

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.

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.

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 (1) 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:

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.

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 (S)

415 (k) Implement policies to reduce unnecessary paperwork
416 by public school nurses; and

417 (1) 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 1st January.

