

By: Moak

To: Education;
Appropriations

HOUSE BILL NO. 155

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 MUST
6 BE IN ACCORDANCE WITH THE PROGRAM DEVELOPED BY THE STATE BOARD OF
7 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:[BD1]

52 41-79-5. (1) There is * * * 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
99 professional development for self while contributing to the
100 professional growth of others;

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

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

108 (3) Public school nurses shall be specifically prohibited
109 from providing abortion counseling to any student or referring any
110 student to abortion counseling or abortion clinics. Any violation

111 of this subsection shall disqualify the school district employing
112 such public school nurse from receiving any state administered
113 funds under this section.

114 (4) Each local school district of this state may apply for a
115 school nurse intervention program. State administered funds shall
116 only be available on a 50-50 matching basis, and subject to
117 appropriation by the Legislature, with the local school district
118 providing its local contribution from nonminimum program funds.
119 However, school districts with an ad valorem assessed value per
120 student of less than Seventeen Thousand Dollars (\$17,000.00),
121 according to the most recent ad valorem assessed valuation, shall
122 not be required to make a local contribution to the cost of the
123 program. In order to be eligible for such program, each district
124 desiring to participate shall apply to the State Department of
125 Health by May 31 before the beginning of the applicable fiscal
126 year. Such applications shall be on forms provided by the State
127 Department of Health. The local school governing board and the
128 county health department shall mutually determine their school
129 nurse intervention program within the previously determined state
130 guidelines. The State Department of Health shall determine by
131 July 1 of each succeeding year which local school districts have
132 submitted approved applications for school nurse intervention
133 programs. This subsection (4) shall stand repealed on July 1,
134 2000.

135 (5) Beginning with the 1997-1998 school year, to the extent
136 that federal or state funds are available therefor and pursuant to
137 appropriation therefor by the Legislature, in addition to the
138 school nurse intervention program funds administered under

139 subsection (4), the State Department of Health shall establish and
140 implement a Prevention of Teen Pregnancy Pilot Program to be
141 located in the public school districts with the highest numbers of
142 teen pregnancies. The Teen Pregnancy Pilot Program shall provide
143 the following education services directly through public school
144 nurses in the pilot school districts: health education sessions
145 in local schools, where contracted for or invited to provide,
146 which target issues including reproductive health, teen pregnancy
147 prevention and sexually transmitted diseases, including syphilis,
148 HIV and AIDS. When these services are provided by a school nurse,
149 training and counseling on abstinence shall be included.

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

166 (a) Has as its exclusive purpose, teaching the social,

167 psychological and health gains to be realized by abstaining from
168 sexual activity;

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

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

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

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

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

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

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

188 (7) Beginning with the 1998-1999 school year and pursuant to
189 appropriation therefor by the Legislature, in addition to other
190 funds allotted under the minimum education program, each school
191 district shall be allotted an additional teacher unit per every
192 one hundred (100) teacher units, for the purpose of employing
193 qualified public school nurses in such school district, which in
194 no event shall be less than one (1) teacher unit per school

195 district, for such purpose. In the event the Legislature provides
196 less funds than the total state funds needed for the public school
197 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, 2000.