

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

HOUSE BILL 1629

5 By: Representatives J. Mayberry, Bentley, A. Collins, Deffenbaugh, D. Ferguson, V. Flowers, L.  
6 Johnson, Love, Lowery, S. Meeks, Scott, B. Smith  
7

## For An Act To Be Entitled

9 AN ACT TO ESTABLISH THE READY TO LEARN ACT; TO  
10 IMPROVE PUBLIC SCHOOL STUDENTS' SAFETY, HEALTH, AND  
11 WELLNESS; TO AMEND PROVISIONS OF THE ARKANSAS CODE  
12 WITH RESPECT TO PUBLIC SCHOOL NURSES; AND FOR OTHER  
13 PURPOSES.  
14  
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## Subtitle

16 TO IMPROVE PUBLIC SCHOOL STUDENTS'  
17 SAFETY, HEALTH, AND WELLNESS; AND TO  
18 AMEND PROVISIONS OF THE ARKANSAS CODE  
19 WITH RESPECT TO PUBLIC SCHOOL NURSES.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
24

25 SECTION 1. DO NOT CODIFY. Legislative findings.

26 The General Assembly finds that:

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

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

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



1 public school district employees; and

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

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

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

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

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

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

23 (E) Twenty-seven thousand seven hundred sixty-three  
 24 (27,763) public school staff members were provided blood pressure checks to  
 25 monitor hypertension;

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

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

36 (A) Survival rates of preterm infants have increased to

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

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

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

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

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

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

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

30  
31 SECTION 2. Arkansas Code § 6-18-706 is amended to read as follows:

32 6-18-706. School nurse – Definition.

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

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

5           ~~(b)(1) For purposes of~~ As used in this section, “school nurse” means a  
 6 licensed full-time registered nurse engaging in school nursing activities.

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

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

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

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

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

22           (D) After July 2019, a licensed practical nurse may be  
 23 hired to assist a school nurse if the duties assigned to the licensed  
 24 practical nurse are within the scope of practice as established under § 17-  
 25 87-101 et seq.

26           (c)(1) Beginning with the ~~2004-2005~~ 2020-2021 school year, ~~all a~~  
 27 public school districts district shall have no ~~fewer~~ less than the full-time  
 28 equivalent of one (1) school nurse per seven hundred fifty (750) students or  
 29 the proportionate ratio thereof.

30           ~~(2) In districts having a high concentration of children with~~  
 31 ~~disabling conditions as determined by the State Board of Education, the ratio~~  
 32 ~~of school nurses to students should be one (1) to four hundred (400) in those~~  
 33 ~~schools so designated~~ However, if a public school district has no more than  
 34 five percent (5%) more than seven hundred fifty (750) students, it may have  
 35 the full-time equivalent of one (1) school nurse.

36           ~~(3) In a district that provides a center for profoundly disabled~~

1 ~~students, the ratio should be one (1) school nurse per one hundred twenty-~~  
 2 ~~five (125) students at that center.~~

3 (d)(1) School nurses may be employed or provided by contract or  
 4 agreement with other agencies or individuals provided that the prescribed  
 5 ratio and equivalency are maintained.

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

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

12 (2) ~~Available funds shall be distributed to school districts~~  
 13 ~~based on the previous year's three-quarter average daily membership~~ A school  
 14 nurse may work on health-related activities other than the practice of  
 15 nursing in the public school district if time permits.

16 (f) The State Board of Education shall send a letter to each public  
 17 school district, and to each member of the board of directors of each public  
 18 school district, that does not meet the requirements under this section  
 19 informing the public school district and the members of the board of  
 20 directors of the public school district of the violation of the requirements  
 21 under this section.

22  
 23 SECTION 3. Arkansas Code § 6-18-709(g), concerning the annual school  
 24 nurse survey, is repealed.

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

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

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

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

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

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

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

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

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

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

10          ~~(B) Level 2 for students with healthcare concerns and~~  
 11 ~~those that require an individualized healthcare plan at a ratio of one (1)~~  
 12 ~~school nurse per four hundred (400) students;~~

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

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

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

21  
 22           SECTION 4. Arkansas Code § 17-87-102(9), concerning the definition of  
 23 "practice of licensed practical nursing", is amended to read as follows:

24           (9)(A) "Practice of licensed practical nursing" means the  
 25 performance for compensation of nursing practices by a licensed practical  
 26 nurse that are relevant to the care of the ill, injured, or infirm, or the  
 27 delegation of certain nursing practices to other personnel as set forth in  
 28 regulations established by the board, under the direction of a registered  
 29 nurse, an advanced practice registered nurse, a licensed physician, or a  
 30 licensed dentist, that do not require the substantial specialized skill,  
 31 judgment, and knowledge required in professional nursing;.

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