

# House Bill 3812

Sponsored by Representative NERON

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Changes the requirements for health services plans in schools and for school nursing services. (Flesch Readability Score: 65.7).

Requires school districts to develop, implement and annually update a health services plan for the students of the school district. Prescribes standards for the health services plans.

Modifies the categories of students requiring school nursing services and the ratios for students in those categories.

Directs the Teacher Standards and Practices Commission to offer professional development on school health services and apply any hours taken toward the renewal of an administrative license.

## A BILL FOR AN ACT

1 Relating to school nursing; creating new provisions; and amending ORS 329.105 and 336.201.

2 Whereas school nursing is a required school service under the Individuals with Disabilities Ed-  
3 ucation Act and section 504 of the Rehabilitation Act of 1973 for students who experience disabili-  
4 ties; and  
5

6 Whereas in this state, 27.7 percent of children are impacted by a chronic disease, of which 9.7  
7 percent are impacted by a complex chronic disease and 18 percent are impacted by a noncomplex  
8 chronic disease; and

9 Whereas 22 percent of school districts in this state had no access to a school nurse, and 43  
10 percent of school districts in this state had access to a school nurse for less than 20 hours per week  
11 for the entire school district; and

12 Whereas the statewide ratio of school nurses to the general population of students is 1 to 2,843,  
13 which is almost four times higher than the recommended ratio of one school nurse to every 750  
14 students established by statute; and

15 Whereas only 17 percent of school districts in this state meet the statutory recommendation of  
16 one school nurse for every 750 students; and

17 Whereas school nurses play a pivotal role in improving the health and well-being of children and  
18 adolescents by providing health promotion, health counseling, referrals to other sources of help,  
19 active treatment, education, family support, care coordination and multiagency work; and

20 Whereas school nurses play a key role in improving the health of students with asthma and  
21 diabetes; and

22 Whereas school nurses frequently are the first school staff members to identify students with  
23 symptoms of stress, anxiety, depression and other behavioral and mental health challenges; and

24 Whereas the presence of a school nurse is associated with a decrease in absenteeism and related  
25 to an increase in academic achievement; and

26 Whereas school nurses possess the skills and judgment to identify and address the structural  
27 and systemic barriers that impact the attainment of safe, supportive and equitable school environ-

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 ments that contribute to a student's ability to achieve wellness and academic success; and

2 Whereas action needs to be taken to strengthen school nursing services in this state; now,  
3 therefore,

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

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

6 (a) "Licensed practical nurse" means an individual who is licensed as a licensed practical  
7 nurse under ORS 678.010 to 678.410.

8 (b) "Registered nurse" means an individual who is licensed as a registered nurse under  
9 ORS 678.010 to 678.410.

10 (c) "School nurse" has the meaning given that term in ORS 342.455.

11 (d) "School nursing services" has the meaning given that term in ORS 336.201.

12 (2) Each school district must develop, implement and annually update a health services  
13 plan for the students of the school district.

14 (3) The State Board of Education shall adopt by rule the standards for a health services  
15 plan. The standards must require that a health services plan:

16 (a) Be developed in collaboration with a school nurse or with a registered nurse familiar  
17 with school nursing services.

18 (b) Align with the requirements of ORS 678.010 to 678.448 and rules adopted under ORS  
19 678.010 to 678.448.

20 (c) Determine school nursing service needs in consideration of the requirements of ORS  
21 336.201 and the requirements of ORS 678.010 to 678.448 and rules adopted under ORS 678.010  
22 to 678.448.

23 (d) Provide that a school nurse is responsible for coordinating the school nursing services  
24 provided to an individual student, including the development of a plan of care for the delivery  
25 of school nursing services. The school nurse shall work in partnership with the student's  
26 parent or guardian, health care provider and appropriate school staff to the extent allowed  
27 by law when coordinating the school nursing services.

28 (e) Address the delegation of school nursing services by a school nurse. The delegation  
29 of duties:

30 (A) Except as otherwise provided in this paragraph, may allow for the delegation of  
31 school nursing services to a registered nurse, a licensed practical nurse or trained nonreg-  
32 ulated persons.

33 (B) Must require that the school nurse retain the authority and responsibility for any  
34 delegation of school nursing services occurring under the school nurse's direction and  
35 supervision.

36 (C) Must prohibit the delegation of school nursing services for the purpose of complying  
37 with the ratios identified in ORS 336.201 (3), except when the delegation is specifically allowed  
38 for the ratio.

39 (D) Must prohibit concurrent assignments for school nurses providing the daily, direct  
40 and continuous care of nursing-dependent students requiring an exclusive focus, as defined  
41 in ORS 336.201.

