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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 2037

02/20/2023 Authored by Berg, Youakim, Pérez-Vega, Hassan, Hanson, J., and others
The bill was read for the first time and referred to the Committee on Education Policy
03/27/2023 Adoption of Report: Amended and re-referred to the Committee on Education Finance

1.1 A bill for an act
1.2 relating to education; providing for school health services; appropriating money;
1.3 amending Minnesota Statutes 2022, section 121A.21; proposing coding for new
1.4 law in Minnesota Statutes, chapter 121A.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. 121A.20 LICENSED SCHOOL NURSE.

1.7 Subdivision 1. Purpose and duties. (a) The Department of Education must employ a
1.8 school health services specialist to:

1.9 (1) provide technical assistance to school districts and charter schools for the
1.10 education-related health needs of their students;

1.11 (2) serve as the primary source of information and support for schools in addressing
1.12 emergency readiness, public health, and the needs of children and youth with acute and
1.13 chronic health conditions and related disorders; and

1.14 (3) serve as the primary liaison to the Department of Health and other state agencies to
1.15 coordinate school-based, health-related services for students.

1.16 (b) The school health services specialist's duties include:

1.17 (1) increasing professional awareness and competencies of school nurses and other
1.18 specialized instructional support personnel, using the competencies defined in the most
1.19 recent edition of the document jointly prepared by the American Nurses Association and
1.20 the National Association of School Nurses identified as "School Nursing; Scope and
1.21 Standards of Practice" to meet the educational needs of students with acute or chronic health

2.1 conditions, or students identified with risk characteristics associated with health and mental
2.2 health;

2.3 (2) developing implementation guidance to assist general education and special education
2.4 teachers in (i) recognizing health-related educational needs of children and youth, and (ii)
2.5 improving students' attendance and full participation in instruction and other school activities;

2.6 (3) developing implementation guidance to assist teachers, specialized instructional
2.7 support personnel, and school administrators in prevention of and intervention with
2.8 health-harming behavior and mental health; and

2.9 (4) increasing the availability of online and asynchronous professional development
2.10 programs and materials for school staff.

2.11 Subd. 2. **Definition.** For purposes of this section, "health services specialist" means a
2.12 professional registered nurse who:

2.13 (1) is licensed as a public health nurse in Minnesota;

2.14 (2) is licensed as a school nurse in Minnesota;

2.15 (3) has a minimum of three years of experience in school nursing services or as a public
2.16 health nurse serving schools;

2.17 (4) has experience in managing a districtwide health policy, overseeing a budget, and
2.18 supervising personnel; and

2.19 (5) has a graduate degree in nursing, public health, education, or a related field.

2.20 Subd. 3. **Requirements for position.** The Department of Education's school health
2.21 services specialist must be highly trained in school nursing, which includes knowledge
2.22 about child growth and development; public health; health education; and special education
2.23 with a focus on the impact of health on learning, comprehensive assessment of
2.24 learning-related health using interventions that are evidence-based, and documentation and
2.25 evaluation of child health knowledge, skills, status, and education implications. The specialist
2.26 must have knowledge of section 504 plans, health insurance and third-party reimbursement,
2.27 health privacy, and emergency preparedness. The specialist must also have skills in
2.28 interdisciplinary collaboration, policy development, parent involvement, health teaching
2.29 and learning, and staff development.

3.1 Sec. 2. Minnesota Statutes 2022, section 121A.21, is amended to read:

3.2 **121A.21 SCHOOL HEALTH SERVICES.**

3.3 Subdivision 1. School health services defined. ~~(a) Every~~ A school board or charter
3.4 school administrator, regardless of enrollment size, must provide services to promote the
3.5 health of its pupils. For the purposes of this section, "health services" means:

3.6 (1) activities that address health promotion, disease prevention, health maintenance, and
3.7 health equity;

3.8 (2) individual health care planning for students with chronic conditions to meet their
3.9 daily and emergency needs, including medication management, medication administration,
3.10 administration of health procedures, and coordination with teachers to reduce classroom
3.11 barriers to learning and ensure students are safe at school;

3.12 (3) recognition of students' emergent and urgent health conditions and providing referrals,
3.13 as needed; and

3.14 (4) providing population health services in combination with local public and private
3.15 health providers.

3.16 Subd. 2. Licensed school nurse. ~~(b) The~~ (a) A school board of a district with 1,000
3.17 pupils or more in average or charter school administrator must determine daily membership
3.18 by counting pupils in early childhood family education, preschool disabled special education,
3.19 elementary, and secondary programs, including alternative programs, transition programs,
3.20 summer school, and extended year programs. A school board or charter school administrator
3.21 must comply with the requirements of this paragraph. It may use one or a combination of
3.22 the following methods: in paragraphs (b) through (d), but must adhere to the criteria in this
3.23 paragraph.

3.24 ~~(+)~~ (b) A school board or charter school administrator must employ personnel, including
3.25 at least one full-time equivalent licensed school nurse; as defined in Minnesota Rules, part
3.26 8710.6100, in every building that has a daily membership of 500 or more pupils if:

3.27 (1) there are fewer than 500 pupils in daily membership in a school building, the district
3.28 may employ at least one licensed school nurse for schools that have a combined daily
3.29 membership of over 500; and

3.30 (2) a school district or charter school has fewer than 500 pupils in daily membership,
3.31 the district or charter school may work in cooperation with other districts or charter schools
3.32 within a county or within a special education cooperative to employ at least one full-time

4.1 licensed school nurse for the county or cooperative and meet the requirements of paragraph
4.2 (d).

4.3 ~~(2)~~ (c) A school board or charter school administrator may contract with a public or
4.4 private health organization or another public agency for personnel during the regular school
4.5 year, determined appropriate by the board, who are currently licensed as a registered nurse
4.6 under section 148.171, subdivision 20, or a public health nurse under chapter 148 and who
4.7 are certified public health nurses; or section 148.171, subdivision 18, if no licensed school
4.8 nurse is available for employment.

4.9 ~~(3)~~ (d) A school board or charter school administrator may enter into another arrangement
4.10 approved annually by the commissioner. If another arrangement is approved, it must:

4.11 (1) meet the requirements in paragraph (b), clauses (1) and (2);

4.12 (2) employ staff who are providing health services within their scope of practice if
4.13 licensed under chapter 148;

4.14 (3) not allow staff to practice nursing if not licensed under chapter 148; and

4.15 (4) make the arrangement public after approval by the commissioner and the school
4.16 district or charter school.

4.17 Subd. 3. **Additional health staff.** A school district or charter school may employ more
4.18 licensed school nurses than required by this section and employ additional health staff to
4.19 meet the requirements of subdivision 2. Additional health staff must report to and be
4.20 supervised onsite by licensed school nurses. Staff who provide health services, if licensed
4.21 under chapter 148, must provide services within their scope of practice. Unlicensed assistive
4.22 personnel are not licensed under chapter 148 and must not practice nursing. Additional
4.23 health staff must maintain current cardiopulmonary resuscitation, automatic external
4.24 defibrillator, and first aid training certificates.

4.25 Sec. 3. **APPROPRIATIONS; DEPARTMENT OF EDUCATION.**

4.26 Subdivision 1. **Department of Education.** The sums indicated in this section are
4.27 appropriated from the general fund to the commissioner of education in the fiscal years
4.28 designated.

4.29 Subd. 2. **School health services specialist.** For a school health services specialist
4.30 according to section 1:

4.31 \$ 2024

4.32 \$ 2025