

By: Representatives Clarke, Mayo, Hines,  
Buck (72nd)

To: Education; Public Health  
and Human Services

HOUSE BILL NO. 234  
(As Passed the House)

1 AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION, ACTING  
2 JOINTLY WITH THE STATE BOARD OF HEALTH, TO ESTABLISH A  
3 COMPREHENSIVE SEX EDUCATION PILOT PROGRAM; TO REQUIRE THE STATE  
4 DEPARTMENT OF EDUCATION AND THE STATE DEPARTMENT OF HEALTH TO  
5 DETERMINE THE GRADE OR GRADES IN WHICH THE PILOT PROGRAM WILL BE  
6 IMPLEMENTED; TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO  
7 SELECT SCHOOL DISTRICTS FOR PARTICIPATION IN THE PROGRAM; TO  
8 REQUIRE THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HEALTH  
9 AND HUMAN SERVICES TO DEVELOP CERTAIN PROGRAMS AND STRATEGIES  
10 PROMOTING PREGNANCY PREVENTION AND PROVIDING INFORMATION ON THE  
11 CONSEQUENCES OF UNPROTECTED, UNINFORMED AND UNDERAGE SEXUAL  
12 ACTIVITY; TO PROVIDE THAT NO STUDENT SHALL BE REQUIRED TO  
13 PARTICIPATE IN ANY CLASS OR COURSE IN THE PILOT PROGRAM IF THE  
14 STUDENT'S PARENT OR GUARDIAN SUBMITS WRITTEN OBJECTION TO THAT  
15 PARTICIPATION; TO REQUIRE THE STATE DEPARTMENT OF EDUCATION, WITH  
16 THE INPUT OF THE STATE DEPARTMENT OF HEALTH, TO SUBMIT A REPORT ON  
17 THE PILOT PROGRAM TO THE CHAIRMEN OF CERTAIN LEGISLATIVE  
18 COMMITTEES BEFORE JANUARY 1, 2012; TO AMEND SECTIONS 41-79-5 AND  
19 37-14-3, MISSISSIPPI CODE OF 1972, IN CONFORMITY WITH THE  
20 PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

22 **SECTION 1.** (1) The State Board of Education, acting jointly  
23 with the State Board of Health, shall establish and implement a  
24 sex education pilot program aimed at reducing the incidence of  
25 teenage pregnancy in the State of Mississippi.

26 (2) The State Department of Education, acting jointly with  
27 the State Department of Health, shall analyze all data available  
28 to both departments to determine in which grade or grades students  
29 would be impacted most positively by the comprehensive sex  
30 education pilot program. The course of study in the pilot program  
31 must be age appropriate based on the developmental and maturity  
32 level of the students in the grade or grades in which the program  
33 is implemented.



34           (3) The State Department of Education shall select school  
35 districts in which the comprehensive sex education pilot program  
36 will be implemented. In making the selection, the department  
37 shall identify those school districts having the highest numbers  
38 of pregnancies among students and shall consider other appropriate  
39 factors including, but not necessarily limited to, each school  
40 district's: dropout rate; urban or rural nature; geographical  
41 location; demographic profile; and state accreditation level. The  
42 department shall give preference to any school district that  
43 expresses a desire to participate in the pilot program and shall  
44 make its selection before July 1, 2009.

45           (4) The comprehensive sex education pilot program will be  
46 implemented in those school districts selected for participation  
47 in the program in the 2009-2010 school year. The program will be  
48 continued in the same school districts during the 2010-2011 and  
49 2011-2012 school years.

50           (5) The Mississippi Department of Education shall develop  
51 programs with the following strategies:

52                   (a) To carry out activities, including counseling, to  
53 prevent unintended pregnancy and sexually transmitted infections,  
54 including HIV/AIDS, among teens;

55                   (b) To provide necessary social and cultural support  
56 services regarding teen pregnancy;

57                   (c) To provide health and educational services related  
58 to the prevention of unintended pregnancy and sexually transmitted  
59 infections, including HIV/AIDS, among teens;

60                   (d) To promote better health and educational outcomes  
61 among pregnant teens;

62                   (e) To provide training for individuals who plan to work  
63 in school-based support programs regarding the prevention of  
64 unintended pregnancy and sexually transmitted infections,  
65 including HIV/AIDS, among teens; and



66 (f) To provide sex education as part of the curriculum  
67 instruction in the sex education pilot program in addition to  
68 curriculum otherwise required to be taught by law or the State  
69 Board of Education to be taught in the public schools of this  
70 state.

