

By: Representatives Clarke, Thomas

To: Education;  
Appropriations

HOUSE BILL NO. 1425

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 FOR RELATED PURPOSES.

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

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

7 41-79-5. (1) There is \* \* \* established \* \* \* a school  
8 nurse \* \* \* program in all public school districts in the state.

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

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

18 (b) Child abuse and neglect identification;

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

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

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



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

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

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

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

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

40           (k) Establishing and maintaining a comprehensive school  
41 health program;

42           (l) Developing individualized health plans;

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

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

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

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

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



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

66 (4) Repealed.

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

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



93 "abstinence education" means an educational or motivational  
94 program which:

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

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

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

103 (d) Teaches that a mutually faithful monogamous  
104 relationship in context of marriage is the expected standard of  
105 human sexual activity;

106 (e) Teaches that sexual activity outside of the context  
107 of marriage is likely to have harmful psychological and physical  
108 effects;

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

112 (g) Teaches young people how to reject sexual advances  
113 and how alcohol and drug use increase vulnerability to sexual  
114 advances; and

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

117 (7) Beginning with the 2002-2003 school year and pursuant to  
118 appropriation therefor by the Legislature, in addition to other  
119 funds allotted under the adequate education program, each school  
120 district shall be allotted sufficient funding for the purpose of  
121 employing qualified public school nurses in the schools within  
122 that school district \* \* \*. In the event the Legislature provides  
123 less funds than the total state funds needed for the public school  
124 nurse program, those school districts with fewer nurses in  
125 relation to the number of schools within that district shall be



126 the first funded for such purpose, to the extent of funds  
127 available.

128 (8) School nurses shall be employed by the local school  
129 district and shall be designated as "health service coordinators,"  
130 and shall be required to possess a bachelor's degree in nursing as  
131 a minimum qualification.

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

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



159           (11) No provision of this section shall be construed as  
160 prohibiting local school districts from accepting financial  
161 assistance of any type from the State of Mississippi or any other  
162 governmental entity, or any contribution, donation, gift, decree  
163 or bequest from any source which may be utilized for the  
164 maintenance or implementation of a school nurse \* \* \* program in a  
165 public school \* \* \* of this state.

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

