



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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MEMORANDUM

DATE: April 6, 2015

TO: Members of the Delaware House of Representatives
and Delaware State Senate

FROM: Ms. Daniese McMullin-Powell, Chairperson
State Council for Persons with Disabilities

RE: H.B. 12 (School Nurse Funding)

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 12 which seeks to ensure that every public school in the State of Delaware has a nurse. As background, the attached Title 14 Del.C. §1310 currently authorizes school nurse funding for districts based on 1 nurse per 40 state units of pupils. Districts are also required to have "at least 1 school nurse per facility". If the "1-40" funding formula is insufficient to provide for 1 nurse per facility, the districts are directed to use either Division III equalization funds (§1707), academic excellence funds (§1716), or discretionary local operating expense funds to make up the shortfall. The implication of the synopsis to H.B. 12 is that some public schools lack a nurse despite the statutory requirement. The bill authorizes public schools to apply for supplemental State funds subject to annual appropriations. The bill also authorizes a district which receives the supplemental State funds to increase its local tax to pay for the local share of employment costs without referendum. See line 11 and Title 14 Del.C. §1902(b).

SCPD endorses the proposed legislation since the availability of school nurses has several salutary effects. First, it promotes inclusion of students with disabilities who may require some nursing services to be successful in integrated settings. Second, it facilitates screening of students for health problems. Third, it facilitates quick response in the event of a student injury or emergency (e.g. seizure). However, the sponsors may wish to consider an amendment. The attached §1310(b) only applies the requirement of a nurse in each facility to school districts, not charter schools. Therefore, it is somewhat anomalous for H.B. 12 to refer to the requirement that only applies to districts and then authorize supplemental funding for both districts and charter schools. It would be preferable to require both district and charter schools to have a school nurse in each facility.

Thank you for your consideration and please contact SCPD if you have any questions regarding our position on the proposed legislation.

cc: Mr. Brian Hartman
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

HB 12 school nurse funding 3-30-15

§ 1310 Salary schedules for school nurses.

(a) All nurses who hold appropriate certificates shall be paid in accordance with § 1305 of this title effective July 1, 1979.

(b) A reorganized school district may employ personnel to be paid for 10 months per year from state funds pursuant to this section in a number equal to 1 for each 40 state units of pupils, except that in schools for the physically handicapped within the district the allocation shall be in accordance with the rules and regulations adopted by the Department with the approval of the State Board of Education; provided further, that each reorganized school district shall ensure that it has at least 1 school nurse per facility. To the extent that the funding formula outlined above does not provide for 1 school nurse per facility, each reorganized school district shall meet this requirement out of funding provided under § 1707 or § 1716 of the title, or out of discretionary local current operating expense funds. Districts shall qualify for partial funding at the rate of 30% of the fractional part of 40 state units of pupils.

46 Del. Laws, c. 48, § 3; 47 Del. Laws, c. 195, § 1; 48 Del. Laws, Sp. Sess., c. 489, § 3; 14 Del. C. 1953, § 1310; 50 Del. Laws, c. 261, § 4; 50 Del. Laws, c. 602, § 1; 52 Del. Laws, c. 344, § 8; 54 Del. Laws, c. 43, § 6; 55 Del. Laws, c. 409, § 4; 56 Del. Laws, c. 143, § 3; 56 Del. Laws, c. 292, § 13; 56 Del. Laws, c. 470, § 3; 57 Del. Laws, c. 333, § 8; 58 Del. Laws, c. 189, § 3; 58 Del. Laws, c. 305, §§ 3, 8, 9; 58 Del. Laws, c. 553; 59 Del. Laws, c. 34; 60 Del. Laws, c. 31, § 1; 61 Del. Laws, c. 407, § 3; 61 Del. Laws, c. 409, § 106; 62 Del. Laws, c. 36, § 1; 62 Del. Laws, c. 68, §§ 42(e), 105; 62 Del. Laws, c. 86, § 39; 70 Del. Laws, c. 118, § 317; 70 Del. Laws, c. 210, § 90; 70 Del. Laws, c. 290, §§ 38, 39; 71 Del. Laws, c. 180, § 68; 75 Del. Laws, c. 350, § 382.;