

# Enrolled House Bill 2693

Sponsored by Representative KOTEK, Senator MONNES ANDERSON; Senators MORRISETTE, MORSE

CHAPTER .....

AN ACT

Relating to school nursing services; creating new provisions; amending ORS 329.025; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 329.025 is amended to read:

329.025. It is the intent of the Legislative Assembly to maintain a system of public elementary and secondary schools that allows students, parents, teachers, administrators, school district boards and the State Board of Education to be accountable for the development and improvement of the public school system. The public school system shall have the following characteristics:

- (1) Provides equal and open access and educational opportunities for all students in the state regardless of their linguistic background, culture, race, gender, capability or geographic location;
- (2) Assumes that all students can learn and establishes high, specific skill and knowledge expectations and recognizes individual differences at all instructional levels;
- (3) Provides special education, compensatory education, linguistically and culturally appropriate education and other specialized programs to all students who need those services;
- (4) Supports the physical and cognitive growth and development of students;**
- [(4)] **(5)** Provides students with a solid foundation in the skills of reading, writing, problem solving and communication;
- [(5)] **(6)** Provides opportunities for students to learn, think, reason, retrieve information, use technology and work effectively alone and in groups;
- [(6)] **(7)** Provides for rigorous academic content standards and instruction in mathematics, science, English, history, geography, economics, civics, physical education, health, the arts and second languages;
- [(7)] **(8)** Provides students an educational background to the end that they will function successfully in a constitutional republic, a participatory democracy and a multicultural nation and world;
- [(8)] **(9)** Provides students with the knowledge and skills that will provide the opportunities to succeed in the world of work, as members of families and as citizens;
- [(9)] **(10)** Provides students with the knowledge and skills that lead to an active, healthy life-style;
- [(10)] **(11)** Provides students with the knowledge and skills to take responsibility for their decisions and choices;
- [(11)] **(12)** Provides opportunities for students to learn through a variety of teaching strategies;

[(12)] (13) Emphasizes involvement of parents and the community in the total education of students;

[(13)] (14) Transports children safely to and from school;

[(14)] (15) Ensures that the funds allocated to schools reflect the uncontrollable differences in costs facing each district;

[(15)] (16) Ensures that local schools have adequate control of how funds are spent to best meet the needs of students in their communities; and

[(16)] (17) Provides for a safe, educational environment.

**SECTION 2.** (1) As used in this section:

(a) “Licensed practical nurse” means an individual who is licensed as a licensed practical nurse under ORS 678.010 to 678.410.

(b) “Medically fragile students” means students who may have a life-threatening health condition and who may require immediate professional nursing services.

(c) “Nursing-dependent students” means students who may have an unstable or life-threatening health condition and who may require daily, direct and continuous professional nursing services.

(d) “Registered nurse” means an individual who is licensed as a registered nurse under ORS 678.010 to 678.410.

(e) “School nurse” has the meaning given that term in ORS 342.455.

(2) Each school district shall ensure that the district has access to a sufficient level of nursing services to provide:

(a) One registered nurse or school nurse for every 125 medically fragile students.

(b) One registered nurse or school nurse, or one licensed practical nurse under the supervision of a registered nurse or school nurse, for each nursing-dependent student.

(3) A school district may satisfy the requirements of subsection (2) of this section by using the most cost-effective means available.

(4)(a) A registered nurse or school nurse is responsible for coordinating the school nursing services provided to an individual student. The registered nurse or school nurse shall work in partnership with the student’s parent or guardian, health care provider and appropriate school staff to the extent allowed by law.

(b) Decisions related to when or where a student receives school nursing services must jointly be made by the registered nurse or school nurse, the parent or guardian of the student and any appropriate school staff. This paragraph does not apply to students who have an individualized education program and for whom special education and related services are determined by an individualized education program team.

(5) The Department of Education shall submit to the State Board of Education and the interim legislative committees related to education an annual report no later than October 1 of each year that is based on the previous school year and that provides information on:

(a) The availability of licensed practical nurses, registered nurses and school nurses in each school district; and

(b) The number of medically fragile students and nursing-dependent students in each school district.

