

By: Representative Holland (By Request)

To: Education;
AppropriationsHOUSE BILL NO. 1132
(As Passed the House)

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 are
31 a very critical component for the implementation of a coordinated
32 approach to school health.

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 considered for employment by the
85 Office of Healthy Schools of the State Department of Education for
86 the purpose of coordinating the employment of school nurses in the
87 school districts. Any administrative personnel formerly employed
88 by the Partnership for a Healthy Mississippi, Inc., for the
89 administration of school nurses in the public schools may be
90 considered for employment by the Office of Healthy Schools of the
91 State Department of Education for the purpose of coordinating the
92 employment of school nurses in the school districts. All records
93 and unexpended balances of accounts in the School Nurse
94 Intervention Program relating to the employment of school nurses
95 shall be transferred to the Office of Healthy Schools in the State
96 Department of Education in accordance with the transfer of
97 responsibility under this act.

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

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

102 (b) Provide health education to students;

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

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

107 (e) Administer medications and help students manage
108 their health problems;

109 (f) Support healthy food services programs;

110 (g) Promote healthy physical education, sports policies
111 and practices;

112 (h) Promote dropout prevention programs; and

113 (i) Participate in allied health programs to introduce
114 students to health careers.

115 (5) The Office of Healthy Schools of the State Department of
116 Education shall provide resources to all school nurses so that
117 those schools with school nurses will be prepared to provide
118 health education in Mississippi schools and support the
119 Mississippi Comprehensive Health Framework, Mississippi Physical
120 Education Framework, Wellness Policy, coordinated approach to
121 school health, and other resources required by the State Board of
122 Education.

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

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

130 (b) Receive grants or any other contributions made to
131 the State Board of Education to be used for specific purposes
132 related to the goals of this act;

133 (c) Submit an annual report to the Legislature
134 regarding the operation of the School Nurse Intervention Program;

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

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

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

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

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

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

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

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

163 43-13-405. (1) In accordance with the purposes of this
164 article, there is established in the State Treasury the Health
165 Care Trust Fund, into which shall be deposited Two Hundred Eighty
166 Million Dollars (\$280,000,000.00) of the funds received by the
167 State of Mississippi as a result of the tobacco settlement as of
168 the end of fiscal year 1999, and all tobacco settlement
169 installment payments made in subsequent years for which the use or
170 purpose for expenditure is not restricted by the terms of the
171 settlement, except as otherwise provided in Section 43-13-407(2)
172 and (3) and Section 4 of this act. All income from the investment
173 of the funds in the Health Care Trust Fund shall be credited to
174 the account of the Health Care Trust Fund. The funds in the
175 Health Care Trust Fund at the end of a fiscal year shall not lapse
176 into the State General Fund.

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

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

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

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

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

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

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