71 (6) It shall be the responsibility of school nurses employed  
72 by local school districts implementing the program developed by  
73 the State Department of Education under subsection (5) of this  
74 section to carry out the functions of those strategies to promote  
75 consistency in the administration of the program.

76 (7) Before January 1, 2012, the State Department of  
77 Education, after consultation with the State Department of Health,  
78 shall submit a report to the Chairmen of the Education Committees  
79 of the House and Senate, the House Public Health and Human  
80 Services Committee and the Senate Public Health and Welfare  
81 Committee on the results of the sex education pilot program. The  
82 report must include comparative data on the numbers of pregnancies  
83 among students in the participating school districts before and  
84 during each year of the pilot program. The report also must  
85 include a recommendation on whether or not the sex education pilot  
86 program should be implemented on a permanent basis in all or  
87 certain school districts of the state.

88 **SECTION 2.** The Mississippi Department of Human Services  
89 shall develop programs to accomplish the purpose of one or more of  
90 the following strategies:

91 (a) Promoting effective communication among families  
92 about preventing teen pregnancy, particularly communication among  
93 parents or guardians and their children;

94 (b) Educating community members about the consequences  
95 of teen pregnancy;

96 (c) Encouraging young people to postpone sexual  
97 activity and prepare for a healthy, successful adulthood,



98 including by teaching them skills to avoid making or receiving  
99 unwanted verbal, physical and sexual advances;

100 (d) At all times when sex education is discussed or  
101 taught, boys and girls shall be separated into different  
102 classrooms and no sex education instruction shall be conducted  
103 when boys and girls are in the company of one another.

104 (e) Providing information about the health benefits and  
105 side effects of all contraceptives and barrier methods as a means  
106 to prevent pregnancy and reduce the risk of contracting sexually  
107 transmitted infections, including HIV/AIDS; or

108 (f) Providing educational information, including  
109 medically accurate information about the health benefits and side  
110 effects of all contraceptives and barrier methods, for young  
111 people in such communities who are already sexually active or are  
112 at risk of becoming sexually active and inform young people in  
113 such communities about the responsibilities and consequences of  
114 being a parent, and how early pregnancy and parenthood can  
115 interfere with educational and other goals.

116 (g) There shall be no effort to teach that abortion can  
117 be used to prevent the birth of a baby.

118 **SECTION 3.** No student shall be required to take or  
119 participate in any class or course in sex education unless the  
120 student's parent or guardian submits written request to that  
121 participation in a manner consistent with notice required of  
122 schools under Section 37-13-173, informing the parent or guardian  
123 of the right to exclude their child from participation. Objection  
124 and refusal to take or participate in the course or program shall  
125 be without detriment to the student for suspension or expulsion.  
126 Each class or course in sex education offered in any of Grades K  
127 through 12 shall include instruction on the prevention of sexually  
128 transmitted infections, including the prevention, transmission and  
129 spread of HIV. Nothing in this section prohibits instruction in  
130 sanitation, hygiene or traditional courses in biology.



131           **SECTION 4.** Section 41-79-5, Mississippi Code of 1972, is  
132 amended as follows:

133           41-79-5. (1) There is hereby established within the State  
134 Department of Health a school nurse intervention program,  
135 available to all public school districts in the state.

136           (2) By the school year 1998-1999, each public school  
137 district shall have employed a school nurse, to be known as a  
138 Health Service Coordinator, pursuant to the school nurse  
139 intervention program prescribed under this section. The school  
140 nurse intervention program shall offer any of the following  
141 specific preventive services, and other additional services  
142 appropriate to each grade level and the age and maturity of the  
143 pupils:

144           (a) Reproductive health education and referral to  
145 prevent teen pregnancy and sexually transmitted diseases, which  
146 education shall include abstinence;

147           (b) Child abuse and neglect identification;

148           (c) Hearing and vision screening to detect problems  
149 which can lead to serious sensory losses and behavioral and  
150 academic problems;

151           (d) Alcohol, tobacco and drug abuse education to reduce  
152 abuse of these substances;

153           (e) Scoliosis screening to detect this condition so  
154 that costly and painful surgery and lifelong disability can be  
155 prevented;

