

Date of Hearing: August 20, 2025

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

SB 389 (Ochoa Bogh) – As Amended April 24, 2025

Policy Committee:	Education	Vote:	9 - 0
	Business and Professions		17 - 0

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

This bill authorizes a licensed vocational nurse (LVN), under the supervision of a credentialed school nurse, to provide basic respiratory services to a student with exceptional needs who requires specialized health care services during the schoolday.

FISCAL EFFECT:

No fiscal effect.

COMMENTS:

1) **Purpose.** According to the author:

SB 389 will simply clarify that the language in Education Code Section 49423.5 will continue to apply to LVNs working in educational settings under the supervision of a credentialed school nurse, regardless of future changes to the Business and Professions Code. Since 2001, qualified designated LVNs in educational settings have been trained to provide suctioning and trach care to students and are competent to continue meeting the healthcare needs of the student body. Clearing up the confusion guarantees that students with special healthcare needs will not experience any disruption in their medical care. SB 389 simply makes clear that, regardless of any other laws, LVNs specifically working in a school setting and under the supervision of a credentialed school nurse, can continue to provide these services to students who need them.

2) **Background. Availability of School Nurses.** According to the California Department of Education (CDE), there were 2,944 full-time equivalent school nurse positions in California schools in the 2023-24 school year. This number falls far short of the approximately 10,000 individual schoolsites in California, meaning that not every school has access to a credentialed school nurse. In practice, a single nurse within a school district may be responsible for several thousand students across various schools within the district.

The National Association of School Nurses recommends a guideline ratio of one nurse to 750 students in the general population, one to 225 if the student population may require daily professional school nursing services or intervention, and one to 125 in a student population

with complex health care needs. However, with approximately 5.8 million students enrolled in California public schools, the statewide nurse-to-student ratio for 2023-24 was one to 1,982.

LVNs. 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. An LVN's skills are developed in medical-surgical, maternity and pediatric nursing. LVNs 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.

Respiratory Care Board (RCB). The RCB is responsible for assessing the scope of practice for respiratory care and determining under what conditions LVNs may provide such services. To date, these efforts have largely focused on medical environments and did not explicitly address the role of LVNs in schools. As a result, school districts have expressed uncertainty about whether LVNs can continue to provide respiratory care services to students, particularly those with specialized health care needs.

The California School Nurses Organization (CSNO), sponsor of the bill, states the following:

SB 389 will provide much-needed clarification by ensuring that the language in Education Code Section 49423.5 continues to apply to LVNs working in educational settings under the supervision of a credentialed school nurse, regardless of any future changes to the BPC. For years, LVNs with proper training and under the supervision of a credentialed school nurse have provided suctioning and tracheostomy care and remain competent in meeting the healthcare needs of students. By clarifying this provision, SB 389 will prevent disruptions in student medical care and ensure that students with special healthcare needs receive uninterrupted support from trained LVNs.

- 3) **Prior Legislation.** SB 1451 (Ashby) Chapter 481, Statutes of 2024, expressly authorized LVNs who have completed additional training to perform certain respiratory care services in specified settings.

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