

By: Representatives Clarke, Thomas

To: Education;
Appropriations

HOUSE BILL NO. 1424

1 AN ACT TO AMEND SECTION 41-79-5, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE ALL PUBLIC SCHOOLS TO EMPLOY A SCHOOL NURSE BEGINNING IN
3 THE 2002-2003 SCHOOL YEAR AND TO PROVIDE THAT THE SCHOOL NURSE
4 PROGRAM WILL BE FUNDED FROM MONIES APPROPRIATED FROM THE HEALTH
5 CARE EXPENDABLE FUND; AND FOR RELATED PURPOSES.

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

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

9 41-79-5. (1) There is * * * established * * * a school
10 nurse * * * program in all public school districts in the state.

11 (2) Beginning in the 2002-2003 school year * * *, each
12 public school * * * shall employ a school nurse, to be known as a
13 Health Service Coordinator * * *. The school nurse * * * shall
14 offer any of the following specific preventive services, and other
15 additional services appropriate to each grade level and the age
16 and maturity of the pupils:

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

20 (b) Child abuse and neglect identification;

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

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

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



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

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

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

37 (i) Emergency treatment of injury and illness to
38 include controlling bleeding, managing fractures, bruises or
39 contusions and cardiopulmonary resuscitation (CPR);

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

42 (k) Establishing and maintaining a comprehensive school
43 health program;

44 (l) Developing individualized health plans;

45 (m) Assessing, planning, implementing and evaluating
46 programs and other school health activities, in collaboration with
47 other professionals;

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

50 (o) Participating in peer review and other means of
51 evaluation to assure quality of nursing care provided for students
52 and assuming responsibility for continuing education and
53 professional development for self while contributing to the
54 professional growth of others;

55 (p) Participating with other key members of the
56 community responsible for assessing, planning, implementing and
57 evaluating school health services and community services that
58 include the broad continuum or promotion of primary, secondary and
59 tertiary prevention; and

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



62 (3) Public school nurses are prohibited specifically from
63 providing abortion counseling to any student or referring any
64 student to abortion counseling or abortion clinics. Any violation
65 of this subsection shall disqualify the school district employing
66 such public school nurse from receiving any state administered
67 funds under this section.

68 (4) The school nurse program will be funded from monies
69 appropriated to the State Department of Education from the Health
70 Care Expendable Fund established under Section 43-13-407.

71 (5) Beginning with the 1997-1998 school year, to the extent
72 that federal or state funds are available therefor and pursuant to
73 appropriation therefor by the Legislature, * * * the State
74 Department of Health shall establish and implement a Prevention of
75 Teen Pregnancy Pilot Program to be located in the public school
76 districts with the highest numbers of teen pregnancies. The Teen
77 Pregnancy Pilot Program shall provide, directly through public
78 school nurses in the pilot school districts, health education
79 sessions that target issues including reproductive health, teen
80 pregnancy prevention and sexually transmitted diseases, including
81 syphilis, HIV and AIDS. When these services are provided by a
82 school nurse, training and counseling on abstinence shall be
83 included.

84 (6) In addition to * * * the Teen Pregnancy Pilot Program
85 funds administered under subsection (5), to the extent that
86 federal or state funds are available therefor and pursuant to
87 appropriation therefor by the Legislature, the State Department of
88 Health shall establish and implement an Abstinence Education Pilot
89 Program to provide abstinence education, mentoring, counseling and
90 adult supervision to promote abstinence from sexual activity, with
91 a focus on those groups which are most likely to bear children out
92 of wedlock. Such abstinence education services shall be provided
93 by the State Department of Health through its clinics, public
94 health nurses, school nurses and through contracts with rural and



95 community health centers in order to reach a larger number of
96 targeted clients. For purposes of this subsection, the term
97 "abstinence education" means an educational or motivational
98 program which:

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

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

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

107 (d) Teaches that a mutually faithful monogamous
108 relationship in context of marriage is the expected standard of
109 human sexual activity;

110 (e) Teaches that sexual activity outside of the context
111 of marriage is likely to have harmful psychological and physical
112 effects;

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

116 (g) Teaches young people how to reject sexual advances
117 and how alcohol and drug use increase vulnerability to sexual
118 advances; and

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

121 (7) Beginning with the 2002-2003 school year * * *, in
122 addition to those funds allotted under the adequate education
123 program, each school district shall be allotted sufficient funding
124 for the purpose of employing qualified public school nurses in the
125 schools within that school district. * * *

126 (8) School nurses shall be employed by the local school
127 district and shall be designated as "health service coordinators,"



128 and shall be required to possess a bachelor's degree in nursing as
129 a minimum qualification.

130 (9) Upon each student's enrollment, the parent or guardian
131 shall be provided with information regarding the scope of the
132 school nurse * * * program. The parent or guardian may provide
133 the school administration with a written statement refusing all or
134 any part of the nursing service. No child shall be required to
135 undergo hearing and vision or scoliosis screening or any other
136 physical examination or tests whose parent objects thereto on the
137 grounds such screening, physical examination or tests are contrary
138 to his sincerely held religious beliefs.

139 (10) A consent form for reproductive health education shall
140 be sent to the parent or guardian of each student upon his
141 enrollment. If a response from the parent or guardian is not
142 received within seven (7) days after the consent form is sent, the
143 school shall send a letter to the student's home notifying the
144 parent or guardian of the consent form. If the parent or guardian
145 fails to respond to the letter within ten (10) days after it is
146 sent, then the school principal shall be authorized to allow the
147 student to receive reproductive health education. Reproductive
148 health education shall include the teaching of total abstinence
149 from premarital sex and, wherever practicable, reproductive health
150 education should be taught in classes divided according to gender.
151 All materials used in the reproductive health education program
152 shall be placed in a convenient and easily accessible location for
153 parental inspection. School nurses shall not dispense birth
154 control pills or contraceptive devices in the school. Dispensing
155 of such shall be the responsibility of the State Department of
156 Health on a referral basis only.

157 (11) No provision of this section shall be construed as
158 prohibiting local school districts from accepting financial
159 assistance of any type from the State of Mississippi or any other
160 governmental entity, or any contribution, donation, gift, decree



161 or bequest from any source which may be utilized for
162 the employment of a school nurse * * * in a public school * * * of
163 this state.

164 **SECTION 2.** This act shall take effect and be in force from
165 and after July 1, 2002.