42 (f) Require decisions related to when or where a student receives school nursing services  
43 be consistent with the school nurse's plan of care and be jointly made by the school nurse,  
44 the parent or guardian of the student and any appropriate school staff. This paragraph does  
45 not apply to students who have an individualized education program and for whom special

1 education and related services are determined by an individualized education program team.

2 (g) Require the provision to school nurses of the nutritional information for food served  
 3 by the schools of the school district to allow the school nurses to provide school nursing  
 4 services to students who have health conditions impacted by diet. The nutritional informa-  
 5 tion must include, for each food item:

6 (A) The total grams of carbohydrates of the food item and other nutritional information,  
 7 as provided per serving of the food item;

8 (B) Labels identifying all major food allergens; and

9 (C) Recipes and ingredient lists.

10 (4) The Department of Education may enter into a contract, or provide grants to school  
 11 districts for the purpose of entering into a contract, with a nonprofit school nursing profes-  
 12 sional organization that is based in this state and that has expertise in the delivery of school  
 13 nursing services for the purpose of providing technical assistance to ensure compliance with  
 14 the provisions of this section.

15 **SECTION 2.** ORS 336.201 is amended to read:

16 336.201. (1) As used in this section:

17 (a) **“Chronic condition” means a disease or condition that typically lasts for three or**  
 18 **more months and that may require school nursing services to ensure access to education.**

19 [(a)] (b) **“Licensed practical nurse” means an individual who is licensed as a licensed practical**  
 20 **nurse under ORS 678.010 to 678.410.**

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

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

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

27 (c) **“Medically complex students” means students who have one or more health conditions**  
 28 **that may require daily school nursing services to ensure access to education.**

29 (d) **“Medically fragile students” means students who have one or more life-threatening**  
 30 **health conditions that may require immediate school nursing services to ensure access to**  
 31 **education.**

32 (e) **“Medically noncomplex students” means students who have one or more chronic**  
 33 **health conditions that do not require school nursing services to ensure access to education.**

34 (f) **“Nursing-dependent students requiring an exclusive focus” means students:**

35 (A) **Who have one or more unstable or life-threatening health conditions that require**  
 36 **continuous observation and assessment by a school nurse to determine whether inter-**  
 37 **ventions are needed and which interventions are needed; and**

38 (B) **For whom one provider or staff is assigned to a single student with the sole respon-**  
 39 **sibility of attending to the student’s health, safety, supervision or personal care needs.**

40 (g) **“Nursing-dependent students with high medical needs” means students who have an**  
 41 **unstable or a life-threatening health condition that requires ongoing observation and as-**  
 42 **essment by a school nurse to determine whether interventions are needed and which**  
 43 **interventions are needed.**

44 [(e)] (h) **“Registered nurse” means an individual who is licensed as a registered nurse under ORS**  
 45 **678.010 to 678.410.**

1 [(f)] (i) “School nurse” has the meaning given that term in ORS 342.455.

2 (j) **“School nursing services” means a systemic framework of professional nursing ser-**  
 3 **vices provided by a registered nurse practicing in a school setting to assess a student’s**  
 4 **health needs, identify potential health problems, develop an individual plan of care, imple-**  
 5 **ment interventions based on the plan of care and evaluate the effectiveness of interventions**  
 6 **to ensure optimal health outcomes.**

7 (2)(a) **When a school nurse assesses a student’s health needs, the school nurse must de-**  
 8 **termine which of the following categories applies to the student:**

9 (A) **Medically noncomplex students;**

10 (B) **Medically complex students;**

11 (C) **Medically fragile students;**

12 (D) **Nursing-dependent students with high medical needs; or**

13 (E) **Nursing-dependent students requiring an exclusive focus.**

14 (b) **For the purpose of determining the category under paragraph (a) of this subsection,**  
 15 **the school nurse shall use a tool made available by the Department of Education in collab-**  
 16 **oration with a nonprofit school nursing professional organization that is based in this state**  
 17 **and that has expertise in the delivery of school nursing services.**

18 [(2)] (3) Each school district shall ensure that the district has access to a sufficient level of  
 19 **school** nursing services to provide:

20 (a) One **full-time equivalent** registered nurse or school nurse for **up to** every 225 medically  
 21 complex students.

22 (b) One **full-time equivalent** registered nurse or school nurse for **up to** every 125 medically  
 23 fragile students.

24 (c) **One full-time equivalent registered nurse or school nurse, or one full-time equivalent**  
 25 **licensed practical nurse under the direction of a registered nurse or a school nurse, for up**  
 26 **to every five nursing-dependent students with high medical needs.**

27 [(c)] (d) One **full-time equivalent** registered nurse or school nurse, or one **full-time equivalent**  
 28 licensed practical nurse under the supervision of a registered nurse or school nurse, for each  
 29 nursing-dependent student **requiring an exclusive focus.**

30 [(3)] (4) In addition to the requirements of subsection [(2)] (3) of this section, each school district  
 31 is encouraged to have one registered nurse or school nurse for every 750 students in the school  
 32 district **not otherwise identified as provided by subsection (2) of this section.**

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

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

37 [(A) Providing personnel trained and supervised by a registered nurse or school nurse; and]

38 [(B) Complying with the requirements of ORS 678.010 to 678.448.]

