

By: Representative Holland (By Request)

To: Education;
Appropriations

HOUSE BILL NO. 1132

1 AN ACT TO PROVIDE FOR A SCHOOL NURSE PROGRAM TO BE
2 ADMINISTERED BY THE STATE DEPARTMENT OF EDUCATION THROUGH THE
3 OFFICE OF HEALTHY SCHOOLS; TO SPECIFY THE RESPONSIBILITIES OF THE
4 NURSES IN THE PROGRAM; TO PRESCRIBE THE DUTIES OF THE OFFICE OF
5 HEALTHY SCHOOLS IN ADMINISTERING THE PROGRAM; TO ESTABLISH IN THE
6 STATE TREASURY A SPECIAL FUND TO BE KNOWN AS THE SCHOOL NURSE
7 PROGRAM FUND; TO PROVIDE THAT A CERTAIN AMOUNT FROM THE TOBACCO
8 SETTLEMENT INSTALLMENT PAYMENTS RECEIVED BY THE STATE EACH YEAR
9 SHALL BE DEPOSITED INTO THE SPECIAL FUND; TO PROVIDE THAT THE
10 LEGISLATURE SHALL ANNUALLY APPROPRIATE THE FUNDS IN THE SPECIAL
11 FUND TO THE STATE DEPARTMENT OF EDUCATION, WHICH SHALL EXPEND THE
12 FUNDS SOLELY FOR THE PURPOSES SPECIFIED IN THIS ACT; TO AMEND
13 SECTION 43-13-405, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
14 PRECEDING PROVISION; AND FOR RELATED PURPOSES.

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

16 **SECTION 1.** This act shall be known as the Mary Sprayberry
17 School Nurse Reorganization Act of 2007.

18 **SECTION 2.** The Mississippi Legislature makes the following
19 findings:

20 (a) School nurses play a vital role in improving the
21 health and well-being of our children and make a health difference
22 in every child's future. Nurses have been a part of the school
23 setting since the late 1800s when they provided student
24 inspections to identify those with communicable diseases who
25 needed treatment. While the students of today have very different
26 health needs than those in earlier days, school nurses are still
27 critically important to ensure that the health needs of each child
28 are met. Today, school nursing is recognized as a specialized
29 practice that advances the well-being, academic success and
30 lifelong achievement of students. To this end, school nurses take
31 a leadership role in serving as the coordinator of all school
32 health programs.

33 (b) The State Department of Education is a leader in
34 the healthy school environment initiative for the state and this
35 act represents a logical approach to expanding the department's
36 commitment to school health. Recognizing coordinated school
37 health programs as a powerful tool for improving student health
38 and academic achievement, the State Board of Education approved
39 the reorganization of the State Department of Education to bring
40 the school health-related resources under one (1) office by
41 establishing the Office of Healthy Schools in January 2004.

42 (c) The Office of Healthy Schools, which is funded by
43 The Bower Foundation, has launched the "Health is Academic"
44 Initiative to promote health and wellness in Mississippi's public
45 schools. School nurses play a pivotal role in the following
46 components of this initiative: Start-Up Grant; John D. Bower, MD
47 School Health Network Grant; EPSDT School Nurses; Medicaid
48 School-Based Administrative Claiming; and Local School Wellness
49 Policy.

50 (d) Currently, there are over three hundred sixty (360)
51 school nurses serving approximately four hundred ninety-four
52 thousand thirty-eight (494,038) students in Mississippi schools.
53 With one (1) school nurse for every one thousand three hundred
54 seventy-two (1,372) children, our schools fall short of the
55 federally recommended nurse student ratio of one (1) nurse for
56 every seven hundred fifty (750) students. The existing three
57 hundred sixty (360) school nurses are funded by the Mississippi
58 Legislature, local school districts, local hospitals, federal
59 government, The Bower Foundation and The Partnership for a Healthy
60 Mississippi. The nurses provide services to increasingly large
61 numbers of students, often at more than one (1) school building.

62 **SECTION 3.** (1) The State Department of Education is
63 designated as the state agency responsible for the administration
64 and supervision of the school nurse program as an education and
65 wellness curriculum in the schools of the State of Mississippi.

66 It is the intent of the Legislature that all funds made available
67 to the State Department of Education for the purpose of employing
68 school nurses shall be administered by the State Department of
69 Education.

70 (2) The State Department of Education, through the Office of
71 Healthy Schools, shall develop standards, procedures and criteria
72 for the school nurse programs in kindergarten through Grade 12.
73 The Office of Healthy Schools of the State Department of Education
74 shall assume the responsibility for promoting a statewide school
75 nurse program designed to prepare local school districts to
76 incorporate the school program into their local educational
77 programs.

