

By: Representative Holland

To: Education; Public Health
and Human Services

HOUSE BILL NO. 884

1 AN ACT TO CREATE A NEW SECTION TO BE CODIFIED AS SECTION
2 37-3-88, MISSISSIPPI CODE OF 1972, TO REQUIRE ALL PUBLIC SCHOOL
3 STUDENTS ENTERING KINDERGARTEN AND GRADES 1 AND 3 TO DOCUMENT
4 HAVING PASSED A RECENT VISION SCREENING, TO EXEMPT STUDENTS WHOSE
5 VISION WILL BE SCREENED AT SCHOOL THAT YEAR THROUGH THE STATE
6 STUDENT VISION SCREENING PROGRAM AND STUDENTS WHOSE PARENTS OBJECT
7 TO SUCH SCREENING ON RELIGIOUS GROUNDS, TO REQUIRE STUDENTS WHO
8 FAIL THE SCREENING TO HAVE A COMPREHENSIVE EYE EXAMINATION
9 PERFORMED BY AN OPHTHALMOLOGIST OR OPTOMETRIST, TO REQUIRE THE
10 EXAMINER TO SUBMIT A DETAILED REPORT OF THE EXAM TO THE SCHOOL
11 NURSE, CHILD'S PARENTS AND CHILD'S PRIMARY HEALTH CARE PROVIDER,
12 AND TO REQUIRE THE STATE SUPERINTENDENT OF PUBLIC EDUCATION TO
13 ENFORCE THE REQUIREMENTS OF THIS SECTION; TO BRING FORWARD SECTION
14 37-3-87, MISSISSIPPI CODE OF 1972, WHICH ESTABLISHES A STUDENT
15 VISION SCREENING PROGRAM UNDER THE STATE DEPARTMENT OF EDUCATION,
16 AND SECTION 41-79-5, MISSISSIPPI CODE OF 1972, WHICH ESTABLISHES
17 THE SCHOOL NURSE INTERVENTION PROGRAM WITHIN THE STATE DEPARTMENT
18 OF HEALTH, FOR PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED
19 PURPOSES.

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

21 **SECTION 1.** The following shall be codified as Section

22 37-3-88, Mississippi Code of 1972:

23 37-3-88. (1) (a) Except as otherwise provided in paragraph
24 (c) of this subsection, the parent, guardian or custodian of a
25 child entering kindergarten in a public school in this state shall
26 present to the school nurse, within thirty (30) calendar days of
27 the child's enrollment, documentation evidencing that the child
28 has passed an acceptable vision screening within the twelve (12)
29 months preceding the child's entering kindergarten.

30 (b) Except as otherwise provided in paragraph (c) of
31 this subsection, the parent, guardian or custodian of a child
32 entering Grade 1 or Grade 3 in a public school in this state shall
33 present to the school nurse, within thirty (30) calendar days of
34 the child's enrollment, documentation evidencing that the child

35 has passed an acceptable vision screening within the six (6)
36 months preceding the child's entering that grade.

37 (c) Any child entering kindergarten or Grade 1 or Grade
38 3 to whom eye screening services will be provided during that
39 school year as part of the student vision screening program
40 established under Section 37-3-87 is not required to present
41 documentation that the child has had a vision screening as
42 required under paragraphs (a) and (b) of this subsection. If the
43 parent, guardian or custodian of a child objects to a vision
44 screening on the grounds that the screening is contrary to that
45 person's sincerely held religious beliefs, documentation that the
46 child has had a vision screening is not required.

47 (d) The State Department of Education shall prescribe
48 standards for vision screening services that are not part of the
49 student vision screening program established under Section
50 37-3-87. The standards must be as stringent as those, if any,
51 adopted for the state student vision screening program and must
52 include the minimum qualifications of screening service personnel.
53 In order for vision screening services to be considered
54 acceptable, as required under paragraphs (a) and (b) of this
55 subsection, the provider of the services must meet the standards
56 prescribed by the department.

57 (2) (a) If the results of a vision screening required under
58 subsection (1) of this section identify a student as having vision
59 or eye problems, the school shall require the student to have a
60 comprehensive eye examination performed by an ophthalmologist or
61 optometrist. The comprehensive eye examination must include the
62 following:

- 63 (i) Measurement of visual acuity;
- 64 (ii) Ocular alignment and motility;
- 65 (iii) Depth perception--stereopsis;
- 66 (iv) Fusion;
- 67 (v) Slit lamp;

68 (vi) Examination of the anterior segment and
69 pupils;

70 (vii) Cycloplegic refraction; and

71 (viii) Dilated fundus exam.

