

By: Representative Moak

To: Education;  
Appropriations

## HOUSE BILL NO. 138

1 AN ACT TO AMEND SECTION 37-11-17, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE THE STATE BOARD OF EDUCATION TO DEVELOP A PROGRAM FOR  
3 SCREENING PUBLIC SCHOOL STUDENTS FOR SCOLIOSIS; TO AMEND SECTION  
4 41-79-5, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT SCOLIOSIS  
5 SCREENING OFFERED THROUGH A SCHOOL NURSE INTERVENTION PROGRAM  
6 SHALL BE IN ACCORDANCE WITH THE PROGRAM DEVELOPED BY THE STATE  
7 BOARD OF EDUCATION; AND FOR RELATED PURPOSES.

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

9 SECTION 1. Section 37-11-17, Mississippi Code of 1972, is  
10 amended as follows:

11 37-11-17. (1) The State Board of Education, the Board of  
12 Trustees of State Institutions of Higher Learning, the State Board  
13 for Community and Junior Colleges, the boards of trustees of the  
14 several junior colleges, the county boards of education, the  
15 governing authorities of any county, municipal or other public  
16 school districts, such other boards set up by law for any  
17 educational institution, school, college or university, or their  
18 authorized representative, or the State Health Officer or his  
19 authorized representative, may require any teacher, supervisor,  
20 janitor or other employee of the school to submit to a thorough  
21 physical examination, deemed advisable to determine whether he has  
22 any infectious or communicable disease.

23 (2) The State Board of Education shall develop a screening  
24 program to accomplish the identification of public school students  
25 with abnormal spinal curvature. No minimum education program  
26 funds shall be expended for the purposes of implementing this  
27 subsection, unless the screening program is implemented as part of  
28 a school nurse program established in Section 41-79-5. Such

29 program shall:

30 (a) Provide that an adequate number of school personnel  
31 in each district be instructed by qualified medical experts in the  
32 proper examination of students for abnormal spinal curvatures;

33 (b) Provide that all public school students who are at  
34 least ten (10) years old be screened at least every two (2) years,  
35 such as in the fourth, sixth, eighth and tenth grades or at such  
36 other times as may be recommended by medical experts on a per case  
37 basis;

38 (c) Provide that students identified as having abnormal  
39 spinal curvatures or potential for abnormal spinal curvatures be  
40 referred to the county health officer or to the student's personal  
41 physician or chiropractor with notice of the evaluation; and

42 (d) Provide for notification of the parent or guardian  
43 of any student identified under this program and for the supplying  
44 to such parent or guardian information on the condition and  
45 resources available for the correction or treatment of such  
46 condition. However, the requirement for screening shall not apply  
47 to a child whose parent or guardian objects thereto on grounds  
48 that the requirement conflicts with his conscientiously held  
49 religious beliefs.

50 SECTION 2. Section 41-79-5, Mississippi Code of 1972, is  
51 amended as follows:

52 41-79-5. (1) There is hereby established within the State  
53 Department of Health a school nurse intervention program,  
54 available to all public school districts in the state.

55 (2) By the school year 1998-1999, each public school  
56 district shall have employed a school nurse, to be known as a  
57 Health Service Coordinator, pursuant to the school nurse  
58 intervention program prescribed under this section. The school  
59 nurse intervention program shall offer \* \* \* the following  
60 specific preventive services, and other additional services  
61 appropriate to each grade level and the age and maturity of the  
62 pupils:

63 (a) Reproductive health education and referral to  
64 prevent teen pregnancy and sexually transmitted diseases, which  
65 education shall include abstinence;

66                   (b) Child abuse and neglect identification;

67                   (c) Hearing and vision screening to detect problems  
68 which can lead to serious sensory losses and behavioral and  
69 academic problems;

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

72                   (e) Scoliosis screening, as provided for in Section  
73 37-11-17(2), to detect this condition so that costly and painful  
74 surgery and lifelong disability can be prevented;

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

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

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

83                   (i) Emergency treatment of injury and illness to  
84 include controlling bleeding, managing fractures, bruises or  
85 contusions and cardiopulmonary resuscitation (CPR);

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

88                   (k) Establishing and maintaining a comprehensive school  
89 health program;

90                   (l) Developing individualized health plans;

91                   (m) Assessing, planning, implementing and evaluating  
92 programs and other school health activities, in collaboration with  
93 other professionals;

