

Oregon State Board of Education

April 14, 2016

<p>SUBJECT: Dental Screening Certification STAFF NAME & OFFICE: Sarah Drinkwater, Mitch Kruska, Ely Sanders</p> <p>SUMMARY: HB 2972 (June, 2015) requires school districts to collect dental screening information for students 7 years of age or younger and who are beginning an educational program (includes prekindergarten) for the first time. Districts report information on percentage of students who turned in dental screening certificates to ODE. ODE submits report to legislature no later than Dec 1 of each year.</p> <p><input checked="" type="checkbox"/> New Rule <input type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input type="checkbox"/> Consent Agenda <input checked="" type="checkbox"/> First Reading <input type="checkbox"/> Action (Adoption) <input type="checkbox"/> Information</p>
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BACKGROUND

Oral health is an important part of a student’s overall health. There are documented connections between overall health and a student’s academic performance and attendance. HB 2972 (June, 2015) requires school districts to collect dental screening information for students seven (7) years of age or younger and who are beginning an educational program (includes prekindergarten) for the first time. Schools may perform dental screenings but are not required to. Schools must provide preventative dental care information to new students. Lastly, school districts shall report the percentage of students who fail to submit a screening certificate to the Oregon Department of Education by October 1 of each year. No later than December 1 each year, the Oregon Department of Education shall submit a summary to the Interim Legislative Committees on Education and to the Dental Director appointed by the Oregon Health Authority.

Proposed OAR language mirrors statute language. No discretion by board required.

SUMMARY OF PREVIOUS BOARD ACTION

There has been no prior board action concerning this topic/ new OAR.

POLICY ISSUE OR CONCERNS

The primary policy issue that the Oregon Department of Education (ODE) heard during the rulemaking process was that original intent of the legislation was to collect more information than what was eventually passed and signed by the governor. ODE reviewed the bill and legislative history and determined that the request for additional data collection and reporting fell outside of the law and raised potential privacy concerns. The request for additional data collection and reporting fell outside of the law and had potential privacy concerns.

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CHANGED SINCE LAST BOARD MEETING? (IF APPLICABLE)

- N/A; first read—hasn't been before board
 No; same as last month
 Yes - As follows:

EFFECT OF A "YES" OR "NO" VOTE (AS APPROPRIATE)

A yes vote would pass the OAR language on to second read.

STAFF RECOMMENDATION

- Approve Approve next month No recommendation at this time

Hearing Date: April 21, 2016

Prompted by:

- State law changes Federal law changes other

FISCAL ANALYSIS (AS APPROPRIATE)

Fiscal impact for ODE includes staff time for bill implementation and set up and management of new data collection.

District FTE to collect, track, and report student dental certificates.

ATTACHMENTS (e.g., OAR with "track changes" ...)

Attachment 1:

Created by EN 2-11-16

Dental Screening Certification

581-021-XXXX

(1) Definitions:

(a) "Dental screening" means a dental screening test to identify potential dental health problems that is conducted by:

(A) A dentist licensed under ORS chapter 679;

(B) A dental hygienist licensed under ORS 680.010 to 680.205

(C) A health care practitioner as defined in (1)(c) of this rule;

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(D) an employee of the education provider or a volunteer designated by the education provider to perform a dental screening who has completed training on how to perform a dental screening in accordance with guidelines established by the Dental Director appointed by the Oregon Health Authority.

(b) "Education provider" means:

(A) An entity that offers a program that is recognized as an Oregon prekindergarten program under ORS 329.170 to 329.200.

(B) A school district board as defined in ORS 332.002.

(c) "Health Care Practitioner" means a Physician, Physician's Assistant, Doctor of Osteopathic Medicine licensed by the Oregon Medical Board, a Nurse Practitioner licensed by the Oregon State Board of Nursing, or a Naturopathic Physician licensed by the Oregon State Board of Naturopathic Medicine.

(d) "Dental health record," for purposes of this rule, has the same meaning as "Education Records" in OAR 581-021-0220.

(2) Each education provider must:

(a) Require a student who is seven years of age or younger and who is beginning an educational program with the education provider for the first time to submit certification within 120 days of the student beginning school that the student received a dental screening within the previous 12 months;

(b) File in the student's dental health record any dental screening certifications and any results of a dental screening known by the education provider;

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(c) Provide the parent or guardian of each student with standardized information developed by the dental director appointed by the Oregon Health Authority regarding dental screenings, further examinations or necessary treatments, and preventative care including fluoride varnish, sealants and daily brushing and flossing; and

(d) No later than October 1 each year, submit to the Department of Education a report that identifies the percentage of students who failed to submit the certification required under this rule for the previous school year.

(3) A student is not required to submit a dental screening certification required under subsection (2) of this rule if the student provides a statement from the parent or guardian of the student that:

(a) The student submitted certification to a prior education provider;

(b) The dental screening is contrary to the religious beliefs of the student or the parent or guardian of the student; or

(c) The dental screening is a burden for the student or the parent or guardian of the student in one of the following ways:

(A) The cost of obtaining the dental screening is too high;

(B) The student does not have access to an approved screener identified in (1)(a) of this rule; or

(C) The student was unable to obtain an appointment with an approved screener identified in (1)(a) of this rule.

(4) Certification of a dental screening:

(a) May be provided by a person identified in subsection (1)(a) of this rule who conducts regular dental screenings of the student; and

(b) Must include the following information:

(A) Student's name;

(B) Screening date; and

(C) Name of entity conducting the dental screening