

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
91st General Assembly  
Regular Session, 2017

As Engrossed: H2/27/17  
**A Bill**

HOUSE BILL 1516

By: Representatives A. Mayberry, Bentley

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

AN ACT CONCERNING SCHOOL NURSING; TO ESTABLISH SCHOOL NURSE-TO-STUDENT RATIOS; TO REQUIRE AN ANNUAL SCHOOL NURSE SURVEY; AND FOR OTHER PURPOSES.

### **Subtitle**

CONCERNING SCHOOL NURSING; TO ESTABLISH SCHOOL NURSE-TO-STUDENT RATIOS; AND TO REQUIRE AN ANNUAL SCHOOL NURSE SURVEY.

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

SECTION 1. Arkansas Code § 6-18-706 is amended to read as follows:  
6-18-706. School nurse.

(a)(1) In order to improve the health status and educational achievement of the children of this state, the General Assembly hereby determines that an appropriate school nurse-to-student ratio is essential to effectively meet the ~~health care~~ healthcare needs of these children.

(2) To ensure that a public school district is able to maintain the appropriate school nurse-to-student ratio, a public school district may use the national school lunch state categorical funds provided under § 6-20-2305(b)(4) to meet or to exceed the current standards required.

(b)(1) For purposes of this section, "school nurse" means a licensed nurse engaging in school nursing activities.

(2)(A) Beginning on July 1, 2018:

(i) A public school district with a three-quarter average daily membership of five hundred (500) or more shall ensure that each public school in the public school district has at least one (1) school



nurse; and

(ii) A public school district with a three-quarter average daily membership of less than five hundred (500) shall ensure that the public school district has at least one (1) registered nurse.

(B)(i) Except as provided under subdivision (b)(2)(B)(ii) of this section, a school nurse hired or contracted with on and after July 1, 2018, shall be a registered nurse.

(ii) A school nurse who is renewing a contract with a public school district shall not be considered a school nurse hired or contracted with on and after July 1, 2018.

(C) If two (2) or more public schools are located within one (1) mile of each other, the public schools may share the school nurse to satisfy the requirements of this section.

(D) A licensed practical nurse may be hired to assist a registered nurse if necessary due to the nurse-to-student ratio or student acuity levels on the public school campus and if the duties assigned to the licensed practical nurse are within the scope of practice as established under § 17-87-101 et seq.

(c)(1) Beginning with the ~~2004-2005~~ 2018-2019 school year, ~~all a public school districts~~ district shall have no ~~fewer~~ less than the full-time equivalent of one (1) school nurse per seven hundred fifty (750) students or the proportionate ratio thereof.

(2) ~~In districts having a high concentration of children with disabling conditions as determined by the State Board of Education, the ratio of school nurses to students should be one (1) to four hundred (400) in those schools so designated.~~ A public school district is encouraged to use the school nurse-to-student ratios for the following nursing acuity levels:

(A)(i) One (1) school nurse per seven hundred fifty (750) students at nursing acuity Level 1.

(ii) "Nursing acuity Level 1" means the level of school nursing care required for a student with occasional health concerns and routine health screenings who sees a nurse at least one (1) time per year for screening or as needed;

(B)(i) One (1) school nurse per four hundred (400) students at nursing acuity Level 2.

(ii) "Nursing acuity Level 2" means the level of

school nursing care required for a student who requires an individualized healthcare plan and for a student who has physical, social, or emotional conditions that are uncomplicated and predictable and require occasional monitoring from biweekly to annually by a nurse;

(C)(i) One (1) school nurse per two hundred twenty-five (225) students at nursing acuity Level 3.

(ii) "Nursing acuity Level 3" means the level of school nursing care required for a student with a physical, social, or emotional condition that is complex or unstable and requires daily treatment and close monitoring by a nurse;

(D)(i) One (1) school nurse per one hundred twenty-five (125) students at nursing acuity Level 4.

(ii) "Nursing acuity Level 4" means the level of school nursing care required for a student with a medically fragile condition who has the daily possibility of a life-threatening emergency and requires daily monitoring by a nurse; and

(E)(i) One (1) school nurse per one (1) student at nursing acuity Level 5.

(ii) "Nursing acuity Level 5" means the level of school nursing care required for a student who requires twenty-four-hour nursing care for survival.

~~(3) In a district that provides a center for profoundly disabled students, the ratio should be one (1) school nurse per one hundred twenty-five (125) students at that center.~~

The school nurse-to-student ratios prescribed in subdivision (c)(2) of this section shall be derived from the results of the annual school nurse survey under § 6-18-712.

(d)(1) School nurses may be employed or provided by contract or agreement with other agencies or individuals ~~provided that~~ if the prescribed ~~school nurse-to-student ratio ratios~~ school nurse-to-student ratios and equivalency are maintained.

(2) However, ~~no~~ a school nurse may not be employed by, or contract with, any public secondary or elementary school of this state except with the prior approval of the local public school district board of directors.

