

By: Representative Ford

To: Public Health and
Welfare; Appropriations

HOUSE BILL NO. 445
(As Passed the House)

1 AN ACT TO AMEND SECTION 41-79-5, MISSISSIPPI CODE OF 1972, TO
2 EXTEND THE DATE OF REPEAL FROM JULY 1, 2001, TO JULY 1, 2005, ON
3 THE PROVISION THAT ALLOWS LOCAL SCHOOL DISTRICTS TO RECEIVE STATE
4 MATCHING FUNDS FOR SCHOOL NURSE INTERVENTION PROGRAMS; AND FOR
5 RELATED PURPOSES.

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

7 SECTION 1. Section 41-79-5, Mississippi Code of 1972, is
8 amended as follows:

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

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

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

23 (b) Child abuse and neglect identification;

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

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

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

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

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

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

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

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

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

47 (l) Developing individualized health plans;

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

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

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

58 (p) Participating with other key members of the
59 community responsible for assessing, planning, implementing and
60 evaluating school health services and community services that

61 include the broad continuum or promotion of primary, secondary and
62 tertiary prevention; and

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

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

71 (4) Each local school district of this state may apply for a
72 school nurse intervention program. State administered funds shall
73 only be available on a 50-50 matching basis, and subject to
74 appropriation by the Legislature, with the local school district
75 providing its local contribution from nonminimum program funds.
76 However, school districts with an ad valorem assessed value per
77 student of less than Seventeen Thousand Dollars (\$17,000.00),
78 according to the most recent ad valorem assessed valuation, shall
79 not be required to make a local contribution to the cost of the
80 program. In order to be eligible for such program, each district
81 desiring to participate shall apply to the State Department of
82 Health by May 31 before the beginning of the applicable fiscal
83 year. Such applications shall be on forms provided by the State
84 Department of Health. The local school governing board and the
85 county health department shall mutually determine their school
86 nurse intervention program within the previously determined state
87 guidelines. The State Department of Health shall determine by
88 July 1 of each succeeding year which local school districts have
89 submitted approved applications for school nurse intervention
90 programs. This subsection (4) shall stand repealed on July 1,
91 2005.

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

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

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

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

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

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

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

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

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

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

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

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

157 (8) Prior to the 1998-1999 school year, nursing staff
158 assigned to the program shall be employed through the local county

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

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

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

192 parental inspection. School nurses shall not dispense birth
193 control pills or contraceptive devices in the school. Dispensing
194 of such shall be the responsibility of the State Department of
195 Health on a referral basis only.

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

203 SECTION 2. This act shall take effect and be in force from
204 and after July 1, 2001.