

By: Senator(s) Tollison

To: Public Health and
Welfare; Appropriations

SENATE BILL NO. 2907

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

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

18 **SECTION 1.** 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
 22 difference in every child's future. Nurses have been a part of
 23 the school 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 number of students, often at more than one (1) school building.

62 **SECTION 2.** (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) Pursuant to the provisions of subsection (1) of this
71 section, the State Board of Education is authorized to establish
72 an Office of Healthy Schools within the framework of the State
73 Department of Education for the purpose of developing standards,
74 procedures and criteria for the school nurse programs in
75 Kindergarten through Grade 12. The State Department of Education,
76 through the Office of Healthy Schools, shall assume the
77 responsibility for promoting a statewide school nurse program
78 designed to prepare local school districts to incorporate the
79 school program into their local educational programs.

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

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

104 (4) The responsibilities of the school nurse will include,
105 but not be limited to:

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

108 (b) Provide health education to students;

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

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

113 (e) Administer medications and help students manage
114 their health problems;

115 (f) Support healthy food services programs;

116 (g) Promote healthy physical education, sports policies
117 and practices;

118 (h) Promote dropout prevention programs;

119 (i) Participate in Allied Health programs to introduce
120 students to health careers.

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

127 (6) In administering the school nurses program, the Office
128 of Healthy Schools and the State Department of Education shall
129 perform the following duties:

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

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

137 (c) Submit an annual report to the Legislature
138 regarding the operation of the commission;

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

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

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

146 **SECTION 3.** (1) There is established in the State Treasury a
147 special fund to be known as the School Nurse Program Fund, which
148 shall be comprised of the funds specified in subsection (2) of
149 this section and any other funds that are authorized or required
150 to be deposited into the special fund.

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

155 (3) The Legislature shall annually appropriate the funds in
156 the special fund to the Office of Healthy Schools, State
157 Department of Education, which shall expend the funds solely for
158 the purposes specified in Section 2 of this act. None of the
159 funds in the special fund may be transferred to any other fund or
160 appropriated or expended for any other purpose.

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

165 **SECTION 4.** Section 43-13-405, Mississippi Code of 1972, is
166 amended as follows:

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

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

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

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

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

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

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

198 **SECTION 5.** This act shall take effect and be in force from
199 and after its passage.