

By: Harden

To: Education;
Appropriations

SENATE BILL NO. 2861
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 41-79-5, MISSISSIPPI CODE OF 1972, TO
2 EXTEND THE DATE OF THE REPEALER ON THE PROVISION THAT ALLOWS LOCAL
3 SCHOOL DISTRICTS TO RECEIVE STATE MATCHING FUNDS FOR SCHOOL NURSE
4 INTERVENTION PROGRAMS; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 SECTION 1. Section 41-79-5, Mississippi Code of 1972, is
7 amended as follows:[LH1]

8 41-79-5. (1) There is hereby established within the State
9 Department of Health a school nurse intervention program,
10 available to all public school districts in the state.

11 (2) By the school year 1998-1999, each public school
12 district shall have employed a school nurse, to be known as a
13 Health Service Coordinator, pursuant to the school nurse
14 intervention program prescribed under this section. The school
15 nurse intervention program shall offer any of the following
16 specific preventive services, and other additional services
17 appropriate to each grade level and the age and maturity of the
18 pupils:

19 (a) Reproductive health education and referral to
20 prevent teen pregnancy and sexually transmitted diseases, which
21 education shall include abstinence;

22 (b) Child abuse and neglect identification;

23 (c) Hearing and vision screening to detect problems
24 which can lead to serious sensory losses and behavioral and
25 academic problems;

26 (d) Alcohol, tobacco and drug abuse education to reduce
27 abuse of these substances;

28 (e) Scoliosis screening to detect this condition so
29 that costly and painful surgery and lifelong disability can be
30 prevented;

31 (f) Coordination of services for handicapped children
32 to ensure that these children receive appropriate medical
33 assistance and are able to remain in public school;

34 (g) Nutrition education and counseling to prevent
35 obesity and/or other eating disorders which may lead to
36 life-threatening conditions, for example, hypertension;

37 (h) Early detection and treatment of head lice to
38 prevent the spread of the parasite and to reduce absenteeism;

39 (i) Emergency treatment of injury and illness to
40 include controlling bleeding, managing fractures, bruises or
41 contusions and cardiopulmonary resuscitation (CPR);

42 (j) Applying appropriate theory as the basis for
43 decision making in nursing practice;

44 (k) Establishing and maintaining a comprehensive school
45 health program;

46 (l) Developing individualized health plans;

47 (m) Assessing, planning, implementing and evaluating
48 programs and other school health activities, in collaboration with
49 other professionals;

50 (n) Providing health education to assist students,
51 families and groups to achieve optimal levels of wellness;

52 (o) Participating in peer review and other means of
53 evaluation to assure quality of nursing care provided for students
54 and assuming responsibility for continuing education and
55 professional development for self while contributing to the
56 professional growth of others;

57 (p) Participating with other key members of the
58 community responsible for assessing, planning, implementing and
59 evaluating school health services and community services that
60 include the broad continuum or promotion of primary, secondary and

61 tertiary prevention; and

62 (q) Contributing to nursing and school health through
63 innovations in theory and practice and participation in research.

64 (3) Public school nurses shall be specifically prohibited
65 from providing abortion counseling to any student or referring any
66 student to abortion counseling or abortion clinics. Any violation
67 of this subsection shall disqualify the school district employing
68 such public school nurse from receiving any state administered
69 funds under this section.

70 (4) Each local school district of this state may apply for a
71 school nurse intervention program. State administered funds shall
72 only be available on a 50-50 matching basis, and subject to
73 appropriation by the Legislature, with the local school district
74 providing its local contribution from nonminimum program funds.
75 However, school districts with an ad valorem assessed value per
76 student of less than Seventeen Thousand Dollars (\$17,000.00),
77 according to the most recent ad valorem assessed valuation, shall
78 not be required to make a local contribution to the cost of the
79 program. In order to be eligible for such program, each district
80 desiring to participate shall apply to the State Department of
81 Health by May 31 before the beginning of the applicable fiscal
82 year. Such applications shall be on forms provided by the State
83 Department of Health. The local school governing board and the
84 county health department shall mutually determine their school
85 nurse intervention program within the previously determined state
86 guidelines. The State Department of Health shall determine by
87 July 1 of each succeeding year which local school districts have
88 submitted approved applications for school nurse intervention
89 programs. This subsection (4) shall stand repealed on July 1,
90 2001.

91 (5) Beginning with the 1997-1998 school year, to the extent
92 that federal or state funds are available therefor and pursuant to
93 appropriation therefor by the Legislature, in addition to the

94 school nurse intervention program funds administered under
95 subsection (4), the State Department of Health shall establish and
96 implement a Prevention of Teen Pregnancy Pilot Program to be
97 located in the public school districts with the highest numbers of
98 teen pregnancies. The Teen Pregnancy Pilot Program shall provide
99 the following education services directly through public school
100 nurses in the pilot school districts: health education sessions
101 in local schools, where contracted for or invited to provide,
102 which target issues including reproductive health, teen pregnancy
103 prevention and sexually transmitted diseases, including syphilis,
104 HIV and AIDS. When these services are provided by a school nurse,
105 training and counseling on abstinence shall be included.

