

CHAPTER 325

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 19-1203

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AN ACT

CONCERNING THE CREATION OF A GRANT PROGRAM TO INCREASE THE NUMBER OF SCHOOL NURSES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** 25-1.5-406 as follows:

25-1.5-406. School nurse grant program - creation - eligibility - award of grants - rules - report - legislative declaration - definitions. (1)(a) **THE GENERAL ASSEMBLY FINDS THAT:**

(I) SCHOOL NURSES PLAY A VITAL ROLE IN A CHILD'S HEALTH AND EDUCATIONAL WELFARE IN SCHOOL, ACTING AS A HEALTH CARE SAFETY NET FOR CHILDREN;

(II) WHEN A SCHOOL NURSE IS IN A SCHOOL, FEWER CHILDREN ARE SENT HOME SICK OR MISS SCHOOL, FEWER CHILDREN ARE SENT TO EMERGENCY ROOMS FOR ASTHMA, FEWER 911 CALLS ARE MADE, AND TEACHERS AND PRINCIPALS HAVE MORE TIME TO TEACH AND LEAD;

(III) SCHOOL NURSES ARE TRAINED TO HANDLE MEDICAL EMERGENCIES AND TO PROVIDE ADVANCED FIRST AID, AS WELL AS TO PROVIDE ADVANCED CARE TO CHILDREN WHO DEPEND ON MEDICAL DEVICES, MEDICATION, OR MEDICAL INTERVENTIONS TO REMAIN IN SCHOOL;

(IV) SCHOOL NURSES ARE ALSO CRUCIAL TO CHILDREN'S MENTAL HEALTH AND SPEND NEARLY ONE-THIRD OF THEIR TIME ON THE MENTAL HEALTH CONCERNS OF CHILDREN, INCLUDING REFERRING CHILDREN FOR CRITICAL MENTAL HEALTH

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

SERVICES; AND

(V) IN ADDITION TO PROVIDING SERVICES IN SCHOOLS, SCHOOL NURSES PROVIDE EDUCATION AND TRAINING TO SCHOOL STAFF, PROMOTING HEALTHY BEHAVIORS AND CREATING A SAFE AND HEALTHY SCHOOL ENVIRONMENT FOR CHILDREN, INCLUDING CHILDREN WITH CHRONIC CONDITIONS SUCH AS ASTHMA, DIABETES, AND SEVERE ALLERGIES.

(b) THE GENERAL ASSEMBLY FURTHER FINDS THAT:

(I) DESPITE THE DEMONSTRATED BENEFIT TO STUDENTS AND SCHOOL STAFF OF HAVING SCHOOL NURSES IN SCHOOLS, ACCORDING TO THE COLORADO DEPARTMENT OF EDUCATION, THERE ARE APPROXIMATELY ONLY SIX HUNDRED THIRTY SCHOOL NURSES IN COLORADO SERVING OVER NINE HUNDRED THOUSAND SCHOOL-AGED CHILDREN;

(II) ON AVERAGE, THIS REQUIRES ONE FULL-TIME SCHOOL NURSE TO SERVE FIFTEEN HUNDRED STUDENTS, WITH SOME NURSES SERVING FEWER STUDENTS AND SOME NURSES SERVING UP TO THREE THOUSAND STUDENTS; AND

(III) THE NUMBER OF SCHOOL NURSES SERVING STUDENTS IS DETERMINED BY THE SCHOOL DISTRICT AND LARGELY PAID FOR FROM LIMITED SCHOOL DISTRICT FUNDING.

(c) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT PROVIDING CRITICAL FUNDING TO INCREASE CHILDREN'S ACCESS TO SCHOOL NURSES IS VITAL TO THE HEALTH AND WELL-BEING OF COLORADO'S SCHOOL CHILDREN.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "GRANT PROGRAM" MEANS THE SCHOOL NURSE GRANT PROGRAM CREATED IN SUBSECTION (3) OF THIS SECTION.

(b) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, OTHER THAN A LOCAL COLLEGE DISTRICT, ORGANIZED AND EXISTING PURSUANT TO LAW; A BOARD OF COOPERATIVE SERVICES; A CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF TITLE 22; OR A CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF TITLE 22.

(c) "RURAL SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT IN COLORADO THAT THE DEPARTMENT OF EDUCATION, CREATED IN SECTION 24-1-115, DETERMINES IS RURAL, BASED ON THE GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE DISTANCE OF THE SCHOOL DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA.

(d) "SCHOOL" MEANS A PUBLIC ELEMENTARY, MIDDLE, JUNIOR HIGH, OR HIGH SCHOOL.

(e) "SCHOOL NURSE" MEANS A REGISTERED NURSE WHO HOLDS A CURRENT NURSING LICENSE THROUGH THE DEPARTMENT OF REGULATORY AGENCIES AND WHO HAS APPLIED FOR OR HOLDS A SPECIAL SERVICES LICENSE FROM THE DEPARTMENT OF EDUCATION PURSUANT TO ARTICLE 60.5 OF TITLE 22.