156           (f) Coordination of services for handicapped children  
157 to ensure that these children receive appropriate medical  
158 assistance and are able to remain in public school;

159           (g) Nutrition education and counseling to prevent  
160 obesity and/or other eating disorders which may lead to  
161 life-threatening conditions, for example, hypertension;

162           (h) Early detection and treatment of head lice to  
163 prevent the spread of the parasite and to reduce absenteeism;



- 164 (i) Emergency treatment of injury and illness to  
165 include controlling bleeding, managing fractures, bruises or  
166 contusions and cardiopulmonary resuscitation (CPR);
- 167 (j) Applying appropriate theory as the basis for  
168 decision making in nursing practice;
- 169 (k) Establishing and maintaining a comprehensive school  
170 health program;
- 171 (l) Developing individualized health plans;
- 172 (m) Assessing, planning, implementing and evaluating  
173 programs and other school health activities, in collaboration with  
174 other professionals;
- 175 (n) Providing health education to assist students,  
176 families and groups to achieve optimal levels of wellness;
- 177 (o) Participating in peer review and other means of  
178 evaluation to assure quality of nursing care provided for students  
179 and assuming responsibility for continuing education and  
180 professional development for self while contributing to the  
181 professional growth of others;
- 182 (p) Participating with other key members of the  
183 community responsible for assessing, planning, implementing and  
184 evaluating school health services and community services that  
185 include the broad continuum or promotion of primary, secondary and  
186 tertiary prevention; \* \* \*
- 187 (q) Contributing to nursing and school health through  
188 innovations in theory and practice and participation in research;  
189 and
- 190 (r) Carrying out the functions of those strategies  
191 implemented in the program developed by the Department of  
192 Education under Section 1 of this act.

193 (3) Public school nurses shall be specifically prohibited  
194 from providing abortion counseling to any student or referring any  
195 student to abortion counseling or abortion clinics. Any violation  
196 of this subsection shall disqualify the school district employing



197 such public school nurse from receiving any state administered  
198 funds under this section.

199 (4) Repealed.

200 (5) Beginning with the 1997-1998 school year, to the extent  
201 that federal or state funds are available therefor and pursuant to  
202 appropriation therefor by the Legislature, in addition to the  
203 school nurse intervention program funds administered under  
204 subsection (4), the State Department of Health shall establish and  
205 implement a Prevention of Teen Pregnancy Pilot Program to be  
206 located in the public school districts with the highest numbers of  
207 teen pregnancies. The Teen Pregnancy Pilot Program shall provide  
208 the following education services directly through public school  
209 nurses in the pilot school districts: health education sessions  
210 in local schools, where contracted for or invited to provide,  
211 which target issues including reproductive health, teen pregnancy  
212 prevention and sexually transmitted diseases, including syphilis,  
213 HIV and AIDS. When these services are provided by a school nurse,  
214 training and counseling on abstinence shall be included.

215 (6) In addition to the school nurse intervention program  
216 funds administered under subsection (4) and the Teen Pregnancy  
217 Pilot Program funds administered under subsection (5), to the  
218 extent that federal or state funds are available therefor and  
219 pursuant to appropriation therefor by the Legislature, the State  
220 Department of Health shall establish and implement an Abstinence  
221 Education Pilot Program to provide abstinence education,  
222 mentoring, counseling and adult supervision to promote abstinence  
223 from sexual activity, with a focus on those groups which are most  
224 likely to bear children out of wedlock. Such abstinence education  
225 services shall be provided by the State Department of Health  
226 through its clinics, public health nurses, school nurses and  
227 through contracts with rural and community health centers in order  
228 to reach a larger number of targeted clients. For purposes of



229 this subsection, the term "abstinence education" means an  
230 educational or motivational program which:

231 (a) Has as its exclusive purpose, teaching the social,  
232 psychological and health gains to be realized by abstaining from  
233 sexual activity;

234 (b) Teaches abstinence from sexual activity outside  
235 marriage as the expected standard for all school-age children;

236 (c) Teaches that abstinence from sexual activity is the  
237 only certain way to avoid out-of-wedlock pregnancy, sexually  
238 transmitted diseases and other associated health problems;

239 (d) Teaches that a mutually faithful monogamous  
240 relationship in context of marriage is the expected standard of  
241 human sexual activity;

242 (e) Teaches that sexual activity outside of the context  
243 of marriage is likely to have harmful psychological and physical  
244 effects;

245 (f) Teaches that bearing children out of wedlock is  
246 likely to have harmful consequences for the child, the child's  
247 parents and society;

248 (g) Teaches young people how to reject sexual advances  
249 and how alcohol and drug use increase vulnerability to sexual  
250 advances; and

251 (h) Teaches the importance of attaining  
252 self-sufficiency before engaging in sexual activity.