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

96                   (o) Participating in peer review and other means of  
97 evaluation to assure quality of nursing care provided for students  
98 and assuming responsibility for continuing education and

professional development for self while contributing to the professional growth of others;

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

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

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

(4) Each local school district of this state may apply for a school nurse intervention program. State administered funds shall only be available on a 50-50 matching basis, and subject to appropriation by the Legislature, with the local school district providing its local contribution from nonminimum program funds. However, school districts with an ad valorem assessed value per student of less than Seventeen Thousand Dollars (\$17,000.00), according to the most recent ad valorem assessed valuation, shall not be required to make a local contribution to the cost of the program. In order to be eligible for such program, each district desiring to participate shall apply to the State Department of Health by May 31 before the beginning of the applicable fiscal year. Such applications shall be on forms provided by the State Department of Health. The local school governing board and the county health department shall mutually determine their school nurse intervention program within the previously determined state guidelines. The State Department of Health shall determine by July 1 of each succeeding year which local school districts have

submitted approved applications for school nurse intervention programs. This subsection (4) shall stand repealed from and after July 1, 1999.

(5) Beginning with the 1997-1998 school year, to the extent that federal or state funds are available therefor and pursuant to appropriation therefor by the Legislature, in addition to the school nurse intervention program funds administered under subsection (4), the State Department of Health shall establish and implement a Prevention of Teen Pregnancy Pilot Program to be located in the public school districts with the highest numbers of teen pregnancies. The Teen Pregnancy Pilot Program shall provide the following education services directly through public school nurses in the pilot school districts: health education sessions in local schools, where contracted for or invited to provide, which target issues including reproductive health, teen pregnancy prevention and sexually transmitted diseases, including syphilis, HIV and AIDS. When these services are provided by a school nurse, training and counseling on abstinence shall be included.

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

educational or motivational program which:

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

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

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

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

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

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

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

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

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

198 shall be the first funded for such purpose, to the extent of funds  
199 available.

200 (8) Prior to the 1998-1999 school year, nursing staff  
201 assigned to the program shall be employed through the local county  
202 health department and shall be subject to the supervision of the  
203 State Department of Health with input from local school officials.  
204 Local county health departments may contract with any  
205 comprehensive private primary health care facilities within their  
206 county to employ and utilize additional nursing staff. Beginning  
207 with the 1998-1999 school year, nursing staff assigned to the  
208 program shall be employed by the local school district and shall  
209 be designated as "health service coordinators," and shall be  
210 required to possess a bachelor's degree in nursing as a minimum  
211 qualification.

212 (9) Upon each student's enrollment, the parent or guardian  
213 shall be provided with information regarding the scope of the  
214 school nurse intervention program. The parent or guardian may  
215 provide the school administration with a written statement  
216 refusing all or any part of the nursing service. No child shall  
217 be required to undergo hearing and vision or scoliosis screening  
218 or any other physical examination or tests whose parent objects  
219 thereto on the grounds such screening, physical examination or  
220 tests are contrary to his sincerely held religious beliefs.

221 (10) A consent form for reproductive health education shall  
222 be sent to the parent or guardian of each student upon his  
223 enrollment. If a response from the parent or guardian is not  
224 received within seven (7) days after the consent form is sent, the  
225 school shall send a letter to the student's home notifying the  
226 parent or guardian of the consent form. If the parent or guardian  
227 fails to respond to the letter within ten (10) days after it is  
228 sent, then the school principal shall be authorized to allow the  
229 student to receive reproductive health education. Reproductive  
230 health education shall include the teaching of total abstinence

231 from premarital sex and, wherever practicable, reproductive health  
232 education should be taught in classes divided according to gender.

233 All materials used in the reproductive health education program  
234 shall be placed in a convenient and easily accessible location for  
235 parental inspection. School nurses shall not dispense birth  
236 control pills or contraceptive devices in the school. Dispensing  
237 of such shall be the responsibility of the State Department of  
238 Health on a referral basis only.

239 (11) No provision of this section shall be construed as  
240 prohibiting local school districts from accepting financial  
241 assistance of any type from the State of Mississippi or any other  
242 governmental entity, or any contribution, donation, gift, decree  
243 or bequest from any source which may be utilized for the  
244 maintenance or implementation of a school nurse intervention  
245 program in a public school system of this state.

246 SECTION 3. This act shall take effect and be in force from  
247 and after July 1, 1999.