**SECTION 3.** Section 2 of this 2009 Act becomes operative July 1, 2011.

**SECTION 4.** Section 2 of this 2009 Act is amended to read:

**Sec. 2.** (1) As used in this section:

(a) “Licensed practical nurse” means an individual who is licensed as a licensed practical nurse under ORS 678.010 to 678.410.

(b) “Medically complex students” means students who may have an unstable health condition and who may require daily professional nursing services.

[(b)] (c) “Medically fragile students” means students who may have a life-threatening health condition and who may require immediate professional nursing services.

[(c)] (d) "Nursing-dependent students" means students who may have an unstable or life-threatening health condition and who may require daily, direct and continuous professional nursing services.

[(d)] (e) "Registered nurse" means an individual who is licensed as a registered nurse under ORS 678.010 to 678.410.

[(e)] (f) "School nurse" has the meaning given that term in ORS 342.455.

(2) Each school district shall ensure that the district has access to a sufficient level of nursing services to provide:

(a) **One registered nurse or school nurse for every 225 medically complex students.**

[(a)] (b) One registered nurse or school nurse for every 125 medically fragile students.

[(b)] (c) One registered nurse or school nurse, or one licensed practical nurse under the supervision of a registered nurse or school nurse, for each nursing-dependent student.

**(3) In addition to the requirements of subsection (2) of this section, each school district is encouraged to have one registered nurse or school nurse for every 750 students in the school district.**

[(3)] (4)(a) A school district may satisfy the requirements of subsection (2) of this section by using the most cost-effective means available.

**(b) A school district may satisfy the requirements described in subsection (2)(a) of this section and the recommendations described in subsection (3) of this section by:**

**(A) Providing personnel trained and supervised by a registered nurse or school nurse; and**

**(B) Complying with the requirements of ORS 678.010 to 678.445.**

[(4)(a)] (5)(a) A registered nurse or school nurse is responsible for coordinating the school nursing services provided to an individual student. The registered nurse or school nurse shall work in partnership with the student's parent or guardian, health care provider and appropriate school staff to the extent allowed by law.

(b) Decisions related to when or where a student receives school nursing services must jointly be made by the registered nurse or school nurse, the parent or guardian of the student and any appropriate school staff. This paragraph does not apply to students who have an individualized education program and for whom special education and related services are determined by an individualized education program team.

[(5)] (6) The Department of Education shall submit to the State Board of Education and the interim legislative committees related to education an annual report no later than October 1 of each year that is based on the previous school year and that provides information on:

(a) The availability of licensed practical nurses, registered nurses and school nurses in each school district; and

(b) The number of **medically complex students**, medically fragile students and nursing-dependent students in each school district.

**SECTION 5. For the purpose of fulfilling the recommendations for registered nurses and school nurses in a school district, as described in section 2 (3) and (4)(b) of this 2009 Act, as amended by section 4 of this 2009 Act, school districts are encouraged to provide:**

**(1) One registered nurse or school nurse for every 3,500 students by July 1, 2014.**

**(2) One registered nurse or school nurse for every 2,500 students by July 1, 2016.**

**(3) One registered nurse or school nurse for every 1,500 students by July 1, 2018.**

**(4) One registered nurse or school nurse for every 750 students by July 1, 2020.**

**SECTION 6. Section 5 of this 2009 Act and the amendments to section 2 of this 2009 Act by section 4 of this 2009 Act become operative July 1, 2012.**

**SECTION 7. This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect July 1, 2009.**

**Passed by House June 26, 2009**

.....  
Chief Clerk of House

.....  
Speaker of House

**Passed by Senate June 29, 2009**

.....  
President of Senate

**Received by Governor:**

.....M,....., 2009

**Approved:**

.....M,....., 2009

.....  
Governor

**Filed in Office of Secretary of State:**

.....M,....., 2009

.....  
Secretary of State