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**Introduced by Senator Ochoa Bogh  
(Coauthor: Senator Dahle)**

February 14, 2025

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An act to amend Section 49423.5 of the Education Code, relating to pupil health.

LEGISLATIVE COUNSEL'S DIGEST

SB 389, as introduced, Ochoa Bogh. Pupil health: individuals with exceptional needs: specialized physical health care services.

Existing law authorizes an individual with exceptional needs who requires specialized physical health care services, as defined, during the regular schoolday, to be assisted by individuals meeting specified requirements.

This bill would authorize, notwithstanding any other law, a licensed vocational nurse under the supervision of a credentialed school nurse who meets the above-described requirements to perform specialized physical health care services.

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. Section 49423.5 of the Education Code is  
2     amended to read:  
3     49423.5. (a) (1) Notwithstanding Section 49422, an individual  
4     with exceptional needs who requires specialized physical health  
5     care services, during the regular schoolday, may be assisted by  
6     any of the following individuals:  
7     (1)

1 (A) Qualified persons who possess an appropriate credential  
2 issued pursuant to Section 44267 or 44267.5, or hold a valid  
3 certificate of public health nursing issued by the Board of  
4 Registered Nursing.

5 ~~(2)~~

6 (B) Qualified designated school personnel trained in the  
7 administration of specialized physical health care if they perform  
8 those services under the supervision, as defined by Section 3051.12  
9 of Title 5 of the California Code of Regulations, of a credentialed  
10 school nurse, public health nurse, or licensed physician and surgeon  
11 and the services are determined by the credentialed school nurse  
12 or licensed physician and surgeon, in consultation with the  
13 physician treating the pupil, to be all of the following:

14 ~~(A)~~

15 (i) Routine for the pupil.

16 ~~(B)~~

17 (ii) Pose little potential harm for the pupil.

18 ~~(C)~~

19 (iii) Performed with predictable outcomes, as defined in the  
20 individualized education program of the pupil.

21 ~~(D)~~

22 (iv) Do not require a nursing assessment, interpretation, or  
23 decisionmaking by the designated school personnel.

24 (2) *Notwithstanding any other law, a licensed vocational nurse*  
25 *under the supervision, as defined by Section 3051.12 of Title 5 of*  
26 *the California Code of Regulations, of a credentialed school nurse*  
27 *who meets the requirements described in paragraph (1) may*  
28 *provide specialized physical health care services pursuant to this*  
29 *section.*

30 (b) Specialized health care or other services that require  
31 medically related training shall be provided pursuant to the  
32 procedures prescribed by Section 49423.

33 (c) Persons providing specialized physical health care services  
34 shall also demonstrate competence in basic cardiopulmonary  
35 resuscitation and shall be knowledgeable of the emergency medical  
36 resources available in the community in which the services are  
37 performed.

38 (d) “Specialized physical health care services,” as used in this  
39 section, includes catheterization, gastric tube feeding, suctioning,  
40 or other services that require medically related training.

1 (e) Regulations necessary to implement this section shall be  
2 developed jointly by the State Department of Education and the  
3 State Department of Health Care Services, and adopted by the state  
4 board.

5 (f) This section does not diminish or weaken any federal  
6 requirement for serving individuals with exceptional needs under  
7 the Individuals with Disabilities Education Act (20 U.S.C. Sec.  
8 1400 et seq.), and its implementing regulations, and under Section  
9 504 of the Rehabilitation Act of 1973 (29 U.S.C. Sec. 794) and its  
10 implementing regulations.

11 (g) This section does not affect current state law or regulation  
12 regarding medication administration.

13 (h) It is the intent of the Legislature that this section not cause  
14 individuals with exceptional needs to be placed at schoolsites other  
15 than those they would attend but for their needs for specialized  
16 physical health care services.