~~(e)(1) The provisions of this section shall be effective only upon the availability of state funds.~~

~~(2) Available funds shall be distributed to school districts based on the previous year's three quarter average daily membership.~~

A school nurse may work on health-related activities other than the practice of nursing in the public school district if time permits.

(f) The State Board of Education shall send a letter to each public school district and each member of the board of directors of each public school district that does not meet the requirements under subsection (b) of this section and subdivision (c)(1) of this section informing the public school district and the members of the board of directors of the public school district of the violation of the requirements.

SECTION 2. Arkansas Code § 6-18-709(g), concerning the annual school nurse survey, is repealed.

~~(g) Annually, beginning on July 1, 2015, a school district shall report the following to the Department of Education:~~

~~(1) The number of full-time nurses employed by the school district;~~

~~(2) The number of part-time nurses employed by the school district;~~

~~(3) The number of full-time nurses with whom the school district contracts for service;~~

~~(4) The number of part-time nurses with whom the school district contracts for service;~~

~~(5) The level of licensure of each nurse working in the school district;~~

~~(6) The highest degree obtained for each nurse working in the school district;~~

~~(7) The amount of pay, including source of funding, for each nurse working in the school district; and~~

~~(8) The number of students in the school district that are in each nursing acuity level as follows:~~

~~(A) Level 1 for students with occasional health concerns and routine health screenings at a ratio of one (1) school nurse per seven hundred fifty (750) students;~~

~~(B) Level 2 for students with healthcare concerns and those that require an individualized healthcare plan at a ratio of one (1)~~

~~school nurse per four hundred (400) students;~~

~~(C) Level 3 for students with medically complex conditions at a ratio of one (1) school nurse per two hundred twenty five (225) students;~~

~~(D) Level 4 for students with medically fragile conditions at a ratio of one (1) school nurse per one hundred twenty five (125) students; and~~

~~(E) Level 5 for students that are nursing dependent at a ratio of one (1) school nurse per one (1) student.~~

SECTION 3. Arkansas Code Title 6, Chapter 18, Subchapter 7, is amended to add an additional section to read as follows:

6-18-712. Annual school nurse survey.

(a) Annually, a public school district shall report the following to the board of directors of the public school district and the Department of Education:

(1) The number of full-time nurses employed by the school district;

(2) The number of part-time nurses employed by the school district;

(3) The number of full-time nurses with whom the school district contracts for service;

(4) The number of part-time nurses with whom the school district contracts for service;

(5) The level of licensure of each nurse employed by or contracting with the public school district;

(6) The highest degree obtained for each nurse employed by or contracting with the public school district;

(7) The amount of pay, including source of funding, for each nurse employed by or contracting with the public school district; and

(8) The number of students in the school district in each nursing acuity level as follows:

(A)(i) Nursing acuity Level 1 at a ratio of one (1) school nurse per seven hundred fifty (750) students.

(ii) "Nursing acuity Level 1" means the level of school nursing care required for a student with occasional health concerns

and routine health screenings who sees a nurse at least one (1) time per year for screening or as needed;

(B)(i) Nursing acuity Level 2 at a ratio of one (1) school nurse per four hundred (400) students.

(ii) "Nursing acuity Level 2" means the level of school nursing care required for a student who requires an individualized healthcare plan and for a student who has physical, social, or emotional conditions that are uncomplicated and predictable and require occasional monitoring from biweekly to annually by a nurse;

(C)(i) Nursing acuity Level 3 at a ratio of one (1) school nurse per two hundred twenty-five (225) students.

(ii) "Nursing acuity Level 3" means the level of school nursing care required for a student with a physical, social, or emotional condition that is complex or unstable and requires daily treatment and close monitoring by a nurse;

(D)(i) Nursing acuity Level 4 at a ratio of one (1) school nurse per one hundred twenty-five (125) students.

(ii) "Nursing acuity Level 4" means the level of school nursing care required for a student with a medically fragile condition who has the daily possibility of a life-threatening emergency and requires daily monitoring by a nurse; and

(E)(i) Nursing acuity Level 5 at a ratio of one (1) school nurse per one (1) student.

(ii) "Nursing acuity Level 5" means the level of school nursing care required for a student who requires twenty-four-hour nursing care for survival.

SECTION 4. Arkansas Code § 17-87-102(9), concerning the definition of "practice of practical nursing", is amended to read as follows:

(9)(A) "Practice of licensed practical nursing" means the performance for compensation of nursing practices by a licensed practical nurse that are relevant to the care of the ill, injured, or infirm, or the delegation of certain nursing practices to other personnel as set forth in ~~regulations~~ rules established by the board, under the direction of a registered nurse, an advanced practice registered nurse, a licensed physician, or a licensed dentist that do not require the substantial

specialized skill, judgment, and knowledge required in professional nursing<sup>+</sup>.

(B) The board shall establish a process to ensure that a licensed practical nurse employed by or contracting with a public school district is performing under the supervision of a professional registered nurse, an advanced practice registered nurse, a licensed physician, or a licensed dentist;

*/s/A. Mayberry*