

By: Representative Clarke

To: Education; Public Health
and Human Services

HOUSE BILL NO. 867

1 AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION, ACTING
2 JOINTLY WITH THE STATE BOARD OF HEALTH, TO ESTABLISH A SEX
3 EDUCATION PILOT PROGRAM; TO REQUIRE THE STATE DEPARTMENT OF
4 EDUCATION AND THE STATE DEPARTMENT OF HEALTH TO DETERMINE THE
5 GRADE OR GRADES IN WHICH THE PILOT PROGRAM WILL BE IMPLEMENTED; TO
6 REQUIRE THE STATE DEPARTMENT OF EDUCATION TO SELECT SCHOOL
7 DISTRICTS FOR PARTICIPATION IN THE PROGRAM; TO REQUIRE THE STATE
8 DEPARTMENT OF EDUCATION, WITH THE INPUT OF THE STATE DEPARTMENT OF
9 HEALTH, TO SUBMIT A REPORT ON THE PILOT PROGRAM TO THE CHAIRMEN OF
10 CERTAIN LEGISLATIVE COMMITTEES BEFORE JANUARY 1, 2010; TO BRING
11 FORWARD SECTION 41-79-5, MISSISSIPPI CODE OF 1972, WHICH
12 ESTABLISHES THE SCHOOL NURSE INTERVENTION PROGRAM WITHIN THE STATE
13 DEPARTMENT OF HEALTH AND PROVIDES FOR THE CREATION OF A PREVENTION
14 OF TEEN PREGNANCY PILOT PROGRAM AND AN ABSTINENCE EDUCATION PILOT
15 PROGRAM; AND FOR RELATED PURPOSES.

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

17 **SECTION 1.** (1) The State Board of Education, acting jointly
18 with the State Board of Health, shall establish and implement a
19 sex education pilot program aimed at reducing the incidence of
20 teenage pregnancy in the State of Mississippi.

21 (2) The State Department of Education, acting jointly with
22 the State Department of Health, shall analyze all data available
23 to both departments to determine in which grade or grades students
24 would be most positively impacted by the sex education pilot
25 program. The course of study in the pilot program must be age
26 appropriate based on the developmental and maturity level of the
27 students in the grade or grades in which the program is
28 implemented.

29 (3) The State Department of Education shall select school
30 districts in which the sex education pilot program will be
31 implemented. In making the selection, the department shall
32 identify those school districts having the highest numbers of
33 pregnancies among students and shall consider other appropriate

34 factors including, but not necessarily limited to, each school
35 district's: dropout rate; urban or rural nature; geographical
36 location; demographic profile; and state accreditation level. The
37 department shall give preference to any school district that
38 expresses a desire to participate in the pilot program and shall
39 make its selection before July 1, 2007.

40 (4) The sex education pilot program will be implemented in
41 those school districts selected for participation in the program
42 in the 2007-2008 school year. The program will be continued in
43 the same school districts during the 2008-2009 and 2009-2010
44 school years.

45 (5) Before January 1, 2010, the State Department of
46 Education, after consultation with the State Department of Health,
47 shall submit a report to the Chairmen of the Education Committees
48 of the House of Representatives and Senate, the Chairman of the
49 House of Representatives Public Health and Human Services
50 Committee and the Chairman of the Senate Public Health and Welfare
51 Committee on the results of the sex education pilot program. The
52 report must include comparative data on the numbers of pregnancies
53 among students in the participating school districts before and
54 during each year of the pilot program. The report also must
55 include a recommendation on whether or not the sex education pilot
56 program should be implemented on a permanent basis in all or
57 certain school districts of the state.

58 **SECTION 2.** Section 41-79-5, Mississippi Code of 1972, is
59 brought forward as follows:

60 41-79-5. (1) There is hereby established within the State
61 Department of Health a school nurse intervention program,
62 available to all public school districts in the state.

63 (2) By the school year 1998-1999, each public school
64 district shall have employed a school nurse, to be known as a
65 Health Service Coordinator, pursuant to the school nurse
66 intervention program prescribed under this section. The school

67 nurse intervention program shall offer any of the following
68 specific preventive services, and other additional services
69 appropriate to each grade level and the age and maturity of the
70 pupils:

71 (a) Reproductive health education and referral to
72 prevent teen pregnancy and sexually transmitted diseases, which
73 education shall include abstinence;

74 (b) Child abuse and neglect identification;

75 (c) Hearing and vision screening to detect problems
76 which can lead to serious sensory losses and behavioral and
77 academic problems;

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

80 (e) Scoliosis screening to detect this condition so
81 that costly and painful surgery and lifelong disability can be
82 prevented;

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

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

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

91 (i) Emergency treatment of injury and illness to
92 include controlling bleeding, managing fractures, bruises or
93 contusions and cardiopulmonary resuscitation (CPR);

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

96 (k) Establishing and maintaining a comprehensive school
97 health program;

98 (l) Developing individualized health plans;

99 (m) Assessing, planning, implementing and evaluating
100 programs and other school health activities, in collaboration with
101 other professionals;

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

104 (o) Participating in peer review and other means of
105 evaluation to assure quality of nursing care provided for students
106 and assuming responsibility for continuing education and
107 professional development for self while contributing to the
108 professional growth of others;

109 (p) Participating with other key members of the
110 community responsible for assessing, planning, implementing and
111 evaluating school health services and community services that
112 include the broad continuum or promotion of primary, secondary and
113 tertiary prevention; and

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

116 (3) Public school nurses shall be specifically prohibited
117 from providing abortion counseling to any student or referring any
118 student to abortion counseling or abortion clinics. Any violation
119 of this subsection shall disqualify the school district employing
120 such public school nurse from receiving any state administered
121 funds under this section.