39 [(5)(a) A registered nurse or school nurse is responsible for coordinating the school nursing ser-  
 40 vices provided to an individual student. The registered nurse or school nurse shall work in partnership  
 41 with the student’s parent or guardian, health care provider and appropriate school staff to the extent  
 42 allowed by law.]

43 [(b) Decisions related to when or where a student receives school nursing services must jointly be  
 44 made by the registered nurse or school nurse, the parent or guardian of the student and any appro-  
 45 priate school staff. This paragraph does not apply to students who have an individualized education

1 program and for whom special education and related services are determined by an individualized ed-  
 2 ucation program team.]

3 **(5) For each school year, and in the form and manner prescribed by the Department of**  
 4 **Education, each school district shall submit to the department a report on the number of**  
 5 **students of the school district in each of the following categories:**

- 6 **(a) Medically noncomplex students;**
- 7 **(b) Medically complex students;**
- 8 **(c) Medically fragile students;**
- 9 **(d) Nursing-dependent students with high medical needs; and**
- 10 **(e) Nursing-dependent students requiring an exclusive focus.**

11 (6) The Department of Education shall submit to the State Board of Education and the interim  
 12 legislative committees related to education an annual report no later than [October] **November 1**  
 13 of each year that is based on **data provided for** the previous school year **by school districts as**  
 14 **described in subsection (5) of this section** and that provides information on:

15 (a) The availability of licensed practical nurses, registered nurses and school nurses in each  
 16 school district. [*and*]

17 (b) The number of **medically noncomplex students**, medically complex students, medically  
 18 fragile students, [*and*] nursing-dependent students **with high medical needs and nursing-**  
 19 **dependent students requiring an exclusive focus** in each school district.

20 **(c) The ratio, for the state and for each school district, of registered nurses, school**  
 21 **nurses or licensed practical nurses for each of the categories identified in subsection (2) of**  
 22 **this section and for students not otherwise in a category identified in subsection (2) of this**  
 23 **section.**

24 **SECTION 3.** ORS 329.105 is amended to read:

25 329.105. (1) The Superintendent of Public Instruction shall collect data and produce annual  
 26 school district and school performance reports to provide information to parents and to improve  
 27 schools.

28 (2) The superintendent shall include in the school district and school performance reports data  
 29 for the following areas, for each school or district, that are available to the Department of Educa-  
 30 tion from the most recent school year:

31 (a) Data required by the federal Every Student Succeeds Act (P.L. 114-95, 129 Stat. 1802);

32 (b) Information about how to access the website that is maintained by the State Department of  
 33 Geology and Mineral Industries as provided by ORS 516.030 (6)(b);

34 (c) Information related to the number of children served in the district and the number of chil-  
 35 dren who are susceptible to restrictable disease, as reported under ORS 433.269 (2)(a); [*and*]

36 **(d) Information about the school nursing services of the school district, as reported un-**  
 37 **der ORS 336.201 (6); and**

38 [*d*] **(e) Any other data identified by the Department of Education as required by federal law**  
 39 **to be in the reports.**

40 (3) In addition to the data required by subsection (2) of this section, the superintendent may  
 41 include other data on the school district and school performance reports.

42 (4) The department shall work with stakeholders to:

43 (a) Design and implement an accountability system of progressive interventions for schools and  
 44 school districts that do not demonstrate improvement; and

45 (b) Provide technical assistance to schools and school districts that do not demonstrate im-

1    provement.

2        **SECTION 4.** Section 5 of this 2025 Act is added to and made a part of ORS 342.120 to  
3    **342.430.**

4        **SECTION 5.** (1) The Teacher Standards and Practices Commission shall offer three hours  
5    of professional development on school health services and shall apply any hours taken by a  
6    holder of an administrative license toward the professional development requirements for the  
7    renewal for the license.

8        (2) Professional development offered under this section must include:

9        (a) Information related to section 1 of this 2025 Act and ORS 336.201 and 678.010 to  
10    678.448, and any administrative rules adopted under those statutes.

11       (b) School health directives under the Individuals with Disabilities Education Act and  
12    section 504 of the Rehabilitation Act of 1973.

13       (c) Civil right implications relating to school health services.

14       (d) School nursing service responsibilities.

15       (3) The professional development offered under this section must be developed in collab-  
16    oration with:

17       (a) The Department of Education.

18       (b) The Oregon Health Authority.

19       (c) Any other entity identified by the Teacher Standards and Practices Commission as  
20    having experience with school health services.

21