

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

# A Bill

HOUSE BILL 1411

5 By: Representative Mayberry  
6 By: Senator Elliott  
7

## For An Act To Be Entitled

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

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16 TO PROTECT THE HEALTH AND WELL-BEING OF  
17 STUDENTS IN PUBLIC SCHOOLS BY ENSURING  
18 ADEQUATE AND APPROPRIATE HEALTH CARE  
19 WORKERS ON SITE TO ATTEND TO STUDENTS'  
20 NEEDS.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. FINDINGS. The General Assembly finds that:

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

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

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

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



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

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

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

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

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

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

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

17 (D) Identify and report child abuse;

18 (E) Identify drug and alcohol problems;

19 (F) Provide counseling and assistance for teenage parents;

20 (G) Provide HIV/AIDS education; and

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

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

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

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

33 6-18-709. Public School Health Services Advisory Committee.

34 (a)(1) There is created a Public School Health Services Advisory  
 35 Committee to consist of seventeen (17) members.

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

1 (A) One (1) member to represent the Department of Health;

2 (B) One (1) member to represent the Arkansas State Board  
 3 of Nursing;

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

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

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

10 (3) The Commissioner of Education shall appoint:

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (a) The Department of Health;

1 (b) The Department of Education; or

2 (c) A school district.

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (2) Who is providing those on-campus health care services,  
33 including without limitation the extent to which those services are provided  
34 by:

35 (A) Registered nurses;

36 (B) Other health care providers; and

1                   (C) Other school personnel;

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

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

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

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

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

14                   (D) Computer and internet access for:

15                                 (i) Medical records; and

16                                 (ii) Reporting on the Arkansas Public School  
17 Computer Network;

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

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

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

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

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

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

30                                 (4) Salary level for school nurses;

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

33                                 (6) Management of medical records;

34                                 (7) Management and storage of medications;

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

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

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

7                   (A) Exemplary school health care; and

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

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

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

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

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

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

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

31           (3) The Department of Education shall provide the information to  
32 the Public School Health Services Advisory Committee in a manner that  
33 protects student privacy under state and federal laws.

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