

1 State of Arkansas
2 91st General Assembly
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4

A Bill

HOUSE BILL 1516

5 By: Representatives A. Mayberry, Bentley
6

For An Act To Be Entitled

8 AN ACT CONCERNING SCHOOL NURSING; TO ESTABLISH SCHOOL
9 NURSE-TO-STUDENT RATIOS; TO REQUIRE AN ANNUAL SCHOOL
10 NURSE SURVEY; AND FOR OTHER PURPOSES.
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Subtitle

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13 CONCERNING SCHOOL NURSING; TO ESTABLISH
14 SCHOOL NURSE-TO-STUDENT RATIOS; AND TO
15 REQUIRE AN ANNUAL SCHOOL NURSE SURVEY.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 6-18-706 is amended to read as follows:
22 6-18-706. School nurse.

23 (a)(1) In order to improve the health status and educational
24 achievement of the children of this state, the General Assembly hereby
25 determines that an appropriate school nurse-to-student ratio is essential to
26 effectively meet the ~~health care~~ healthcare needs of these children.

27 (2) To ensure that a public school district is able to maintain
28 the appropriate school nurse-to-student ratio, a public school district may
29 use the national school lunch state categorical funds provided under § 6-20-
30 2305(b)(4) to meet or to exceed the current standards required.

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

33 (2)(A)(i)(a) Beginning on July 1, 2018, a public school district
34 shall ensure that each public school in the public school district has at
35 least one (1) school nurse.

36 (b) Any school nurse hired or contracted with



1 on and after July 1, 2018, shall be a registered nurse.

2 (ii) A licensed practical nurse may be hired to
 3 assist a registered nurse if necessary due to the nurse-to-student ratio or
 4 student acuity levels on the public school campus and if the duties assigned
 5 to the licensed practical nurse are within the scope of practice as
 6 established under § 17-87-101 et seq.

7 (B) If two (2) or more public schools operate on one (1)
 8 campus, the public schools may share the school nurse to satisfy the
 9 requirements of this section.

10 (c)(1) Beginning with the ~~2004-2005~~ 2018-2019 school year, ~~all a~~
 11 public school districts district shall have no ~~fewer~~ less than the full-time
 12 equivalent of one (1) school nurse per seven hundred fifty (750) students or
 13 the proportionate ratio thereof.

14 (2) ~~In districts having a high concentration of children with~~
 15 ~~disabling conditions as determined by the State Board of Education, the ratio~~
 16 ~~of school nurses to students should be one (1) to four hundred (400) in those~~
 17 ~~schools so designated. A public school district is encouraged to use the~~
 18 school nurse-to-student ratios for the following nursing acuity levels:

19 (A)(i) One (1) school nurse per seven hundred fifty (750)
 20 students at nursing acuity Level 1.

21 (ii) "Nursing acuity Level 1" means the level of
 22 school nursing care required for a student with occasional health concerns
 23 and routine health screenings who sees a nurse at least one (1) time per year
 24 for screening or as needed;

25 (B)(i) One (1) school nurse per four hundred (400)
 26 students at nursing acuity Level 2.

27 (ii) "Nursing acuity Level 2" means the level of
 28 school nursing care required for a student who requires an individualized
 29 healthcare plan and for a student who has physical, social, or emotional
 30 conditions that are uncomplicated and predictable and require occasional
 31 monitoring from biweekly to annually by a nurse;

32 (C)(i) One (1) school nurse per two hundred twenty-five
 33 (225) students at nursing acuity Level 3.

34 (ii) "Nursing acuity Level 3" means the level of
 35 school nursing care required for a student with a physical, social, or
 36 emotional condition that is complex or unstable and requires daily treatment

1 and close monitoring by a nurse;

2 (D)(i) One (1) school nurse per one hundred twenty-five
 3 (125) students at nursing acuity Level 4.

4 (ii) "Nursing acuity Level 4" means the level of
 5 school nursing care required for a student with a medically fragile condition
 6 who has the daily possibility of a life-threatening emergency and requires
 7 daily monitoring by a nurse; and

8 (E)(i) One (1) school nurse per one (1) student at nursing
 9 acuity Level 5.

10 (ii) "Nursing acuity Level 5" means the level of
 11 school nursing care required for a student who requires twenty-four-hour
 12 nursing care for survival.