106 (6) In addition to the school nurse intervention program
107 funds administered under subsection (4) and the Teen Pregnancy
108 Pilot Program funds administered under subsection (5), to the
109 extent that federal or state funds are available therefor and
110 pursuant to appropriation therefor by the Legislature, the State
111 Department of Health shall establish and implement an Abstinence
112 Education Pilot Program to provide abstinence education,
113 mentoring, counseling and adult supervision to promote abstinence
114 from sexual activity, with a focus on those groups which are most
115 likely to bear children out-of-wedlock. Such abstinence education
116 services shall be provided by the State Department of Health
117 through its clinics, public health nurses, school nurses and
118 through contracts with rural and community health centers in order
119 to reach a larger number of targeted clients. For purposes of
120 this subsection, the term "abstinence education" means an
121 educational or motivational program which:

122 (a) Has as its exclusive purpose, teaching the social,
123 psychological and health gains to be realized by abstaining from
124 sexual activity;

125 (b) Teaches abstinence from sexual activity outside
126 marriage as the expected standard for all school-age children;

127 (c) Teaches that abstinence from sexual activity is the
128 only certain way to avoid out-of-wedlock pregnancy, sexually
129 transmitted diseases and other associated health problems;

130 (d) Teaches that a mutually faithful monogamous
131 relationship in context of marriage is the expected standard of
132 human sexual activity;

133 (e) Teaches that sexual activity outside of the context
134 of marriage is likely to have harmful psychological and physical
135 effects;

136 (f) Teaches that bearing children out of wedlock is
137 likely to have harmful consequences for the child, the child's
138 parents and society;

139 (g) Teaches young people how to reject sexual advances
140 and how alcohol and drug use increase vulnerability to sexual
141 advances; and

142 (h) Teaches the importance of attaining
143 self-sufficiency before engaging in sexual activity.

144 (7) Beginning with the 1998-1999 school year and pursuant to
145 appropriation therefor by the Legislature, in addition to other
146 funds allotted under the minimum education program, each school
147 district shall be allotted an additional teacher unit per every
148 one hundred (100) teacher units, for the purpose of employing
149 qualified public school nurses in such school district, which in
150 no event shall be less than one (1) teacher unit per school
151 district, for such purpose. In the event the Legislature provides
152 less funds than the total state funds needed for the public school
153 nurse allotment, those school districts with fewer teacher units
154 shall be the first funded for such purpose, to the extent of funds
155 available.

156 (8) Prior to the 1998-1999 school year, nursing staff
157 assigned to the program shall be employed through the local county
158 health department and shall be subject to the supervision of the
159 State Department of Health with input from local school officials.

160 Local county health departments may contract with any
161 comprehensive private primary health care facilities within their
162 county to employ and utilize additional nursing staff. Beginning
163 with the 1998-1999 school year, nursing staff assigned to the
164 program shall be employed by the local school district and shall
165 be designated as "health service coordinators," and shall be
166 required to possess a bachelor's degree in nursing as a minimum
167 qualification.

168 (9) Upon each student's enrollment, the parent or guardian
169 shall be provided with information regarding the scope of the
170 school nurse intervention program. The parent or guardian may
171 provide the school administration with a written statement
172 refusing all or any part of the nursing service. No child shall
173 be required to undergo hearing and vision or scoliosis screening
174 or any other physical examination or tests whose parent objects
175 thereto on the grounds such screening, physical examination or
176 tests are contrary to his sincerely held religious beliefs.

177 (10) A consent form for reproductive health education shall
178 be sent to the parent or guardian of each student upon his
179 enrollment. If a response from the parent or guardian is not
180 received within seven (7) days after the consent form is sent, the
181 school shall send a letter to the student's home notifying the
182 parent or guardian of the consent form. If the parent or guardian
183 fails to respond to the letter within ten (10) days after it is
184 sent, then the school principal shall be authorized to allow the
185 student to receive reproductive health education. Reproductive
186 health education shall include the teaching of total abstinence
187 from premarital sex and, wherever practicable, reproductive health
188 education should be taught in classes divided according to gender.
189 All materials used in the reproductive health education program
190 shall be placed in a convenient and easily accessible location for
191 parental inspection. School nurses shall not dispense birth
192 control pills or contraceptive devices in the school. Dispensing

193 of such shall be the responsibility of the State Department of
194 Health on a referral basis only.

195 (11) No provision of this section shall be construed as
196 prohibiting local school districts from accepting financial
197 assistance of any type from the State of Mississippi or any other
198 governmental entity, or any contribution, donation, gift, decree
199 or bequest from any source which may be utilized for the
200 maintenance or implementation of a school nurse intervention
201 program in a public school system of this state.

202 SECTION 2. This act shall take effect and be in force from
203 and after July 1, 2000.