

State of Arkansas  
89th General Assembly  
Regular Session, 2013

As Engrossed: H3/6/13  
**A Bill**

HOUSE BILL 1411

By: Representative Mayberry

By: Senator Elliott

### **For An Act To Be Entitled**

AN ACT TO PROTECT THE HEALTH AND WELL-BEING OF  
STUDENTS IN PUBLIC SCHOOLS BY ENSURING ADEQUATE AND  
APPROPRIATE HEALTH CARE WORKERS ON SITE TO ATTEND TO  
STUDENTS' NEEDS; AND FOR OTHER PURPOSES.

### **Subtitle**

TO PROTECT THE HEALTH AND WELL-BEING OF  
STUDENTS IN PUBLIC SCHOOLS BY ENSURING  
ADEQUATE AND APPROPRIATE HEALTH CARE  
WORKERS ON SITE TO ATTEND TO STUDENTS'  
NEEDS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. FINDINGS. The General Assembly finds that:

(1) A major goal of public education is to assist all students in reaching their full academic potential. In this regard, school nurses:

(A) Are instrumental in the early detection of health problems that can interfere with learning or that lead to more serious or disabling health conditions;

(B) Prevent disease by teaching and encouraging healthy lifestyles and habits that have lifelong implications for children and their families;

(C) Provide valuable health services including administering medications and care management necessary for students who have chronic or episodic health conditions and disabilities;



(D) Care for students who incur injuries at school including injuries that require medical attention;

(E) Assist families and students in accessing health care and community health services; and

(F) Provide direct health services and professional advice to teachers and staff members regarding health problems and concerns;

(2) Schools are being asked to play an increasingly expanded role in protecting the health of our children. In this regard, school nurses:

(A) Are responsible for monitoring the immunization of children, evaluating hearing and vision of children, screening for scoliosis, and providing appropriate referrals for positive findings;

(B) Apply the nursing process of assessment, planning, intervention, and evaluation to implement medically-ordered treatments so that chronically ill children are able to attend school;

(C) Administer prescription medications required to be given to children during the school day;

(D) Identify and report child abuse;

(E) Identify drug and alcohol problems;

(F) Provide counseling and assistance for teenage parents;

(G) Provide HIV/AIDS education; and

(H) Respond to emergency situations in which students must be assessed and in which emergency medications are often required;

(3) There is a shortage of funded professional registered nurse positions in schools resulting in the disparity of on-campus health care services being provided to students; and

(4) A study should be conducted concerning the provision of better on-campus health care services for Arkansas public school children to inform the General Assembly so that it may determine the best policy for the state.

SECTION 2. Arkansas Code title 6, Chapter 18, Subchapter 7, is amended to add an additional section to read as follows:

6-18-709. Public School Health Services Advisory Committee.

(a)(1) There is created a Public School Health Services Advisory Committee to consist of *nineteen (19)* members.

(2) The Director of the Department of Health shall appoint:

(A) One (1) member to represent the Department of Health;  
(B) One (1) member to represent the Arkansas State Board of Nursing;

(C) One (1) member to represent the Arkansas Center for Health Improvement;

(D) One (1) member to represent the Department of Health, Child and Adolescent Health; and

(E) One (1) member to represent the Department of Health, Office of Minority Health and Health Disparities.

(3) The Commissioner of Education shall appoint:

(A) Five (5) members to represent the Department of Education as follows:

(i) One (1) member from the Office of Legal Services;

(ii) One (1) member from the Division of Fiscal and Administrative Services;

(iii) One (1) member from the Division of Learning Services Division, Special Education Unit;

(iv) One (1) member from the Division of Learning Services, Coordinated School Health Unit, Health Services; and

(v) One (1) member from Division of Learning Services, Coordinated School Health Unit, School Based Mental Health;

(B) One (1) member to represent the Arkansas School Nurse Association;

(C) One (1) member to represent the Arkansas Association of Educational Administrators;

(D) One (1) member to represent the Arkansas School Boards Association;

(E) One (1) member to represent the Arkansas Educators Association;

(F) One (1) member who is a public school principal;

(G)(i) Two (2) members each of whom is the parent of a child with special health care needs.

