

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 19-0804.01 Brita Darling x2241

HOUSE BILL 19-1203

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A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill creates the school nurse grant program (grant program) in the department of public health and environment (department).

The grant program awards grants to local education providers, as defined in the bill, to hire school nurses to serve in public schools. Grants are awarded on a 5-year grant cycle, with an initial one-year grant,

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
2nd Reading Unamended
April 27, 2019

HOUSE
3rd Reading Unamended
April 19, 2019

HOUSE
Amended 2nd Reading
April 18, 2019

renewable for an additional 4 years, as long as there is a school nurse in the grant-funded position and the grant money is being used for authorized purposes.

Subject to annual appropriations from the general assembly, the department shall recommend grant recipients, and the state board of health shall annually award up to \$3 million during the 5-year grant cycle. Once the 5-year grant cycle is complete, the department shall administer a new grant cycle.

The department may expend a portion of the grant money for reasonable and necessary administrative expenses.

In each year in which school nurse grants are awarded, the department shall report to certain committees of the general assembly concerning the grant program.

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

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

4 **25-1.5-406. School nurse grant program - creation - eligibility**
5 **- award of grants - rules - report - legislative declaration - definitions.**

6 (1) (a) THE GENERAL ASSEMBLY FINDS THAT:

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

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

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

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

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

11 (b) THE GENERAL ASSEMBLY FURTHER FINDS THAT:

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

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

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

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

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

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

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

12 (c) "RURAL SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT IN
13 COLORADO THAT THE DEPARTMENT OF EDUCATION, CREATED IN SECTION
14 24-1-115, DETERMINES IS RURAL, BASED ON THE GEOGRAPHIC SIZE OF THE
15 SCHOOL DISTRICT AND THE DISTANCE OF THE SCHOOL DISTRICT FROM THE
16 NEAREST LARGE, URBANIZED AREA.

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

19 (e) "SCHOOL NURSE" MEANS A REGISTERED NURSE WHO HOLDS A
20 CURRENT NURSING LICENSE THROUGH THE DEPARTMENT OF REGULATORY
21 AGENCIES AND WHO HAS APPLIED FOR OR HOLDS A SPECIAL SERVICES
22 LICENSE FROM THE DEPARTMENT OF EDUCATION PURSUANT TO ARTICLE
23 60.5 OF TITLE 22.

24 (f) "SMALL RURAL SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT
25 IN COLORADO THAT THE DEPARTMENT OF EDUCATION, CREATED IN
26 SECTION 24-1-115, DETERMINES IS RURAL, BASED ON THE GEOGRAPHIC
27 SIZE OF THE SCHOOL DISTRICT AND THE DISTANCE OF THE SCHOOL

1 DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA, AND THAT
2 ENROLLS FEWER THAN ONE THOUSAND TWO HUNDRED STUDENTS IN
3 KINDERGARTEN THROUGH TWELFTH GRADE.

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

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

18 (b) A SMALL RURAL SCHOOL DISTRICT OR RURAL SCHOOL DISTRICT
19 AWARDED A GRANT PURSUANT TO THIS SECTION SHALL FIRST MAKE
20 REASONABLE EFFORTS TO USE THE GRANT MONEY TO HIRE A SCHOOL
21 NURSE FOR THE SELECTED SCHOOL OR SCHOOLS. IF A SMALL RURAL
22 SCHOOL DISTRICT OR RURAL SCHOOL DISTRICT CAN DEMONSTRATE TO THE
23 DEPARTMENT THAT IT IS UNABLE TO FIND A SCHOOL NURSE TO FILL THE
24 SCHOOL NURSE POSITION, THE SMALL RURAL SCHOOL DISTRICT OR RURAL
25 SCHOOL DISTRICT MAY USE THE GRANT MONEY TO CONTRACT WITH A
26 LOCAL PUBLIC HEALTH AGENCY ESTABLISHED PURSUANT TO SECTION
27 25-1-506, A FEDERALLY QUALIFIED HEALTH CENTER AS DEFINED IN

1 SECTION 25-3-101 (2)(a)(III)(A), OR OTHER SIMILAR COMMUNITY HEALTH
2 CARE PROVIDER, OR A REGISTERED NURSE, TO PROVIDE HEALTH SERVICES
3 TO THE SELECTED SCHOOL OR SCHOOLS. THE PERSON PROVIDING HEALTH
4 SERVICES MUST MEET OR EXCEED THE ACADEMIC AND PROFESSIONAL
5 QUALIFICATIONS OF A SCHOOL NURSE.

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

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

14 (b) THE LOCAL EDUCATION PROVIDER'S NUMBER AND PERCENTAGE
15 OF SCHOOLS THAT ARE ELIGIBLE TO RECEIVE MONEY UNDER TITLE I, PART
16 A OF THE FEDERAL "ELEMENTARY AND SECONDARY EDUCATION ACT OF
17 1965", 20 U.S.C. SEC. 6301 ET SEQ.;

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

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

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

27 AND

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

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

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

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

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

26 (II) IS ELIGIBLE TO RECEIVE MONEY UNDER TITLE I, PART A OF THE
27 FEDERAL "ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965", 20

1 U.S.C. SEC. 6301 ET SEQ.

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

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

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

26 **SECTION 2. Appropriation.** (1) For the 2019-20 state fiscal
27 year, \$2,944,809 is appropriated to the department of public health and

1 environment for use by the for use by the prevention services division.
2 This appropriation is from the marijuana tax cash fund created in section
3 39-28.8-501 (1), C.R.S. To implement this act, the division may use this
4 appropriation for the primary care office. Any money appropriated in this
5 section not expended prior to July 1, 2020, is further appropriated to the
6 division for the 2020-21 and 2021-22 state fiscal years for the same
7 purpose.

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

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