253 (7) Beginning with the 1998-1999 school year and pursuant to  
254 appropriation therefor by the Legislature, in addition to other  
255 funds allotted under the minimum education program, each school  
256 district shall be allotted an additional teacher unit per every  
257 one hundred (100) teacher units, for the purpose of employing  
258 qualified public school nurses in such school district, which in  
259 no event shall be less than one (1) teacher unit per school  
260 district, for such purpose. In the event the Legislature provides  
261 less funds than the total state funds needed for the public school





262 nurse allotment, those school districts with fewer teacher units  
263 shall be the first funded for such purpose, to the extent of funds  
264 available.

265 (8) Prior to the 1998-1999 school year, nursing staff  
266 assigned to the program shall be employed through the local county  
267 health department and shall be subject to the supervision of the  
268 State Department of Health with input from local school officials.  
269 Local county health departments may contract with any  
270 comprehensive private primary health care facilities within their  
271 county to employ and utilize additional nursing staff. Beginning  
272 with the 1998-1999 school year, nursing staff assigned to the  
273 program shall be employed by the local school district and shall  
274 be designated as "health service coordinators," and shall be  
275 required to possess a bachelor's degree in nursing as a minimum  
276 qualification.

277 (9) Upon each student's enrollment, the parent or guardian  
278 shall be provided with information regarding the scope of the  
279 school nurse intervention program. The parent or guardian may  
280 provide the school administration with a written statement  
281 refusing all or any part of the nursing service. No child shall  
282 be required to undergo hearing and vision or scoliosis screening  
283 or any other physical examination or tests whose parent objects  
284 thereto on the grounds such screening, physical examination or  
285 tests are contrary to his sincerely held religious beliefs.

286 (10) A consent form for reproductive health education shall  
287 be sent to the parent or guardian of each student upon his  
288 enrollment. If a response from the parent or guardian is not  
289 received within seven (7) days after the consent form is sent, the  
290 school shall send a letter to the student's home notifying the  
291 parent or guardian of the consent form. If the parent or guardian  
292 fails to respond to the letter within ten (10) days after it is  
293 sent, then the school principal shall be authorized to allow the  
294 student to receive reproductive health education. Reproductive



295 health education shall include the teaching of total abstinence  
296 from premarital sex and, wherever practicable, reproductive health  
297 education should be taught in classes divided according to gender.  
298 All materials used in the reproductive health education program  
299 shall be placed in a convenient and easily accessible location for  
300 parental inspection. School nurses shall not dispense birth  
301 control pills or contraceptive devices in the school. Dispensing  
302 of such shall be the responsibility of the State Department of  
303 Health on a referral basis only.

304 (11) No provision of this section shall be construed as  
305 prohibiting local school districts from accepting financial  
306 assistance of any type from the State of Mississippi or any other  
307 governmental entity, or any contribution, donation, gift, decree  
308 or bequest from any source which may be utilized for the  
309 maintenance or implementation of a school nurse intervention  
310 program in a public school system of this state.

311 **SECTION 5.** Section 37-14-3, Mississippi Code of 1972, is  
312 amended as follows:

313 37-14-3. (1) The State Department of Education is  
314 designated as the state agency responsible for the administration  
315 and supervision of the school nurse program as an education and  
316 wellness curriculum in the public schools of the State of  
317 Mississippi. The public school nurse program administered by the  
318 State Department of Education shall be known and may be cited as  
319 the "Mary Kirkpatrick Haskell-Mary Sprayberry Public School Nurse  
320 Program." It is the intent of the Legislature that all funds made  
321 available to the State Department of Education for the purpose of  
322 employing school nurses shall be administered by the State  
323 Department of Education.

324 (2) The State Department of Education, through the Office of  
325 Healthy Schools, shall develop standards, procedures and criteria  
326 for the public school nurse programs in kindergarten through Grade  
327 12. The Office of Healthy Schools of the State Department of



328 Education shall assume the responsibility for promoting a  
329 statewide school nurse program designed to prepare local school  
330 districts to incorporate the school program into their local  
331 educational programs.