(f) "SMALL RURAL SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT IN COLORADO THAT THE DEPARTMENT OF EDUCATION, CREATED IN SECTION 24-1-115, DETERMINES IS RURAL, BASED ON THE GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE DISTANCE OF THE SCHOOL DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA, AND THAT ENROLLS FEWER THAN ONE THOUSAND TWO HUNDRED STUDENTS IN KINDERGARTEN THROUGH TWELFTH GRADE.

(3) THERE IS CREATED IN THE DEPARTMENT THE SCHOOL NURSE GRANT PROGRAM TO AWARD GRANTS ON A FIVE-YEAR GRANT CYCLE TO LOCAL EDUCATION PROVIDERS TO INCREASE THE NUMBER OF SCHOOL NURSES IN COLORADO PUBLIC SCHOOLS. THE GRANT PROGRAM SHALL BE ADMINISTERED BY THE PRIMARY CARE OFFICE IN THE DEPARTMENT. THE STATE BOARD MAY PROMULGATE RULES, AS NECESSARY, TO IMPLEMENT THE GRANT PROGRAM.

(4) (a) EXCEPT AS PROVIDED IN SUBSECTION (4)(b) OF THIS SECTION, A LOCAL EDUCATION PROVIDER AWARDED A GRANT PURSUANT TO THIS SECTION SHALL USE THE GRANT MONEY TO HIRE A SCHOOL NURSE OR NURSES IN THE SELECTED SCHOOL OR SCHOOLS. THE GRANT SHALL SUPPLEMENT, NOT SUPPLANT, A LOCAL EDUCATION PROVIDER'S FUNDING FOR SCHOOL NURSE POSITIONS AND STUDENT HEALTH CARE SERVICES EXISTING PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.

(b) A SMALL RURAL SCHOOL DISTRICT OR RURAL SCHOOL DISTRICT AWARDED A GRANT PURSUANT TO THIS SECTION SHALL FIRST MAKE REASONABLE EFFORTS TO USE THE GRANT MONEY TO HIRE A SCHOOL NURSE FOR THE SELECTED SCHOOL OR SCHOOLS. IF A SMALL RURAL SCHOOL DISTRICT OR RURAL SCHOOL DISTRICT CAN DEMONSTRATE TO THE DEPARTMENT THAT IT IS UNABLE TO FIND A SCHOOL NURSE TO FILL THE SCHOOL NURSE POSITION, THE SMALL RURAL SCHOOL DISTRICT OR RURAL SCHOOL DISTRICT MAY USE THE GRANT MONEY TO CONTRACT WITH A LOCAL PUBLIC HEALTH AGENCY ESTABLISHED PURSUANT TO SECTION 25-1-506, A FEDERALLY QUALIFIED HEALTH CENTER AS DEFINED IN SECTION 25-3-101 (2)(a)(III)(A), OR OTHER SIMILAR COMMUNITY HEALTH CARE PROVIDER, OR A REGISTERED NURSE, TO PROVIDE HEALTH SERVICES TO THE SELECTED SCHOOL OR SCHOOLS. THE PERSON PROVIDING HEALTH SERVICES MUST MEET OR EXCEED THE ACADEMIC AND PROFESSIONAL QUALIFICATIONS OF A SCHOOL NURSE.

(5) IN APPLYING FOR A GRANT, IN ADDITION TO COMPLYING WITH THE APPLICATION PROCESS AND REQUIREMENTS ESTABLISHED BY THE DEPARTMENT OR STATE BOARD RULE, A LOCAL EDUCATION PROVIDER SEEKING A GRANT SHALL INCLUDE THE FOLLOWING INFORMATION IN THE GRANT APPLICATION:

(a) THE RATIO OF SCHOOL NURSES TO THE NUMBER OF STUDENTS SERVED BY THE LOCAL EDUCATION PROVIDER IN ALL SCHOOLS AND IN EACH SCHOOL OF THE LOCAL EDUCATION PROVIDER;

(b) THE LOCAL EDUCATION PROVIDER'S NUMBER AND PERCENTAGE OF SCHOOLS THAT ARE ELIGIBLE TO RECEIVE MONEY UNDER TITLE I, PART A OF THE FEDERAL "ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965", 20 U.S.C. SEC. 6301 ET SEQ.;

(c) WHETHER A SCHOOL DISTRICT APPLICANT IS A SMALL RURAL SCHOOL DISTRICT OR RURAL SCHOOL DISTRICT;

(d) THE SCHOOL OR SCHOOLS IN WHICH THE LOCAL EDUCATION PROVIDER INTENDS TO USE THE GRANT MONEY TO HIRE A SCHOOL NURSE;

(e) THE AMOUNT OF MONEY NECESSARY TO ATTRACT AND RETAIN A SCHOOL NURSE IN THE SCHOOL OR SCHOOLS OF THE LOCAL EDUCATION PROVIDER FOR THE FIVE-YEAR GRANT CYCLE AND WHETHER THE LOCAL EDUCATION PROVIDER INTENDS TO SUPPLEMENT A GRANT WITH ANY ADDITIONAL MONEY TO HIRE THE SCHOOL NURSE POSITION OR POSITIONS; AND