(ii) A parent appointed under this subdivision shall not be an employee of:

(a) The Department of Health;

(b) The Department of Education; or

(c) A school district;

(H) One (1) member to represent the Arkansas Rural Education Association; and

(I) One (1) member to represent the Arkansas Advocates for Children and Families.

(4) The term of the Public School Health Services Advisory Committee shall expire on December 31, 2014.

(5) If a vacancy occurs, the officer who made the original appointment shall appoint a person who represents the same constituency as the member being replaced.

(6)(A) The commissioner shall designate one (1) of the members as the chair of the first meeting.

(B) The chair shall call the first meeting of the Public School Health Services Advisory Committee.

(C) At the first meeting, the Public School Health Services Advisory Committee shall elect one (1) of its members to act as chair for a term of one (1) year.

(7)(A) A majority of the members shall constitute a quorum for the transaction of business.

(B) All members are voting members except the chair, who shall vote only to break a tie vote.

(8)(A) The Public School Health Services Advisory Committee shall meet at least once every quarter.

(B) Meetings may be conducted in whole or in part through the use of live conferencing technology, including without limitation, video, telephone, or Internet conferencing technology.

(9) The Department of Education shall provide office space and staff for the Public School Health Services Advisory Committee.

(10) Members of the Public School Health Services Advisory Committee shall serve without pay but may receive expense reimbursement in accordance with § 25-16-902 if funds are available.

(b) The Public School Health Services Advisory Committee shall conduct a one-year study to consider without limitation the following:

(1) The on-campus health care needs of public school students;

(2) Who is providing those on-campus health care services,

including without limitation the extent to which those services are provided by:

- (A) Registered nurses;
- (B) Other health care providers; and
- (C) Other school personnel;

(3) The extent to which public school students do not receive the needed on-campus health care services identified by the Public School Health Services Advisory Committee;

(4) The availability and condition of existing facilities and equipment at public schools for providing these services, including without limitation:

(A) School nurse office space with privacy, file storage, telephone connection, heat, and air conditioning;

(B) Medication storage including without limitation refrigeration and locked cabinets;

(C) Plumbing facilities for use by school nurses, including sinks, hot and cold running water, and toilets; and

(D) Computer and internet access for:

(i) Medical records; and

(ii) Reporting on the Arkansas Public School

Computer Network;

(5) The cost of providing needed on-campus health care services and the funds available to a school district for that purpose; and

(6) School nurse health care related duties and non-health care related duties.

(c) Upon completion of the study, the Public School Health Services Advisory Committee shall develop guidelines for the:

(1) Number of full-time nurses needed, including without limitation whether or not each school campus should have a minimum of one (1) full-time registered nurse;

(2) Educational level and licensure level of a school nurse;

(3) Job requirements of a school nurse, including without limitation guidelines concerning job duties that are non-health care related;

(4) Salary level for school nurses;

(5) Types of on-campus health care services, if any, that may be performed by personnel other than the school nurse;

(6) Management of medical records;

(7) Management and storage of medications;

(8) Facilities and equipment used in delivering needed health care services;

(9) Timeline for implementing the guidelines, including without limitation whether or not the Public School Health Services Advisory Committee recommends that the implementation of the guidelines be phased in; and

(10) Incentives that may be offered to schools and school districts for:

(A) Exemplary school health care; and

(B) Implementing voluntary best practices identified in the guidelines.

(d) By September 1, 2014, the Public School Health Services Advisory Committee shall submit a report on its findings, recommendations, and guidelines to the House Committee on Education and the Senate Committee on Education.

(e)(1) The Public School Health Services Advisory Committee shall continue to meet until its term expires and make any further recommendations to the House Committee on Education and the Senate Committee on Education that the Public Health Services Advisory Committee deems necessary.

(2) During its term, the Public School Health Services Advisory Committee shall conduct further study or provide additional information or reports at the request of the House Committee on Education and the Senate Committee on Education.

(f)(1) The Public School Health Services Advisory Committee shall identify the information it needs from public school districts to conduct the study and communicate those requests for information to the Department of Education.

(2)(A) Each public school shall report the information requested to the Department of Education not less than monthly.

(B) A school shall continue to report the information until the Public School Health Services Advisory Committee's term has expired.

(3) The Department of Education shall provide the information to the Public School Health Services Advisory Committee in a manner that

protects student privacy under state and federal laws.

*/s/Mayberry*

**APPROVED: 03/15/2013**