

By: Senator(s) White

To: Education; Public Health
and Welfare

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2716

1 AN ACT TO AMEND SECTION 41-79-5, MISSISSIPPI CODE OF 1972, TO
2 DIRECT THE STATE DEPARTMENT OF HEALTH TO IMPLEMENT ABSTINENCE
3 EDUCATION AND THE HUMAN DEVELOPMENT OF THE UNBORN FETUS IN THE
4 HEALTH INSTRUCTION CURRICULUM IN EVERY HIGH SCHOOL IN THE STATE OF
5 MISSISSIPPI BY THE 2007 SCHOOL YEAR; TO REQUIRE EACH LOCAL SCHOOL
6 DISTRICT TO COMPLY WITH SAID REQUIREMENT; TO AUTHORIZE LOCAL
7 SCHOOL DISTRICTS TO APPLY FOR PRIVATE FUNDING FOR SAID EDUCATIONAL
8 PROGRAMS; TO AUTHORIZE THE STATE BOARD OF HEALTH TO CONTRACT WITH
9 A NONPROFIT ENTITY FOR THE PURPOSE OF IMPLEMENTING THE ABSTINENCE
10 AND FETAL AWARENESS EDUCATION PROGRAM; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 41-79-5, Mississippi Code of 1972, is
13 amended as follows:

14 41-79-5. (1) There is hereby established within the State
15 Department of Health a school nurse intervention program,
16 available to all public school districts in the state.

17 (2) By the school year 2007-2008, the State Board of Health
18 shall require each public school district to include abstinence
19 education and the human development of the unborn fetus as a
20 required component of every high school health education class.
21 The purpose of this curriculum is to encourage young people to
22 abstain from sexual intercourse and provide education regarding
23 the physical and emotional health benefits of doing so with the
24 context of the family values that are prevalent in Mississippi.
25 This curriculum shall also provide scientifically accurate
26 pictorial information regarding the development of the unborn
27 child for the purpose of reducing the infant mortality rate in
28 Mississippi through a better understanding of the relationship
29 between the mother and her unborn fetus and also to create a
30 culture of life by providing a window to the womb. The curriculum
31 shall be approved by the State Board of Education prior to being

32 submitted to the local school districts. The content of the
33 program may be approved by each individual local school board,
34 however, the implementation of this program by the State Board of
35 Health is not optional. The State Board of Health may contract
36 with a nonprofit entity for the purpose of implementing the
37 "Abstinence Education and Fetal Awareness Educational Campaign" to
38 research appropriate materials, collect donations, apply for
39 grants and other funding from public or foundation grants or other
40 nonstate sources, and the nonprofit entity may purchase said
41 materials to be provided to the schools to provide said
42 instruction.

43 (3) By the school year 2007-2008, each public school
44 district shall have employed a school nurse, to be known as a
45 Health Service Coordinator, pursuant to the school nurse
46 intervention program prescribed under this section. The school
47 nurse intervention program shall offer any of the following
48 specific preventive services, and other additional services
49 appropriate to each grade level and the age and maturity of the
50 pupils:

51 (a) Reproductive health education and referral to
52 prevent teen pregnancy and sexually transmitted diseases, which
53 education shall include abstinence; said education shall comply
54 with the "Abstinence Education and Fetal Awareness Education
55 Program" mandated in subsection (2) of this section;

56 (b) Child abuse and neglect identification;

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

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

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

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

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

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

73 (i) Emergency treatment of injury and illness to
74 include controlling bleeding, managing fractures, bruises or
75 contusions and cardiopulmonary resuscitation (CPR);

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

78 (k) Establishing and maintaining a comprehensive school
79 health program;

80 (l) Developing individualized health plans;

81 (m) Assessing, planning, implementing and evaluating
82 programs and other school health activities, in collaboration with
83 other professionals;

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

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

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

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

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

104 (5) Repealed.

