

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: H3/5/15

A Bill

HOUSE BILL 1444

5 By: Representative J. Mayberry
6

For An Act To Be Entitled

8 AN ACT TO MODIFY THE REQUIREMENTS FOR SCHOOL NURSES;
9 AND FOR OTHER PURPOSES.

Subtitle

10 TO MODIFY THE REQUIREMENTS FOR SCHOOL
11 NURSES.
12

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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15 SECTION 1. Arkansas Code Title 6, Chapter 17, Subchapter 1, is amended
16 to add an additional section to read as follows:
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18 6-17-120. Evaluation of school nurses.

19 (a) A nurse employed by a school district shall be evaluated on his or
20 her nursing performance components annually.

21 (b)(1) The evaluation required under subsection (a) of this section
22 shall be performed by a registered nurse supervisor if a registered nurse
23 supervisor is employed by the school district.

24 (2) If a school district only employs one (1) nurse, an
25 appropriate school district administrator shall evaluate the school nurse,
26 using evaluation tools developed and provided by the Department of Education.
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28 SECTION 2. Arkansas Code § 6-18-706 is amended to read as follows:
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30 6-18-706. School nurse.

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



1 (2) To ensure that school districts are able to maintain the
2 appropriate school nurse-to-student ratio, a school district may use the
3 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 this section, “school nurse” means a licensed
6 nurse engaging in school nursing activities.

7 (2) Beginning on July 1, 2017, a school nurse supervisor newly
8 employed by a school district shall have at least a Bachelor of Science in
9 Nursing degree.

10 (3)(A)(i) Beginning on July 1, 2017, each school district shall
11 ensure that each school in the school district has at least one (1) school
12 nurse that is a registered nurse.

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

17 (B) If two (2) or more schools operate on one (1) campus,
18 the schools may share the school nurse to satisfy the requirements of this
19 section.

20 (4) Beginning on July 1, 2020, it is recommended that each newly
21 hired registered nurse shall have a Bachelor of Science in Nursing degree or
22 be enrolled in a school of nursing with an expected completion of the
23 Bachelor of Science in Nursing degree in three (3) years.

24 (c)(1) Beginning with the ~~2004-2005~~ 2015-2016 school year, all school
25 districts shall have no ~~fewer~~ less than the full-time equivalent of one (1)
26 school nurse per seven hundred fifty (750) students or the proportionate
27 ratio thereof.

28 (2) ~~In districts having a high concentration of children with~~
29 ~~disabling conditions as determined by the State Board of Education, the ratio~~
30 ~~of school nurses to students should be one (1) to four hundred (400) in those~~
31 ~~schools so designated. A school district is encouraged to use the preferred~~
32 nursing ratios of:

33 (A)(i) Level 1 for students with occasional health
34 concerns and routine health screenings at a ratio of one (1) school nurse per
35 seven hundred fifty (750) students.

36 (ii) Students with occasional health concerns and

1 routine health screenings are those who see a nurse at least one (1) time per
2 year for screening or as needed;

3 (B)(i) Level 2 for students with healthcare concerns and
4 those who require an individualized healthcare plan at a ratio of one (1)
5 school nurse per four hundred (400) students.

6 (ii) Students with healthcare concerns and those who
7 require an individualized healthcare plan are those who have physical,
8 social, or emotional conditions that are uncomplicated and predictable and
9 require occasional monitoring from biweekly to annually by a nurse;

10 (C)(i) Level 3 for students with medically complex
11 conditions at a ratio of one (1) school nurse per two hundred twenty-five
12 (225) students.

13 (ii) Students with medically complex conditions are
14 those who have physical, social, or emotional conditions that are complex or
15 unstable and require daily treatments and close monitoring by a nurse;

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

19 (ii) Students with medically fragile conditions are
20 those who have the daily possibility of a life-threatening emergency and
21 require daily monitoring by a nurse; and

22 (E)(i) Level 5 for students who are nursing dependent at a
23 ratio of one (1) school nurse per one (1) student.

24 (ii) Students who are nursing dependent require
25 twenty-four-hour nursing care for survival.

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

29 (d)(1) School nurses may be employed or provided by contract or
30 agreement with other agencies or individuals ~~provided that~~ if the prescribed
31 ratio and equivalency are maintained.

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

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

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

3 A school nurse may work on health-related activities in the school
4 district if time permits.

5 (f)(1) The State Board of Education shall include the school nurse
6 requirements in the standards for accreditation adopted by the State Board of
7 Education.

8 (2) The rules promulgated by the State Board of Education may
9 incorporate the Arkansas Board of Nursing Guidelines for Delegation and
10 Guidelines for Health Care services recommended by the Arkansas State Board
11 of Nursing.

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13 SECTION 3. Arkansas Code Title 6, Chapter 20, Subchapter 4, is amended
14 to add an additional section to read as follows:

15 6-20-418. Enhanced school nurse funding.

16 (a) If funding is available, beginning in the 2015-2016 school year, a
17 school district that opts to use the preferred nursing ratios under § 6-18-
18 706(c)(2) is eligible to receive enhanced school nurse funding.

19 (b) The Department of Education shall:

20 (1) Adopt rules for the administration of this section if
21 funding is available; and

22 (2) Distribute the funding to eligible school districts by using
23 a formula developed by the department.

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

27 (9)(A) "Practice of practical nursing" means the performance for
28 compensation of acts involving the care of the ill, injured, or infirm or the
29 delegation of certain nursing practices to other personnel as set forth in
30 ~~regulations~~ rules established by the board under the direction of a
31 professional registered nurse, an advanced practice registered nurse, a
32 licensed physician, or a licensed dentist, which acts do not require the
33 substantial specialized skill, judgment, and knowledge required in
34 professional nursing+.

35 (B) The board shall establish a process to ensure that a
36 practical nurse working in a school district is performing under the

1 supervision of a professional registered nurse, an advanced practice
2 registered nurse, a licensed physician, or a licensed dentist;

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/s/J. Mayberry