

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

HOUSE BILL 1629

By: Representatives J. Mayberry, Bentley, A. Collins, Deffenbaugh, D. Ferguson, V. Flowers, L. Johnson, Love, Lowery, S. Meeks, Scott, B. Smith

For An Act To Be Entitled

AN ACT TO ESTABLISH THE READY TO LEARN ACT; TO IMPROVE PUBLIC SCHOOL STUDENTS' SAFETY, HEALTH, AND WELLNESS; TO AMEND PROVISIONS OF THE ARKANSAS CODE WITH RESPECT TO PUBLIC SCHOOL NURSES; AND FOR OTHER PURPOSES.

Subtitle

TO IMPROVE PUBLIC SCHOOL STUDENTS' SAFETY, HEALTH, AND WELLNESS; AND TO AMEND PROVISIONS OF THE ARKANSAS CODE WITH RESPECT TO PUBLIC SCHOOL NURSES.

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

SECTION 1. DO NOT CODIFY. Legislative findings.

The General Assembly finds that:

(1) In 2018, the Arkansas School Safety Commission recognized the important role of a school nurse in preventing and handling emergency situations in public schools in this state and determined that:

(A) School nurses and staff should be trained in efforts that enhance the emergency medical response within public schools;

(B) Bleeding control training, as recommended by the national Stop the Bleed Campaign, should be implemented throughout the public school system in order to cultivate grassroots efforts that encourage bystanders to become trained, equipped, and empowered to help in a bleeding emergency, and these training efforts should be led by school nurses for



public school district employees; and

(C) Each school nurse should be trained to administer Naloxone to help combat the drug overdose epidemic in our state through a federal grant and partnership between the office of the Arkansas Drug Director, the Criminal Justice Institute, and the Arkansas Center for School Safety, and once the school nurses are trained, the each school nurse should receive a kit with two (2) doses of four-tenths of one milligram (0.4 mg) of Naloxone;

(2) In a survey conducted for 2016-2017, the Public School Health Services Advisory Committee determined the following:

(A) One hundred fifty-seven thousand six hundred ninety-four (157,694) public school students had at least one (1) chronic health condition, which represented thirty-three percent (33%) of the total public school student population;

(B) One million nine hundred twenty-two thousand four hundred seventy-three (1,922,473) public school students were seen by a school nurse and returned to class;

(C) Seven hundred twenty-three thousand one hundred seventy-four (723,174) minor injuries were reported that required the administration of first aid in a public school;

(D) Sixteen thousand nine hundred three (16,903) public school staff members were administered first aid;

(E) Twenty-seven thousand seven hundred sixty-three (27,763) public school staff members were provided blood pressure checks to monitor hypertension;

(3) The Journal of the American Medical Association Pediatrics published a study in July 2014, "Cost-Benefit Study of School Nursing Services", which evaluated a school nursing services program and found that every one dollar (\$1.00) invested in the program would save society two dollars and twenty cents (\$2.20) after factoring in money saved by a reduction in doctor and hospital visits and increases to parent and teacher productivity, including a reported twenty (20) fewer minutes per day that teachers spend dealing with students' health issues once a nurse is assigned to their school;

(4) The American Academy of Pediatrics has found that:

(A) Survival rates of preterm infants have increased to

more than eighty percent (80%) for infants born at twenty-six (26) weeks' gestation and to more than ninety percent (90%) for infants born after twenty-seven (27) weeks' gestation, but some infants born before twenty-eight (28) weeks' gestation later develop moderate to severe disabilities and learning or behavioral problems;

(B) Physical and emotional health problems rank high among the factors that contribute to chronic absenteeism in school, which is a key risk factor for the failure to complete school;

(C) Of the students seen by a school nurse for illness or injury, ninety-five percent (95%) were able to return to the classroom, but without a school nurse, unlicensed school personnel who are uncertain what to do medically are at risk of needlessly sending students home from school or to the emergency department; and

(D) At least one (1) full-time professional school nurse should be in every school to ensure the health and safety of students during the school day;

(5) Section 6-18-1005 states that "students with special healthcare needs, including the chronically ill, medically fragile, and technology-dependent, and students with other health impairments shall have individualized healthcare plans", and § 17-87-101 et seq. prohibits a licensed practical nurse from performing that task, therefore requiring a registered nurse to prepare the individualized healthcare plans;

(6) In 2016, the Legislative Task Force on the Best Practices for Special Education recommended an increase in the number of school nurses within public school districts; and

(7) In 2016, the Legislative Task Force on the Best Practices for Special Education also recommended that public schools have the resources necessary for delivering medical services in a public school to students with disabilities.

SECTION 2. Arkansas Code § 6-18-706 is amended to read as follows:

6-18-706. School nurse – Definition.

(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 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 As used in this section, “school nurse” means a licensed full-time registered nurse engaging in school nursing activities.

(2)(A) Beginning on July 1, 2021, a public school district with a three-quarter average daily membership of:

(i) Five hundred (500) or more students shall ensure that each public school in the public school district has at least one (1) school nurse; and

(ii) Fewer than five hundred (500) students shall ensure that the public school district has at least one (1) school nurse.

(B) 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.

(C) A licensed practical nurse hired before July 2019 may serve as a nurse on a public school district campus as long as the licensed practical nurse is working under the supervision of a registered nurse, an advanced practice registered nurse, a licensed physician, or a licensed dentist.

(D) After July 2019, a licensed practical nurse may be hired to assist a school nurse 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 2020-2021 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 However, if a public school district has no more than five percent (5%) more than seven hundred fifty (750) students, it may have the full-time equivalent of one (1) school nurse.

(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.~~

(d)(1) School nurses may be employed or provided by contract or agreement with other agencies or individuals provided that the prescribed ratio 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 to each member of the board of directors of each public school district, that does not meet the requirements under 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 under this section.

SECTION 3. 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 4. Arkansas Code § 17-87-102(9), concerning the definition of "practice of licensed 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 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.

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