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

16 The school nurse-to-student ratios prescribed in subdivision
 17 (c)(2) of this section shall be derived from the results of the annual school
 18 nurse survey under § 6-18-712.

19 (d)(1) School nurses may be employed or provided by contract or
 20 agreement with other agencies or individuals ~~provided that~~ if the prescribed
 21 school nurse-to-student ratio ratios and equivalency are maintained.

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

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

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

30 A school nurse may work on health-related activities other than the
 31 practice of nursing in the public school district if time permits.

32 (f)(1) The State Board of Education shall include the following in the
 33 standards for accreditation adopted by the State Board of Education:

34 (A) The school nurse-to-student ratio requirement under
 35 subdivision (c)(1) of this section; and

36 (B) The requirement that each public school has at least

1 one (1) school nurse under subsection (b) of this section.

2 (2) The rules promulgated by the State Board of Education may
 3 incorporate the principles of delegation and guidelines for healthcare
 4 services contained in the School Nurse Roles and Responsibilities Practice
 5 Guidelines developed by the Arkansas State Board of Nursing.

6
 7 SECTION 2. Arkansas Code § 6-18-709(g), concerning the annual school
 8 nurse survey, is repealed.

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

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

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

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

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

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

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

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

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

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

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

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

36 ~~(D) Level 4 for students with medically fragile conditions~~

1 ~~at a ratio of one (1) school nurse per one hundred twenty five (125)~~
 2 ~~students; and~~

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

6 SECTION 3. Arkansas Code Title 6, Chapter 18, Subchapter 7, is amended
 7 to add an additional section to read as follows:

8 6-18-712. Annual school nurse survey.

9 Annually, a school district shall report the following to the
 10 Department of Education:

11 (1) The number of full-time nurses employed by the school
 12 district;

13 (2) The number of part-time nurses employed by the school
 14 district;

15 (3) The number of full-time nurses with whom the school district
 16 contracts for service;

17 (4) The number of part-time nurses with whom the school district
 18 contracts for service;

19 (5) The level of licensure of each nurse employed by or
 20 contracting with the public school district;

21 (6) The highest degree obtained for each nurse employed by or
 22 contracting with the public school district;

23 (7) The amount of pay, including source of funding, for each
 24 nurse employed by or contracting with the public school district; and

25 (8) The number of students in the school district in each
 26 nursing acuity level as follows:

27 (A)(i) Nursing acuity Level 1 at a ratio of one (1) school
 28 nurse per seven hundred fifty (750) students.

29 (ii) "Nursing acuity Level 1" means the level of
 30 school nursing care required for a student with occasional health concerns
 31 and routine health screenings who sees a nurse at least one (1) time per year
 32 for screening or as needed;

33 (B)(i) Nursing acuity Level 2 at a ratio of one (1) school
 34 nurse per four hundred (400) students.

35 (ii) "Nursing acuity Level 2" means the level of
 36 school nursing care required for a student who requires an individualized

1 healthcare plan and for a student who has physical, social, or emotional
 2 conditions that are uncomplicated and predictable and require occasional
 3 monitoring from biweekly to annually by a nurse;

4 (C)(i) Nursing acuity Level 3 at a ratio of one (1) school
 5 nurse per two hundred twenty-five (225) students.

6 (ii) "Nursing acuity Level 3" means the level of
 7 school nursing care required for a student with a physical, social, or
 8 emotional condition that is complex or unstable and requires daily treatment
 9 and close monitoring by a nurse;

10 (D)(i) Nursing acuity Level 4 at a ratio of one (1) school
 11 nurse per one hundred twenty-five (125) students.

12 (ii) "Nursing acuity Level 4" means the level of
 13 school nursing care required for a student with a medically fragile condition
 14 who has the daily possibility of a life-threatening emergency and requires
 15 daily monitoring by a nurse; and

16 (E)(i) Nursing acuity Level 5 at a ratio of one (1) school
 17 nurse per one (1) student.

18 (ii) "Nursing acuity Level 5" means the level of
 19 school nursing care required for a student who requires twenty-four-hour
 20 nursing care for survival.

21
 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 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~~ rules established by the board, under the direction of a
 29 registered nurse, an advanced practice registered nurse, a licensed
 30 physician, or a licensed dentist that do not require the substantial
 31 specialized skill, 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 performing under the supervision of a professional registered
 35 nurse, an advanced practice registered nurse, a licensed physician, or a
 36 licensed dentist;