduating from an approved nursing program and passing the national licensing examination. In California, there are four types of prelicensure educational programs available to persons seeking to become a RN. All four types are generally full-time programs, and each combines classroom instruction and "hands-on" training in a lab with clinical placement in a hospital or other health facility. The first two options are for students to enroll in either an associate degree in nursing (ADN) program at a two-year college, or a four-year bachelor's degree in nursing (BSN) program at a university. In addition, individuals who are already LVNs may choose to enroll in an accelerated nursing program at a two-year college. Finally, students that already hold a bachelor's or higher degree in a non-nursing field are eligible to apply for an entry-level master's (ELM) program at a university.

LVNs are licensed by the California Board of Vocational Nursing and Psychiatric Technicians (BVNPT). To obtain a license, students must pass the licensure exam and either graduate from an accredited Vocational Nursing Program or complete the equivalent education and experience. LVN's skills are developed in medical-surgical, maternity and pediatric nursing. LVN's practice under the direction of a physician or a RN and only LVNs and RNs are allowed to use the title "nurse." According to the BVNPT, there are currently approximately 130,000 LVNs in California.

According to the CTC, there are currently 5,696 credentialed school nurses in California. In 2020-21, the CTC issued 426 school nurse credentials. The CTC has issued roughly the same number of school nurse credentials in each of the last four years.

***Related legislation.*** AB 815 (Luz Rivas), Chapter 668, Statutes of 2021, authorizes the CTC to approve a clear credential program offered by a LEA for school nursing; and, requires the CTC to apply the standards for approval of a program of professional preparation offered by a postsecondary educational institution to a program of professional preparation offered by a LEA.

SB 1239 (Wolk) of the 2013-14 Session would have required school districts that are eligible to receive concentration funding under the Local Control Funding Formula (LCFF) to employ at

least one school nurse as a supervisor of health, as specified. This bill was held in the Senate Appropriations Committee.

AB 2454 (Torlakson) of the 2009-10 Session would have required, commencing July 1, 2020, the governing board of a school district to employ at least one school nurse, registered nurse, or licensed vocational nurse for every 750 pupils. This bill was held in the Assembly Appropriations Committee.

ACR 99 (Swanson), Resolution Chapter 93, Statutes of 2009, urges school districts to take the necessary steps to increase school nurse salaries.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

None on file

**Opposition**

Individuals

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