72 (b) An ophthalmologist or optometrist performing a
73 comprehensive eye examination on a child in response to the
74 results of the child's vision screening required under subsection
75 (1) of this section shall forward a written report of the results
76 of the eye examination to the school nurse and a copy of the
77 report to the child's parent, guardian or custodian and the
78 child's primary health care provider. The report must include,
79 but not necessarily be limited to, the following:

80 (i) Date of report;

81 (ii) Name, address and date of birth of the child;

82 (iii) Name of the child's school;

83 (iv) Type of examination;

84 (v) A summary of significant findings, including
85 diagnoses, medication used, duration of action of medication,
86 treatment, prognosis, whether or not a return visit is recommended
87 and if so, when;

88 (vi) Recommended educational adjustments for the
89 child, if any, which may include preferential seating in the
90 classroom, eyeglasses for full-time use in school, eyeglasses for
91 part-time use in school, sight-saving eyeglasses or any other
92 recommendations; and

93 (vii) Name, address and signature of the
94 ophthalmologist or optometrist.

95 (3) A child required under subsection (1)(a) to present
96 documentation evidencing that the child has had a vision screening
97 may not be denied enrollment in kindergarten due to the failure of
98 the child's parent, guardian or custodian to provide the required
99 documentation or the failure of an examiner to furnish the results
100 of the child's comprehensive eye examination as required under

101 subsection (2). However, the school shall provide written notice
102 to the child's parent, guardian or custodian of the vision
103 screening requirement and shall encourage the parent, guardian or
104 custodian to comply with the requirements of this section.

105 (4) The State Superintendent of Public Education is
106 responsible for the enforcement of this section. Before January 1
107 of each year, the State Department of Education shall prepare and
108 submit a report on the impact and effectiveness of this section to
109 the Chairmen of the Education Committees of the House of
110 Representatives and Senate.

111 **SECTION 2.** Section 37-3-87, Mississippi Code of 1972, is
112 brought forward as follows:

113 37-3-87. (1) The State Department of Education is hereby
114 authorized and empowered to establish a student vision screening
115 program to make eye screening services available to students in
116 Grades K-12 in the public schools in order to detect vision
117 problems which can lead to academic problems. Such eye screening
118 service shall be based on a process that is screening in nature,
119 and not diagnostic, which is intended to identify with a
120 reasonably high probability, students with a wide range of eye
121 problems who should seek the services of an eye care professional
122 for examination, diagnosis and corrective recommendation. Such
123 eye screening service shall provide each student screened with a
124 report of the student's screening results to be taken home. Each
125 school shall be provided with a list of the students screened, and
126 their results. Statistical summaries of the screening results
127 shall be provided to each school, and composite statistics by
128 school system, county or district shall be provided to the State
129 Department of Education. The State Department of Education may
130 contract with any legal entity to administer the student vision
131 screening program on the school district level, and such contract
132 shall be let on a competitive basis. State funding for said

133 program shall only be available subject to appropriation by the
134 Legislature.

135 (2) The school board of any local school district shall
136 cooperate with the State Department of Education and any entity
137 under contract with the department to implement the student vision
138 screening program established under this section.

139 (3) Before September 1, 1996, an advisory committee for the
140 student vision screening program comprised of six (6) eye care
141 professionals shall be appointed. The Governor, Lieutenant
142 Governor and Speaker of the House of Representatives each shall
143 appoint one (1) member from a list of nominees submitted by the
144 Mississippi Optometric Association and one (1) member from a list
145 of nominees submitted by the Mississippi Eye, Ear, Nose and Throat
146 Association, so that the advisory committee consists of three (3)
147 representatives from each organization. The members of the
148 committee shall serve for a term of four (4) years, to run
149 concurrent with the term of the Governor after the expiration of
150 the initial term.

151 In order to protect the health, safety and welfare of
152 students as related to eye care, the advisory committee shall
153 review the procedures, methodology and nature of the vision
154 screening services offered under any contract entered into by the
155 State Department of Education for the administration of the
156 student vision screening program. Any advisory opinions adopted
157 by the committee on the vision screening process may be submitted
158 to the State Board of Education and the State Board of Health for
159 consideration or any appropriate action.

160 The advisory committee shall determine the times and
161 locations of its meetings. Members of the advisory committee
162 shall serve without compensation.

163 **SECTION 3.** Section 41-79-5, Mississippi Code of 1972, is
164 brought forward as follows:

165 41-79-5. (1) There is hereby established within the State
166 Department of Health a school nurse intervention program,
167 available to all public school districts in the state.

