

By: Representative Holland (By Request)

To: Education;  
Appropriations

HOUSE BILL NO. 1132  
(As Sent to Governor)

1 AN ACT TO PROVIDE FOR THE "MARY KIRKPATRICK HASKELL-MARY  
2 SPRAYBERRY PUBLIC SCHOOL NURSE PROGRAM" TO BE ADMINISTERED BY THE  
3 STATE DEPARTMENT OF EDUCATION THROUGH THE OFFICE OF HEALTHY  
4 SCHOOLS; TO SPECIFY THE RESPONSIBILITIES OF THE NURSES IN THE  
5 PROGRAM; TO PRESCRIBE THE DUTIES OF THE OFFICE OF HEALTHY SCHOOLS  
6 IN ADMINISTERING THE PROGRAM; TO ESTABLISH IN THE STATE TREASURY A  
7 SPECIAL FUND TO BE KNOWN AS THE SCHOOL NURSE PROGRAM FUND; TO  
8 PROVIDE THAT THE LEGISLATURE SHALL ANNUALLY APPROPRIATE THE FUNDS  
9 IN THE SPECIAL FUND TO THE STATE DEPARTMENT OF EDUCATION, WHICH  
10 SHALL EXPEND THE FUNDS SOLELY FOR THE PURPOSES SPECIFIED IN THIS  
11 ACT; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** This act shall be known as the Mary Kirkpatrick  
14 Haskell-Mary Sprayberry Public School Nurse Act of 2007.

15 **SECTION 2.** (1) The State Department of Education is  
16 designated as the state agency responsible for the administration  
17 and supervision of the school nurse program as an education and  
18 wellness curriculum in the public schools of the State of  
19 Mississippi. The public school nurse program administered by the  
20 State Department of Education shall be known and may be cited as  
21 the "Mary Kirkpatrick Haskell-Mary Sprayberry Public School Nurse  
22 Program." It is the intent of the Legislature that all funds made  
23 available to the State Department of Education for the purpose of  
24 employing school nurses shall be administered by the State  
25 Department of Education.

26 (2) The State Department of Education, through the Office of  
27 Healthy Schools, shall develop standards, procedures and criteria  
28 for the public school nurse programs in Kindergarten through Grade  
29 12. The Office of Healthy Schools of the State Department of  
30 Education shall assume the responsibility for promoting a  
31 statewide school nurse program designed to prepare local school

32 districts to incorporate the school program into their local  
33 educational programs.

34 (3) From and after July 1, 2007, the School Nurse  
35 Intervention Program administered and funded by the State  
36 Department of Health shall be transferred to the Office of Healthy  
37 Schools of the State Department of Education. Any administrative  
38 personnel employed by the State Department of Health for the  
39 administration of school nurses under the School Nurse  
40 Intervention Program may be considered for employment by the  
41 Office of Healthy Schools of the State Department of Education for  
42 the purpose of coordinating the employment of school nurses in the  
43 school districts. Any administrative personnel formerly employed  
44 by the Partnership for a Healthy Mississippi, Inc., for the  
45 administration of school nurses in the public schools may be  
46 considered for employment by the Office of Healthy Schools of the  
47 State Department of Education for the purpose of coordinating the  
48 employment of school nurses in the school districts. All records  
49 and unexpended balances of accounts in the School Nurse  
50 Intervention Program relating to the employment of school nurses  
51 shall be transferred to the Office of Healthy Schools in the State  
52 Department of Education in accordance with the transfer of  
53 responsibility under this act.

54 (4) The nurses in the Mary Kirkpatrick Haskell-Mary  
55 Sprayberry Public School Nurse Program shall have the following  
56 specific responsibilities:

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

59 (b) Provide health education to students;

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

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

64 (e) Administer medications and help students manage  
65 their health problems;

66 (f) Support healthy food services programs;

67 (g) Promote healthy physical education, sports policies  
68 and practices;

69 (h) Promote dropout prevention programs; and

70 (i) Participate in allied health programs to introduce  
71 students to health careers.

72 (5) The Office of Healthy Schools of the State Department of  
73 Education shall provide resources to all public school nurses so  
74 that those schools with school nurses will be prepared to provide  
75 health education in Mississippi schools and support the  
76 Mississippi Comprehensive Health Framework, Mississippi Physical  
77 Education Framework, Wellness Policy, coordinated approach to  
78 school health, and other resources required by the State Board of  
79 Education.

80 (6) In administering the Mary Kirkpatrick Haskell-Mary  
81 Sprayberry Public School Nurse Program, the Office of Healthy  
82 Schools of the State Department of Education shall perform the  
83 following duties:

84 (a) Execute any contracts, agreements or other  
85 documents with any governmental agency or any person, corporation,  
86 association, partnership or other organization or entity that are  
87 necessary to accomplish the purposes of this act;

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

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

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

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

98           (f) Develop criteria to measure the effectiveness of a  
99 school nurse;

100           (g) Communicate to superintendents and principals how  
101 to maximize the effectiveness of a public school nurse;

102           (h) Develop recommended salary structure for school  
103 districts to use when hiring a school nurse;

104           (i) Communicate to superintendents, principals and  
105 other appropriate school officials regarding the statutes and  
106 regulations prohibiting the use of tobacco by school personnel on  
107 school property and at school events, and to monitor the  
108 effectiveness of this ban;

109           (j) Report to the Senate and House Public Health and  
110 Welfare and Education Committees' Chairmen annually on the number  
111 of public school nurses, in which schools they are employed,  
112 results of their work in relation to the measures in paragraph  
113 (f);

114           (k) Implement policies to reduce unnecessary paperwork  
115 by public school nurses; and

116           (l) Take any other actions that are necessary to carry  
117 out the purposes of this act.

118           **SECTION 3.** The Division of Medicaid shall cooperate with the  
119 State Department of Education to develop and seek approval from  
120 the Centers for Medicare and Medicaid Services (CMS) for a waiver  
121 or grant to cover the services of public school nurses, as allowed  
122 by federal law. The division is also authorized to explore other  
123 options for administering and providing services under this  
124 program, including, but not limited to, matching any available  
125 federal funds. The Department of Education shall place particular  
126 emphasis on reducing unnecessary paperwork by public school  
127 nurses.

128           **SECTION 4.** (1) There is established in the State Treasury a  
129 special fund to be known as the Mary Kirkpatrick Haskell-Mary  
130 Sprayberry Public School Nurse Program Fund, which shall be  
131 comprised of the funds specified in subsection (2) of this section  
132 and any other funds that are authorized or required to be  
133 deposited into the special fund.

134           (2) The Legislature shall annually appropriate the funds in  
135 the special fund to the Office of Healthy Schools of the State  
136 Department of Education, which shall expend the funds solely for  
137 the purposes specified in Section 2 of this act. None of the  
138 funds in the special fund may be transferred to any other fund or  
139 appropriated or expended for any other purpose.

140           (3) All income from the investment of the funds in the  
141 special fund shall be credited to the account of the special fund.  
142 Any funds in the special fund at the end of a fiscal year shall  
143 not lapse into the State General Fund.

144           **SECTION 5.** This act shall take effect and be in force from  
145 and after July 1, 2007.