105 (6) Beginning with the 1997-1998 school year, to the extent
106 that federal or state funds are available therefor and pursuant to
107 appropriation therefor by the Legislature, in addition to the
108 school nurse intervention program funds administered under
109 subsection (3), the State Department of Health shall establish and
110 implement a Prevention of Teen Pregnancy Pilot Program to be
111 located in the public school districts with the highest numbers of
112 teen pregnancies. The Teen Pregnancy Pilot Program shall provide
113 the following education services directly through public school
114 nurses in the pilot school districts: health education sessions
115 in local schools, where contracted for or invited to provide,
116 which target issues including reproductive health, teen pregnancy
117 prevention and sexually transmitted diseases, including syphilis,
118 HIV and AIDS. When these services are provided by a school nurse,
119 training and counseling on abstinence shall be included.

120 (7) In addition to the school nurse intervention program
121 funds administered under subsection (3) and the Teen Pregnancy
122 Pilot Program funds administered under subsection (6), to the
123 extent that federal or state funds are available therefor and
124 pursuant to appropriation therefor by the Legislature, the State
125 Department of Health shall establish and implement an Abstinence
126 Education Pilot Program to provide abstinence education,
127 mentoring, counseling and adult supervision to promote abstinence
128 from sexual activity, with a focus on those groups which are most
129 likely to bear children out of wedlock. Such abstinence education
130 services shall be provided by the State Department of Health

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

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

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

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

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

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

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

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

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

158 Provided, however, that the State Board of Health may
159 contract with a nonprofit entity beginning in the 2007-2008 school
160 year for the purpose of implementing the "Abstinence Education and
161 Fetal Awareness Education Program" required under subsection (2)
162 of this section.

163 (8) Beginning with the 1998-1999 school year and pursuant to
164 appropriation therefor by the Legislature, in addition to other
165 funds allotted under the minimum education program, each school
166 district shall be allotted an additional teacher unit per every
167 one hundred (100) teacher units, for the purpose of employing
168 qualified public school nurses in such school district, which in
169 no event shall be less than one (1) teacher unit per school
170 district, for such purpose. In the event the Legislature provides
171 less funds than the total state funds needed for the public school
172 nurse allotment, those school districts with fewer teacher units
173 shall be the first funded for such purpose, to the extent of funds
174 available.

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

187 (10) Upon each student's enrollment, the parent or guardian
188 shall be provided with information regarding the scope of the
189 school nurse intervention program. The parent or guardian may
190 provide the school administration with a written statement
191 refusing all or any part of the nursing service. No child shall
192 be required to undergo hearing and vision or scoliosis screening
193 or any other physical examination or tests whose parent objects
194 thereto on the grounds such screening, physical examination or
195 tests are contrary to his sincerely held religious beliefs.

196 (11) A consent form for reproductive health education shall
197 be sent to the parent or guardian of each student upon his
198 enrollment. If a response from the parent or guardian is not
199 received within seven (7) days after the consent form is sent, the
200 school shall send a letter to the student's home notifying the
201 parent or guardian of the consent form. If the parent or guardian
202 fails to respond to the letter within ten (10) days after it is
203 sent, then the school principal shall be authorized to allow the
204 student to receive reproductive health education. Reproductive
205 health education shall include the teaching of total abstinence
206 from premarital sex and, wherever practicable, reproductive health
207 education should be taught in classes divided according to gender.
208 All materials used in the reproductive health education program
209 shall be placed in a convenient and easily accessible location for
210 parental inspection. School nurses shall not dispense birth
211 control pills or contraceptive devices in the school. Dispensing
212 of such shall be the responsibility of the State Department of
213 Health on a referral basis only.

214 (12) No provision of this section shall be construed as
215 prohibiting local school districts from accepting financial
216 assistance of any type from the State of Mississippi or any other
217 governmental entity, or any contribution, donation, gift, decree
218 or bequest from any source which may be utilized for the
219 maintenance or implementation of a school nurse intervention
220 program in a public school system of this state.

221 **SECTION 2.** This act shall take effect and be in force from
222 and after July 1, 2006.