(f) THE LOCAL EDUCATION PROVIDER'S PLAN FOR CONTINUING TO FUND THE INCREASES IN SCHOOL NURSING SERVICES FOLLOWING EXPIRATION OR NONRENEWAL OF THE GRANT;

(6) (a) SUBJECT TO AVAILABLE APPROPRIATIONS, THE STATE BOARD SHALL AWARD UP TO THREE MILLION DOLLARS ANNUALLY IN GRANTS. EACH GRANT HAS AN INITIAL TERM OF ONE YEAR AND SHALL BE RENEWED ANNUALLY FOR AN ADDITIONAL FOUR YEARS AS LONG AS A SCHOOL NURSE IS RETAINED IN THE GRANT-FUNDED POSITION AND THE LOCAL EDUCATION PROVIDER CONTINUES TO USE THE GRANT MONEY FOR AUTHORIZED PURPOSES. THE STATE BOARD MAY FUND MORE THAN ONE SCHOOL NURSE POSITION PER GRANT RECIPIENT. THE AMOUNT OF THE GRANT MUST COVER UP TO THE COST OF HIRING A SCHOOL NURSE POSITION OR POSITIONS IN THE LOCAL EDUCATION PROVIDER'S SELECTED SCHOOL OR SCHOOLS.

(b) SUBJECT TO AVAILABLE APPROPRIATIONS, AT THE END OF THE INITIAL FIVE-YEAR GRANT CYCLE AND EACH SUBSEQUENT FIVE-YEAR GRANT CYCLE, THE DEPARTMENT SHALL SOLICIT AND REVIEW GRANT APPLICATIONS, AND THE STATE BOARD SHALL AWARD NEW GRANTS.

(c) THE DEPARTMENT SHALL REVIEW GRANT PROGRAM APPLICATIONS AND MAKE RECOMMENDATIONS TO THE STATE BOARD CONCERNING THE AWARD OF GRANTS. IN AWARDED GRANTS, THE STATE BOARD MAY ESTABLISH BY RULE ADDITIONAL SELECTION CRITERIA BUT SHALL GIVE PREFERENCE TO AN APPLICANT THAT:

(I) IS A SMALL RURAL SCHOOL DISTRICT OR RURAL SCHOOL DISTRICT; OR

(II) IS ELIGIBLE TO RECEIVE MONEY UNDER TITLE I, PART A OF THE FEDERAL "ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965", 20 U.S.C. SEC. 6301 ET SEQ.

(7) THE DEPARTMENT MAY EXPEND A PORTION OF THE GRANT MONEY TO OFFSET THE DEPARTMENT'S REASONABLE AND NECESSARY EXPENSES IN ADMINISTERING THE GRANT PROGRAM.

(8) (a) IN ANY FISCAL YEAR IN WHICH THE GENERAL ASSEMBLY MAKES AN APPROPRIATION TO THE DEPARTMENT FOR THE GRANT PROGRAM, EACH LOCAL EDUCATION PROVIDER THAT RECEIVES A GRANT PURSUANT TO THE PROGRAM SHALL PROVIDE INFORMATION TO THE DEPARTMENT ON OR BEFORE JUNE 30 CONCERNING THE NUMBER OF SCHOOL NURSE POSITIONS HIRED THROUGH THE GRANT PROGRAM, THE NUMBER OF STUDENTS SERVED THROUGH THE SCHOOL NURSE POSITION, AN EXPLANATION OF SERVICES PROVIDED BY THE SCHOOL NURSE, AND THE IMPACT OF THE GRANT PROGRAM-FUNDED SCHOOL NURSE POSITION ON THE LOCAL EDUCATION

PROVIDER AND THE STUDENTS IT SERVES.

(b) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136 (11)(a)(I) TO THE CONTRARY, ON OR BEFORE SEPTEMBER 1, 2020, AND ON OR BEFORE SEPTEMBER 1 IN EACH FISCAL YEAR THEREAFTER IN WHICH THE STATE BOARD HAS AWARDED GRANTS IN THE PRIOR FISCAL YEAR, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE EDUCATION AND THE HEALTH AND INSURANCE COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE EDUCATION AND THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE, OR ANY SUCCESSOR COMMITTEES, THAT INCLUDES, AT A MINIMUM, A SUMMARY OF THE INFORMATION REPORTED BY GRANT RECIPIENTS PURSUANT TO SUBSECTION (8)(a) OF THIS SECTION.

SECTION 2. Appropriation. (1) For the 2019-20 state fiscal year, \$2,944,809 is appropriated to the department of public health and environment for use by the prevention services division. This appropriation is from the marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S. To implement this act, the division may use this appropriation for the primary care office. Any money appropriated in this section not expended prior to July 1, 2020, is further appropriated to the division for the 2020-21 and 2021-22 state fiscal years for the same purpose.

(2) For the 2019-20 state fiscal year, \$55,191 is appropriated to the department of public health and environment for use by the prevention services division. This appropriation is from the marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S., and is based on an assumption that the division will require an additional 0.8 FTE. To implement this act, the division may use this appropriation for the primary care office.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 29, 2019