

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

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.
10

Subtitle

11 TO MODIFY THE REQUIREMENTS FOR SCHOOL
12 NURSES.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code Title 6, Chapter 17, Subchapter 1, is amended
20 to add an additional section to read as follows:

21 6-17-120. Evaluation of school nurses.

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

24 (b) The evaluation required under subsection (a) of this section shall
25 be performed by a registered nurse supervisor if a registered nurse
26 supervisor is employed by the school district.
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28 SECTION 2. Arkansas Code § 6-18-706 is amended to read as follows:

29 6-18-706. School nurse.

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

34 (2) To ensure that school districts are able to maintain the
35 appropriate school nurse-to-student ratio, a school district may use the
36 national school lunch state categorical funds provided under § 6-20-



1 2305(b)(4) to meet or to exceed the current standards required.

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

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

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

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

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

17 (4) Beginning on July 1, 2020, each newly hired registered nurse
18 shall have a Bachelor of Science in Nursing degree or be enrolled in a school
19 of nursing with an expected completion of the Bachelor of Science in Nursing
20 degree in three (3) years.

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

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

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

33 (ii) Students with occasional health concerns and
34 routine health screenings are those who see a nurse at least one (1) time per
35 year for screening or as needed;

36 (B)(i) Level 2 for students with healthcare concerns and

1 those who require an individualized healthcare plan at a ratio of one (1)
 2 school nurse per four hundred (400) students.

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

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

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

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

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

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

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

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

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

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

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

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

36 A school nurse may work on health-related activities in the school

1 district if time permits.

2 (f)(1) The State Board of Education shall include the school nurse
3 requirements in the standards for accreditation adopted by the State Board of
4 Education.

5 (2) The rules promulgated by the State Board of Education shall
6 incorporate the Arkansas Board of Nursing Guidelines for Delegation and
7 Guidelines for Health Care services recommended by the Arkansas State Board
8 of Nursing.

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

12 6-20-418. Enhanced school nurse funding.

13 (a) If funding is available, beginning in the 2015-2016 school year, a
14 school district that opts to use the preferred nursing ratios under § 6-18-
15 706(c)(2) is eligible to receive enhanced school nurse funding.

16 (b) The Department of Education shall:

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

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

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

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

32 (B) The board shall establish a process to ensure that a
33 practical nurse working in a school district is performing under the
34 supervision of a professional registered nurse, an advanced practice
35 registered nurse, a licensed physician, or a licensed dentist;

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