

By: Representatives Baker (74th), Gunn

To: Education

HOUSE BILL NO. 1465

1 AN ACT TO CREATE THE ABSTINENCE EDUCATION AND FETAL AWARENESS
2 EDUCATION ACT; TO REQUIRE ABSTINENCE TO BE TAUGHT IN ALL PUBLIC
3 ELEMENTARY, JUNIOR HIGH AND HIGH SCHOOLS; TO BRING FORWARD SECTION
4 41-79-5, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE SCHOOL
5 NURSE INTERVENTION PROGRAM FOR THE PURPOSES OF AMENDMENT; AND FOR
6 RELATED PURPOSES.

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

8 **SECTION 1.** This act shall be known and may be cited as the
9 "Abstinence Education and Fetal Awareness Education Act."

10 **SECTION 2.** (1) The State of Mississippi finds that a need
11 exists to encourage young people to abstain from sexual
12 intercourse and provide education regarding the physical and
13 emotional health benefits of doing so within the context of the
14 family values that are prevalent in this state.

15 (2) Providing scientifically accurate pictorial information
16 regarding the development of the unborn child has been effective
17 in reducing the infant mortality rate and providing a better
18 understanding of the relationship between the mother and her
19 unborn fetus.

20 **SECTION 3.** (1) In addition to the curriculum otherwise
21 required by law or the State Board of Education, an introduction
22 to an abstinence class, which includes scientifically accurate
23 pictorial information regarding the development of the unborn
24 child, that must be taught as a one-semester course to all
25 students in the elementary and junior high schools of this state.
26 The course of study in abstinence must be developmentally age
27 appropriate and must be taught to students before graduation from
28 the fifth (5th) and eighth (8th) grades.

(2) The State Board of Education shall develop an introductory course on abstinence, which includes scientifically accurate pictorial information regarding the development of the unborn child, that shall be required for graduation from high school for all students beginning in the 2007-2008 school year. The course shall equal one-half (1/2) unit of high school course work and may incorporate any appropriate existing secondary level courses.

SECTION 4. Section 41-79-5, Mississippi Code of 1972, is brought forward as follows:

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

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

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

(b) Child abuse and neglect identification;

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

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

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

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

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

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

70 (i) Emergency treatment of injury and illness to
71 include controlling bleeding, managing fractures, bruises or
72 contusions and cardiopulmonary resuscitation (CPR);

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

75 (k) Establishing and maintaining a comprehensive school
76 health program;

77 (l) Developing individualized health plans;

78 (m) Assessing, planning, implementing and evaluating
79 programs and other school health activities, in collaboration with
80 other professionals;

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

83 (o) Participating in peer review and other means of
84 evaluation to assure quality of nursing care provided for students
85 and assuming responsibility for continuing education and
86 professional development for self while contributing to the
87 professional growth of others;

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

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

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

101 (4) Repealed.

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

117 (6) In addition to the school nurse intervention program
118 funds administered under subsection (4) and the Teen Pregnancy
119 Pilot Program funds administered under subsection (5), to the
120 extent that federal or state funds are available therefor and
121 pursuant to appropriation therefor by the Legislature, the State
122 Department of Health shall establish and implement an Abstinence
123 Education Pilot Program to provide abstinence education,
124 mentoring, counseling and adult supervision to promote abstinence
125 from sexual activity, with a focus on those groups which are most
126 likely to bear children out of wedlock. Such abstinence education
127 services shall be provided by the State Department of Health

128 through its clinics, public health nurses, school nurses and
129 through contracts with rural and community health centers in order
130 to reach a larger number of targeted clients. For purposes of
131 this subsection, the term "abstinence education" means an
132 educational or motivational program which:

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

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

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

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

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

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

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

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

155 (7) Beginning with the 1998-1999 school year and pursuant to
156 appropriation therefor by the Legislature, in addition to other
157 funds allotted under the minimum education program, each school
158 district shall be allotted an additional teacher unit per every
159 one hundred (100) teacher units, for the purpose of employing
160 qualified public school nurses in such school district, which in

161 no event shall be less than one (1) teacher unit per school
162 district, for such purpose. In the event the Legislature provides
163 less funds than the total state funds needed for the public school
164 nurse allotment, those school districts with fewer teacher units
165 shall be the first funded for such purpose, to the extent of funds
166 available.

167 (8) Prior to the 1998-1999 school year, nursing staff
168 assigned to the program shall be employed through the local county
169 health department and shall be subject to the supervision of the
170 State Department of Health with input from local school officials.
171 Local county health departments may contract with any
172 comprehensive private primary health care facilities within their
173 county to employ and utilize additional nursing staff. Beginning
174 with the 1998-1999 school year, nursing staff assigned to the
175 program shall be employed by the local school district and shall
176 be designated as "health service coordinators," and shall be
177 required to possess a bachelor's degree in nursing as a minimum
178 qualification.

179 (9) Upon each student's enrollment, the parent or guardian
180 shall be provided with information regarding the scope of the
181 school nurse intervention program. The parent or guardian may
182 provide the school administration with a written statement
183 refusing all or any part of the nursing service. No child shall
184 be required to undergo hearing and vision or scoliosis screening
185 or any other physical examination or tests whose parent objects
186 thereto on the grounds such screening, physical examination or
187 tests are contrary to his sincerely held religious beliefs.

188 (10) A consent form for reproductive health education shall
189 be sent to the parent or guardian of each student upon his
190 enrollment. If a response from the parent or guardian is not
191 received within seven (7) days after the consent form is sent, the
192 school shall send a letter to the student's home notifying the
193 parent or guardian of the consent form. If the parent or guardian

194 fails to respond to the letter within ten (10) days after it is
195 sent, then the school principal shall be authorized to allow the
196 student to receive reproductive health education. Reproductive
197 health education shall include the teaching of total abstinence
198 from premarital sex and, wherever practicable, reproductive health
199 education should be taught in classes divided according to gender.
200 All materials used in the reproductive health education program
201 shall be placed in a convenient and easily accessible location for
202 parental inspection. School nurses shall not dispense birth
203 control pills or contraceptive devices in the school. Dispensing
204 of such shall be the responsibility of the State Department of
205 Health on a referral basis only.

206 (11) No provision of this section shall be construed as
207 prohibiting local school districts from accepting financial
208 assistance of any type from the State of Mississippi or any other
209 governmental entity, or any contribution, donation, gift, decree
210 or bequest from any source which may be utilized for the
211 maintenance or implementation of a school nurse intervention
212 program in a public school system of this state.

213 **SECTION 5.** Sections 1,2 and 3, of this act shall be codified
214 as a separate code section in Chapter 13, Title 37, Mississippi
215 Code of 1972.

216 **SECTION 6.** This act shall take effect and be in force from
217 and after July 1, 2006.