
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair
2023 - 2024 Regular Session

SB 283 (Ochoa Bogh) - Pupil health: asthma management

Version: March 23, 2023
Urgency: No
Hearing Date: April 10, 2023

Policy Vote: ED. 7 - 0
Mandate: Yes
Consultant: Lenin Del Castillo

Bill Summary: This bill requires local educational agencies (LEAs) to adopt comprehensive asthma management plans before the 2024-25 school year. The plans shall identify pupils with asthma, create individualized asthma plans for those pupils, and provide professional development for school staff.

Fiscal Impact: By requiring LEAs to adopt comprehensive asthma management plans, this bill could result in a reimbursable state mandate. The Proposition 98 General Fund costs are estimated to be in the hundreds of thousands to low millions of dollars each year and would create additional cost pressure on the K-12 Mandates Block Grant.

Background: Existing law authorizes a pupil who is required to take, during the regular schoolday, medication prescribed for the pupil by a physician or surgeon, to be assisted by the school nurse or other designated school personnel or may carry and self-administer inhaled asthma medication if the school district receives the appropriate written statement from the physician or surgeon detailing the name of the medication, method, amount, and time schedules by which the medication is to be taken and a written statement from the parent, foster parent, or guardian of the pupil requesting that the school district assist the pupil in the matters set forth in the statement of the physician or surgeon.

Existing law provides that in order for a pupil to carry and self-administer prescription inhaled asthma medication, the school district shall obtain both a written statement from the physician or surgeon detailing the name of the medication, method, amount, and time schedules by which the medication is to be taken, and confirming that the pupil is able to self-administer inhaled asthma medication, and a written statement from the parent, foster parent, or guardian of the pupil consenting to the self-administration, providing a release for the school nurse or other designated school personnel to consult with the health care provider of the pupil regarding any questions that may arise with regard to the medication, and releasing the school district and school personnel from civil liability if the self-administering pupil suffers an adverse reaction by taking medication pursuant to this section.

Proposed Law: This bill requires LEAs to adopt a comprehensive asthma management plan on or before the 2024-25 school year which shall include, but is not limited to: identifying pupils with asthma; creating individualized asthma plans for those pupils with asthma; and providing professional development for school staff that includes, but is not limited to, information about symptoms, common triggers of asthma, ways to reduce acute symptoms, and emergency response procedures.

This bill provides that an LEA may satisfy the requirement to adopt a comprehensive asthma management by consulting with and adopting regulations consistent with the California School Boards Association's asthma management sample administrative regulations. This bill also specifies that LEAs may comply with the bill if their current asthma management plan is consistent with the requirements.

Staff Comments: This bill requires school districts to adopt comprehensive asthma management plans before the 2024-25 school year. The plans shall identify pupils with asthma, create individualized asthma plans for those pupils, and provide professional development for school staff. Consistent with previous determinations by the Commission on State Mandates regarding school safety plans, the Commission is likely to determine the activities required by this bill to be a higher level of service and therefore a reimbursable state mandate. The associated costs could be significant, potentially in the hundreds of thousands to low millions of dollars each year. Alternatively, if school districts elect not to submit mandate claims to the Commission, there could be pressure for the state to increase the K-12 Mandates Block grant. The amount of funding provided through the block grant is tied to the mandates that the Commission has approved as well as the costs for those mandates. School districts that choose to participate in the block grant receive a per-student amount to cover the cost of the various state mandated activities in lieu of submitting mandate claims for reimbursement. Charter schools may participate in the block grant, but are not eligible to submit mandate claims nor receive reimbursement from the state. The 2022 Budget Act includes \$242.3 million for the K-12 Mandates Block Grant.

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