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SENATE JOINT RESOLUTION NO. 228

Offered January 11, 2023

Prefiled December 20, 2022

Directing the School Health Services Committee to study the feasibility of implementing recommendations from the Department of Education for qualification and training requirements of school personnel who administer health services to students. Report.

Patrons—Favola, Boysko and Vogel; Delegates: Robinson, Guzman, Kory and Tata

Referred to Committee on Rules

WHEREAS, the Department of Education (the Department) found that developing a consistent definition of "school nurse" that includes specific qualification and training requirements improves equity in school health services across the Commonwealth; and

WHEREAS, the American Academy of Pediatrics, the National Association of School Nurses, and Healthy People 2030 found that the qualifications and training received by registered nurses (RNs) improves the ability of RNs to provide comprehensive nursing services without supervision and handle the complex, diverse needs of students in public schools; and

WHEREAS, the Department estimates that one-quarter of school health service providers are either licensed practical nurses (LPNs) or unlicensed assistive personnel (UAPs) and as a result likely do not meet the requirement to provide school health services without a supervising provider on site; and

WHEREAS, the Department recommends limiting the definition of "school nurse" to persons with an RN license to help improve equity and ensure consistency in qualifications, competency, and quality of school health services provided in public schools across the Commonwealth; and

WHEREAS, the Department found that greater participation in the annual school health survey improves the Commonwealth's ability to make informed policy decisions around school health services but only approximately two-thirds of school divisions in the Commonwealth consistently participate in the survey; and

WHEREAS, Medicaid currently matches up to 50 percent of costs for skilled nursing services in a school setting when such services are part of an Individualized Education Plan (IEP) but only if such services are administered by an RN, resulting in many school divisions being unable to avail themselves of funding or financial assistance for such services; and

WHEREAS, mental health challenges among school-age children have increased significantly in the past several years increasing the need for schools to provide students with competent mental health services providers; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the School Health Services Committee be directed to study the feasibility of implementing recommendations from the Department of Education for qualification and training requirements of school personnel who administer health services to students.

In conducting its study, the School Health Services Committee (the Committee) shall study the feasibility of implementing the Department's recommendations in order to improve the quality of school health care in the Commonwealth, including:

1. Developing a consistent definition of "school nurse" to apply across all school divisions in the Commonwealth that includes specific qualification and training requirements and that, consistent with national professional associations, defines "school nurse" as a registered nurse (RN);

2. Requiring that each school in the Commonwealth employ at least one full-time RN;

3. Mandating all school divisions in the Commonwealth to participate in the annual school health survey to ensure school health data is collected from all local school divisions;

4. Allowing licensed practical nurses (LPNs) currently employed as full-time school nurses to maintain their status as "school nurse" for a period of five years, during which time they may continue to provide supplemental school health services, in order to allow such LPNs the opportunity to receive the necessary training and qualifications to become RNs;

5. Researching ways to improve and expand mental health services available at schools in the Commonwealth by including school nursing services in behavioral health funding;

6. Finding and providing options for school divisions in the Commonwealth to access cost-sharing opportunities, such as Medicaid, and use such funds to cover the costs of employing more qualified school nursing staff and other health care providers; and

7. Examining ways in which local school divisions in the Commonwealth that currently receive Medicaid reimbursement rates for nursing services can prepare for the end of the COVID-19 pandemic

59 relief measures that increased reimbursement rates without sacrificing the quality or quantity of such
60 school division's nursing staff and other health care providers.

61 The Office of the Clerk of the Senate shall provide administrative staff support. The Division of
62 Legislative Services shall provide legal, research, policy analysis, and other services as requested by the
63 Committee. Technical assistance shall be provided to the Committee by the Department of Education.
64 All agencies of the Commonwealth shall provide assistance to the Committee for this study, upon
65 request.

66 The Committee shall complete its meetings by November 30, 2023, and the chairman shall submit to
67 the Division of Legislative Automated Systems an executive summary of its findings and
68 recommendations no later than the first day of the 2024 Regular Session of the General Assembly. The
69 executive summary shall state whether the Committee intends to submit to the General Assembly and
70 the Governor a report of its findings and recommendations for publication as a House or Senate
71 document. The executive summary and report shall be submitted as provided in the procedures of the
72 Division of Legislative Automated Systems for the processing of legislative documents and reports and
73 shall be posted on the General Assembly's website.