122 (4) Repealed.

123 (5) Beginning with the 1997-1998 school year, to the extent
124 that federal or state funds are available therefor and pursuant to
125 appropriation therefor by the Legislature, in addition to the
126 school nurse intervention program funds administered under
127 subsection (4), the State Department of Health shall establish and
128 implement a Prevention of Teen Pregnancy Pilot Program to be
129 located in the public school districts with the highest numbers of
130 teen pregnancies. The Teen Pregnancy Pilot Program shall provide
131 the following education services directly through public school

132 nurses in the pilot school districts: health education sessions
133 in local schools, where contracted for or invited to provide,
134 which target issues including reproductive health, teen pregnancy
135 prevention and sexually transmitted diseases, including syphilis,
136 HIV and AIDS. When these services are provided by a school nurse,
137 training and counseling on abstinence shall be included.

138 (6) In addition to the school nurse intervention program
139 funds administered under subsection (4) and the Teen Pregnancy
140 Pilot Program funds administered under subsection (5), to the
141 extent that federal or state funds are available therefor and
142 pursuant to appropriation therefor by the Legislature, the State
143 Department of Health shall establish and implement an Abstinence
144 Education Pilot Program to provide abstinence education,
145 mentoring, counseling and adult supervision to promote abstinence
146 from sexual activity, with a focus on those groups which are most
147 likely to bear children out of wedlock. Such abstinence education
148 services shall be provided by the State Department of Health
149 through its clinics, public health nurses, school nurses and
150 through contracts with rural and community health centers in order
151 to reach a larger number of targeted clients. For purposes of
152 this subsection, the term "abstinence education" means an
153 educational or motivational program which:

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

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

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

162 (d) Teaches that a mutually faithful monogamous
163 relationship in context of marriage is the expected standard of
164 human sexual activity;

165 (e) Teaches that sexual activity outside of the context
166 of marriage is likely to have harmful psychological and physical
167 effects;

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

171 (g) Teaches young people how to reject sexual advances
172 and how alcohol and drug use increase vulnerability to sexual
173 advances; and

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

176 (7) Beginning with the 1998-1999 school year and pursuant to
177 appropriation therefor by the Legislature, in addition to other
178 funds allotted under the minimum education program, each school
179 district shall be allotted an additional teacher unit per every
180 one hundred (100) teacher units, for the purpose of employing
181 qualified public school nurses in such school district, which in
182 no event shall be less than one (1) teacher unit per school
183 district, for such purpose. In the event the Legislature provides
184 less funds than the total state funds needed for the public school
185 nurse allotment, those school districts with fewer teacher units
186 shall be the first funded for such purpose, to the extent of funds
187 available.

188 (8) Prior to the 1998-1999 school year, nursing staff
189 assigned to the program shall be employed through the local county
190 health department and shall be subject to the supervision of the
191 State Department of Health with input from local school officials.
192 Local county health departments may contract with any
193 comprehensive private primary health care facilities within their
194 county to employ and utilize additional nursing staff. Beginning
195 with the 1998-1999 school year, nursing staff assigned to the
196 program shall be employed by the local school district and shall
197 be designated as "health service coordinators," and shall be

198 required to possess a bachelor's degree in nursing as a minimum
199 qualification.

200 (9) Upon each student's enrollment, the parent or guardian
201 shall be provided with information regarding the scope of the
202 school nurse intervention program. The parent or guardian may
203 provide the school administration with a written statement
204 refusing all or any part of the nursing service. No child shall
205 be required to undergo hearing and vision or scoliosis screening
206 or any other physical examination or tests whose parent objects
207 thereto on the grounds such screening, physical examination or
208 tests are contrary to his sincerely held religious beliefs.

209 (10) A consent form for reproductive health education shall
210 be sent to the parent or guardian of each student upon his
211 enrollment. If a response from the parent or guardian is not
212 received within seven (7) days after the consent form is sent, the
213 school shall send a letter to the student's home notifying the
214 parent or guardian of the consent form. If the parent or guardian
215 fails to respond to the letter within ten (10) days after it is
216 sent, then the school principal shall be authorized to allow the
217 student to receive reproductive health education. Reproductive
218 health education shall include the teaching of total abstinence
219 from premarital sex and, wherever practicable, reproductive health
220 education should be taught in classes divided according to gender.
221 All materials used in the reproductive health education program
222 shall be placed in a convenient and easily accessible location for
223 parental inspection. School nurses shall not dispense birth
224 control pills or contraceptive devices in the school. Dispensing
225 of such shall be the responsibility of the State Department of
226 Health on a referral basis only.

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

231 or bequest from any source which may be utilized for the
232 maintenance or implementation of a school nurse intervention
233 program in a public school system of this state.

234 **SECTION 3.** This act shall take effect and be in force from
235 and after its passage.