

1 and have the authority to take any other action necessary to
2 protect the pupils from infectious diseases, including the
3 authority to require from all school personnel employed in their
4 county, certificates of good health and of physical fitness.

5 (b) Each county board shall employ full time at least one
6 school nurse for every ~~one thousand five hundred kindergarten~~
7 ~~through seventh grade pupils~~ seven hundred fifty pupils in net
8 enrollment or major fraction thereof beginning with the school year
9 2012-2013: *Provided*, That each county shall employ full time at
10 least one school nurse: *Provided, however*, That ~~a county board may~~
11 ~~contract with a public health department for services considered~~
12 ~~equivalent to those required by this section in accordance with a~~
13 ~~plan to be approved by the state board~~: *Provided further*, That the
14 state board shall promulgate rules requiring the employment of
15 school nurses in excess of the number required by this section to
16 ensure adequate provision of services to severely handicapped
17 pupils. An appropriation may be made to the state department to be
18 distributed to county boards to support school health service needs
19 that exceed the capacity of staff as mandated in this section.
20 Each county board shall apply to the state superintendent for
21 receipt of this funding in a manner set forth by the state
22 superintendent that assesses and takes into account varying acuity
23 levels of students with specialized health care needs.

24 (c) Any person employed as a school nurse must be a registered

1 professional nurse properly licensed by the West Virginia Board of
2 Examiners for Registered Professional Nurses in accordance with
3 article seven, chapter thirty of this code.

4 (d) Specialized health procedures that require the skill,
5 knowledge and judgment of a licensed health professional may be
6 performed only by school nurses, other licensed school health care
7 providers as provided in this section, or school employees who have
8 been trained and retrained every two years who are subject to the
9 supervision and approval by school nurses. After assessing the
10 health status of the individual student, a school nurse, in
11 collaboration with the student's physician, parents and, in some
12 instances, an individualized education program team, may delegate
13 certain health care procedures to a school employee who ~~shall be~~ is
14 trained pursuant to this section, considered competent, have
15 consultation with, and be monitored or supervised by the school
16 nurse: *Provided*, That nothing in this section prohibits any school
17 employee from providing specialized health procedures or any other
18 prudent action to aid any person who is in acute physical distress
19 or requires emergency assistance. For the purposes of this section
20 "specialized health procedures" means, but is not limited to,
21 catheterization, suctioning of tracheostomy, naso-gastric tube
22 feeding or gastrostomy tube feeding. "School employee" means
23 "teachers" as defined in section one, article one of this chapter
24 and "aides" as defined in section eight, article four, chapter

1 eighteen-a of this code. Commencing with the school year beginning
2 on July 1, 2002, "school employee" also means "secretary I",
3 "secretary II" and "secretary III" as defined in section eight,
4 article four, chapter eighteen-a of this code: *Provided, however,*
5 That a "secretary I", "secretary II" and "secretary III" shall be
6 limited to the dispensing of medications.

7 (e) Any school service employee who elects, or is required by
8 this section, to undergo training or retraining to provide, in the
9 manner specified in this section, the specialized health care
10 procedures for those students for which the selection has been
11 approved by both the principal and the county board shall receive
12 additional pay of at least one pay grade higher than the highest
13 pay grade for which the employee is paid: *Provided,* That any
14 training required in this section may be considered in lieu of
15 required in-service training of the school employee and a school
16 employee may not be required to elect to undergo the training or
17 retraining: *Provided, however,* That commencing with July 1, 1989,
18 any newly employed school employee in the field of special
19 education is required to undergo the training and retraining as
20 provided in this section: *Provided further,* That if an employee
21 who holds a class title of an aide is employed in a school and the
22 aide has received the training, pursuant to this section, then an
23 employee in the field of special education is not required to
24 perform the specialized health care procedures.

1 (f) Each county school nurse, as designated and defined by
2 this section, shall perform a needs assessment. These nurses shall
3 meet on the basis of the area served by their regional educational
4 service agency, prepare recommendations and elect a representative
5 to serve on the council of school nurses established under this
6 section.

7 (g) There shall be a council of school nurses which shall be
8 convened by the state Board of Education. This council shall
9 prepare a procedural manual and shall provide recommendations
10 regarding a training course to the Commissioner of the Bureau for
11 Public Health who shall consult with the state Department of
12 Education. The state board then has the authority to promulgate a
13 rule in accordance with the provisions of article three-b, chapter
14 twenty-nine-a of this code to implement the training and to create
15 standards used by those school nurses and school employees
16 performing specialized health procedures. The council shall meet
17 every two years to review the certification and training program
18 regarding school employees.

19 (h) The State Board of Education shall work in conjunction
20 with county boards to provide training and retraining every two
21 years as recommended by the Council of School Nurses and
22 implemented by the rule promulgated by the state board.

NOTE: The purpose of this bill is to reduce the student-school nurse ratio from 1,500-1 in grades k-7 to 750-1 and to expand it to all levels of school in the 2012-13 school year to provide for ever-increasing medical needs of students, while ensuring that school nurses will do the work, not contract services.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.