

By: Senator(s) White

To: Education; Public Health  
and Welfare

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 content of  
31 the program may be approved by each individual local school board,

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

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

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

54 (b) Child abuse and neglect identification;

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

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

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

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

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

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

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

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

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

78           (l) Developing individualized health plans;

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

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

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

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

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

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

102           (5) Repealed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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