332 (3) From and after July 1, 2007, the School Nurse  
333 Intervention Program administered and funded by the State  
334 Department of Health shall be transferred to the Office of Healthy  
335 Schools of the State Department of Education. Any administrative  
336 personnel employed by the State Department of Health for the  
337 administration of school nurses under the School Nurse  
338 Intervention Program may be considered for employment by the  
339 Office of Healthy Schools of the State Department of Education for  
340 the purpose of coordinating the employment of school nurses in the  
341 school districts. Any administrative personnel formerly employed  
342 by the Partnership for a Healthy Mississippi, Inc., for the  
343 administration of school nurses in the public schools may be  
344 considered for employment by the Office of Healthy Schools of the  
345 State Department of Education for the purpose of coordinating the  
346 employment of school nurses in the school districts. All records  
347 and unexpended balances of accounts in the School Nurse  
348 Intervention Program relating to the employment of school nurses  
349 shall be transferred to the Office of Healthy Schools in the State  
350 Department of Education in accordance with the transfer of  
351 responsibility under this chapter.

352 (4) The nurses in the Mary Kirkpatrick Haskell-Mary  
353 Sprayberry Public School Nurse Program shall have the following  
354 specific responsibilities:

355 (a) Serve as the coordinator of the health services  
356 program and provide nursing care;

357 (b) Provide health education to students;

358 (c) Implement activities to promote health and prevent  
359 tobacco, alcohol and substance use and abuse;



- 360 (d) Identify health and safety concerns in the school  
361 environment and promote a nurturing social environment;
- 362 (e) Administer medications and help students manage  
363 their health problems;
- 364 (f) Support healthy food services programs;
- 365 (g) Promote healthy physical education, sports policies  
366 and practices;
- 367 (h) Promote dropout prevention programs; \* \* \*
- 368 (i) Participate in allied health programs to introduce  
369 students to health careers; and
- 370 (j) Carry out the functions of those strategies  
371 implemented in the program developed by the Department of  
372 Education under Section 1 of this act.

373 (5) The Office of Healthy Schools of the State Department of  
374 Education shall provide resources to all public school nurses so  
375 that those schools with school nurses will be prepared to provide  
376 health education in Mississippi schools and support the  
377 Mississippi Comprehensive Health Framework, Mississippi Physical  
378 Education Framework, Wellness Policy, coordinated approach to  
379 school health, and other resources required by the State Board of  
380 Education.

381 (6) In administering the Mary Kirkpatrick Haskell-Mary  
382 Sprayberry Public School Nurse Program, the Office of Healthy  
383 Schools of the State Department of Education shall perform the  
384 following duties:

385 (a) Execute any contracts, agreements or other  
386 documents with any governmental agency or any person, corporation,  
387 association, partnership or other organization or entity that are  
388 necessary to accomplish the purposes of this chapter;

389 (b) Receive grants or any other contributions made to  
390 the State Board of Education to be used for specific purposes  
391 related to the goals of this chapter;



392 (c) Submit an annual report to the Legislature  
393 regarding the operation of the School Nurse Intervention Program;  
394 (d) Submit to the State Auditor any financial records  
395 that are necessary for the Auditor to perform an annual audit of  
396 the commission as required by law;  
397 (e) Adopt any rules or regulations that are necessary  
398 to carry out the purposes of this chapter;  
399 (f) Develop criteria to measure the effectiveness of a  
400 school nurse;  
401 (g) Communicate to superintendents and principals how  
402 to maximize the effectiveness of a public school nurse;  
403 (h) Develop recommended salary structure for school  
404 districts to use when hiring a school nurse;  
405 (i) Communicate to superintendents, principals and  
406 other appropriate school officials regarding the statutes and  
407 regulations prohibiting the use of tobacco by school personnel on  
408 school property and at school events, and to monitor the  
409 effectiveness of this ban;  
410 (j) Report to the Senate and House Public Health and  
411 Welfare and Education Committees' Chairmen annually on the number  
412 of public school nurses, in which schools they are employed,  
413 results of their work in relation to the measures in paragraph  
414 (f);  
415 (k) Implement policies to reduce unnecessary paperwork  
416 by public school nurses; and  
417 (l) Take any other actions that are necessary to carry  
418 out the purposes of this chapter.

419 **SECTION 6.** This act shall take effect and be in force from  
420 and after its passage.