168 (2) By the school year 1998-1999, each public school
169 district shall have employed a school nurse, to be known as a
170 Health Service Coordinator, pursuant to the school nurse
171 intervention program prescribed under this section. The school
172 nurse intervention program shall offer any of the following
173 specific preventive services, and other additional services
174 appropriate to each grade level and the age and maturity of the
175 pupils:

176 (a) Reproductive health education and referral to
177 prevent teen pregnancy and sexually transmitted diseases, which
178 education shall include abstinence;

179 (b) Child abuse and neglect identification;

180 (c) Hearing and vision screening to detect problems
181 which can lead to serious sensory losses and behavioral and
182 academic problems;

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

185 (e) Scoliosis screening to detect this condition so
186 that costly and painful surgery and lifelong disability can be
187 prevented;

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

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

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

196 (i) Emergency treatment of injury and illness to
197 include controlling bleeding, managing fractures, bruises or
198 contusions and cardiopulmonary resuscitation (CPR);
199 (j) Applying appropriate theory as the basis for
200 decision making in nursing practice;
201 (k) Establishing and maintaining a comprehensive school
202 health program;
203 (l) Developing individualized health plans;
204 (m) Assessing, planning, implementing and evaluating
205 programs and other school health activities, in collaboration with
206 other professionals;
207 (n) Providing health education to assist students,
208 families and groups to achieve optimal levels of wellness;
209 (o) Participating in peer review and other means of
210 evaluation to assure quality of nursing care provided for students
211 and assuming responsibility for continuing education and
212 professional development for self while contributing to the
213 professional growth of others;
214 (p) Participating with other key members of the
215 community responsible for assessing, planning, implementing and
216 evaluating school health services and community services that
217 include the broad continuum or promotion of primary, secondary and
218 tertiary prevention; and
219 (q) Contributing to nursing and school health through
220 innovations in theory and practice and participation in research.
221 (3) Public school nurses shall be specifically prohibited
222 from providing abortion counseling to any student or referring any
223 student to abortion counseling or abortion clinics. Any violation
224 of this subsection shall disqualify the school district employing
225 such public school nurse from receiving any state administered
226 funds under this section.
227 (4) Repealed.

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

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

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

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

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

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

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

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

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

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

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

291 shall be the first funded for such purpose, to the extent of funds
292 available.

293 (8) Prior to the 1998-1999 school year, nursing staff
294 assigned to the program shall be employed through the local county
295 health department and shall be subject to the supervision of the
296 State Department of Health with input from local school officials.
297 Local county health departments may contract with any
298 comprehensive private primary health care facilities within their
299 county to employ and utilize additional nursing staff. Beginning
300 with the 1998-1999 school year, nursing staff assigned to the
301 program shall be employed by the local school district and shall
302 be designated as "health service coordinators," and shall be
303 required to possess a bachelor's degree in nursing as a minimum
304 qualification.

305 (9) Upon each student's enrollment, the parent or guardian
306 shall be provided with information regarding the scope of the
307 school nurse intervention program. The parent or guardian may
308 provide the school administration with a written statement
309 refusing all or any part of the nursing service. No child shall
310 be required to undergo hearing and vision or scoliosis screening
311 or any other physical examination or tests whose parent objects
312 thereto on the grounds such screening, physical examination or
313 tests are contrary to his sincerely held religious beliefs.

314 (10) A consent form for reproductive health education shall
315 be sent to the parent or guardian of each student upon his
316 enrollment. If a response from the parent or guardian is not
317 received within seven (7) days after the consent form is sent, the
318 school shall send a letter to the student's home notifying the
319 parent or guardian of the consent form. If the parent or guardian
320 fails to respond to the letter within ten (10) days after it is
321 sent, then the school principal shall be authorized to allow the
322 student to receive reproductive health education. Reproductive
323 health education shall include the teaching of total abstinence

324 from premarital sex and, wherever practicable, reproductive health
325 education should be taught in classes divided according to gender.
326 All materials used in the reproductive health education program
327 shall be placed in a convenient and easily accessible location for
328 parental inspection. School nurses shall not dispense birth
329 control pills or contraceptive devices in the school. Dispensing
330 of such shall be the responsibility of the State Department of
331 Health on a referral basis only.

332 (11) No provision of this section shall be construed as
333 prohibiting local school districts from accepting financial
334 assistance of any type from the State of Mississippi or any other
335 governmental entity, or any contribution, donation, gift, decree
336 or bequest from any source which may be utilized for the
337 maintenance or implementation of a school nurse intervention
338 program in a public school system of this state.

339 **SECTION 4.** This act shall take effect and be in force from
340 and after July 1, 2006.