78 (3) From and after July 1, 2007, the School Nurse
79 Intervention Program administered and funded by the State
80 Department of Health shall be transferred to the Office of Healthy
81 Schools of the State Department of Education. Any administrative
82 personnel employed by the State Department of Health for the
83 administration of school nurses under the School Nurse
84 Intervention Program may be employed by the Office of Healthy
85 Schools of the State Department of Education for the purpose of
86 coordinating the employment of school nurses in the school
87 districts. From and after July 1, 2007, the school nurse program
88 administered and funded by the Partnership for a Healthy
89 Mississippi, Inc., shall be transferred to the Office of Healthy
90 Schools of the State Department of Education. Any administrative
91 personnel formerly employed by the Partnership for a Healthy
92 Mississippi, Inc., for the administration of school nurses in the
93 public schools may be employed by the Office of Healthy Schools of
94 the State Department of Education for the purpose of coordinating
95 the employment of school nurses in the school districts. All
96 records and unexpended balances of accounts in the School Nurse
97 Intervention Program and the Partnership for a Healthy
98 Mississippi, Inc., relating to the employment of school nurses

99 shall be transferred to the Office of Healthy Schools in the State
100 Department of Education in accordance with the transfer of
101 responsibility under this act.

102 (4) The nurses in the school nurse program shall have the
103 following specific responsibilities:

104 (a) Serve as the coordinator of the health services
105 program and provide nursing care;

106 (b) Provide health education to students;

107 (c) Implement activities to promote health and prevent
108 tobacco, alcohol and substance use and abuse;

109 (d) Identify health and safety concerns in the school
110 environment and promote a nurturing social environment;

111 (e) Administer medications and help students manage
112 their health problems;

113 (f) Support healthy food services programs;

114 (g) Promote healthy physical education, sports policies
115 and practices;

116 (h) Promote dropout prevention programs; and

117 (i) Participate in allied health programs to introduce
118 students to health careers.

119 (5) The Office of Healthy Schools of the State Department of
120 Education shall provide resources to all school nurses so that
121 those schools with school nurses will be prepared to achieve the
122 goal of forty-five (45) minutes per week of health education in
123 Mississippi schools and support the wellness curriculum required
124 by law.

125 (6) In administering the school nurse program, the Office of
126 Healthy Schools and the State Department of Education shall
127 perform the following duties:

128 (a) Execute any contracts, agreements or other
129 documents with any governmental agency or any person, corporation,
130 association, partnership or other organization or entity that are
131 necessary to accomplish the purposes of this act;

132 (b) Receive grants, bequeaths, gifts, donations or any
133 other contributions made to the commission to be used for specific
134 purposes related to the goals of this act;

135 (c) Submit an annual report to the Legislature
136 regarding the operation of the commission;

137 (d) Submit to the State Auditor any financial records
138 that are necessary for the Auditor to perform an annual audit of
139 the commission as required by law;

140 (e) Adopt any rules or regulations that are necessary
141 to carry out the purposes of this act; and

142 (f) Take any other actions that are necessary to carry
143 out the purposes of this act.

144 **SECTION 4.** (1) There is established in the State Treasury a
145 special fund to be known as the School Nurse Program Fund, which
146 shall be comprised of the funds specified in subsection (2) of
147 this section and any other funds that are authorized or required
148 to be deposited into the special fund.

149 (2) From the tobacco settlement installment payments that
150 the State of Mississippi receives during each calendar year, the
151 sum of Seven Million Five Hundred Thousand Dollars (\$7,500,000.00)
152 shall be deposited into the special fund.

153 (3) The Legislature shall annually appropriate the funds in
154 the special fund to the Office of Healthy Schools of the State
155 Department of Education, which shall expend the funds solely for
156 the purposes specified in Section 3 of this act. None of the
157 funds in the special fund may be transferred to any other fund or
158 appropriated or expended for any other purpose.

159 (4) All income from the investment of the funds in the
160 special fund shall be credited to the account of the special fund.
161 Any funds in the special fund at the end of a fiscal year shall
162 not lapse into the State General Fund.

163 **SECTION 5.** Section 43-13-405, Mississippi Code of 1972, is
164 amended as follows:

165 43-13-405. (1) In accordance with the purposes of this
166 article, there is established in the State Treasury the Health
167 Care Trust Fund, into which shall be deposited Two Hundred Eighty
168 Million Dollars (\$280,000,000.00) of the funds received by the
169 State of Mississippi as a result of the tobacco settlement as of
170 the end of fiscal year 1999, and all tobacco settlement
171 installment payments made in subsequent years for which the use or
172 purpose for expenditure is not restricted by the terms of the
173 settlement, except as otherwise provided in Section 43-13-407(2)
174 and (3) and Section 2 of this act. All income from the investment
175 of the funds in the Health Care Trust Fund shall be credited to
176 the account of the Health Care Trust Fund. The funds in the
177 Health Care Trust Fund at the end of a fiscal year shall not lapse
178 into the State General Fund.

179 (2) The Health Care Trust Fund shall remain inviolate and
180 shall never be expended, except as provided in this article. The
181 Legislature shall appropriate from the Health Care Trust Fund such
182 sums as are necessary to recoup any funds lost as a result of any
183 of the following actions:

184 (a) The federal Centers for Medicare and Medicaid
185 Services, or other agency of the federal government, is successful
186 in recouping tobacco settlement funds from the State of
187 Mississippi;

188 (b) The federal share of funds for the support of the
189 Mississippi Medicaid Program is reduced directly or indirectly as
190 a result of the tobacco settlement;

191 (c) Federal funding for any other program is reduced as
192 a result of the tobacco settlement; or

193 (d) Tobacco cessation programs are mandated by the
194 federal government or court order.

195 (3) This section shall stand repealed on July 1, 2010.

196 **SECTION 6.** This act shall take effect and be in force from
197 and after its passage.