

### **Student Special Health Services**

The Board recognizes that some students may need special health services during the school day. These students shall receive special health services as outlined in the contractual agreement with the agency providing services to the student and the student's Individualized Health Plan (IHP).

The superintendent, in conjunction with licensed health personnel, shall establish administrative guidelines for the implementation of this policy.

Adopted: May 8, 2000  
Revised: December 13, 2010  
Revised: December 14, 2015

Legal Reference:  
Iowa Code 256.11(7); 256B; 273.2, .5, .9(2)-(3); 280.8 (1999)  
281 I.A.C. 41.12(6)(e); 41.96

### Student Special Health Services

1. **General** – This policy shall apply to private duty nurses providing health care to students at school and/or in district vehicles. Except as provided by this policy, no person other than an employee, contractor, agent or representative of the district may provide health care to any student at school and/or in district vehicles.
  - 1.1 A private duty nurse is a duly-licensed health care provider engaged by a student’s parent or guardian or an entity having legal authority to make health care decisions for the student to assume responsibility for the student’s medical care at school and/or in district vehicles, including emergency care. A private duty nurse is not an employee, contractor, agent or representative of the district. The district shall have no responsibility for compensation of the private duty nurse, for any employment-related benefits, for the supervision, terms, conditions or hours of employment, or for the commencement or termination of any such employment.
    - 1.1.1. A private duty nurse will not be permitted by the district to provide health care to a student at school and/or in district vehicles unless the student’s parent or guardian or the entity having legal authority to make health care decisions for the student and the private duty nurse have agreed in writing to comply with this policy and have agreed in writing to assume responsibility for the student’s medical care according to this policy.
  - 1.2 A private duty nurse shall abide by all district and school policies unless specifically stated otherwise in the Individualized Health Plan (IHP) for the student to whom the nurse is providing health care.
  - 1.3 The district will have no responsibility to provide health care to a student to whom a private duty nurse is providing health care, and district staff will not participate in the student’s ongoing medical care and treatment, except that the student and his or her family will participate in and receive the following district health services provided by district school nurses to the extent of the student’s ability as determined by the private duty nurse:
    - Assessment of physical, mental, psycho-social factors that affect the student’s learning adjustment in school;
    - Promotion of healthy lifestyles tailored to the needs of the school population;
    - Screening programs (auditory, vision, heights, weights, scoliosis);
    - Communicable disease control;
    - Immunization status verification; and
    - Health counseling and health guidance to the student and his or her family.

1.3.1. The district's sole function in relation to the private duty nurse is to permit the nurse to accompany his or her patient on school premises and in district vehicles in order to provide his or her patient with health care.

1.3.2. The district shall have no control over or responsibility for the medical care provided by the private duty nurse, nor for the nature or quality of such health care, nor for the outcome of such health care. Except in a medical emergency, the district will not furnish any tools, equipment or material to the private duty nurse.

1.4 **Insurance** – Before providing health care to any student, a private duty nurse will provide the district with a certificate satisfactory to the district demonstrating that the private duty nurse is covered by professional liability insurance, providing coverage limits of at least \$1 million. Such insurance shall be written by a company that has an A.M. best rating of “A” or higher and is otherwise reasonably satisfactory to the district.

1.5 **Removal** – The district reserves the right to require the removal of any private duty nurse for cause, in its discretion, with or without notice, such cause to include, for example and not in limitation, any conduct or condition on the part of the private duty nurse which in the judgment of the district interferes with the educational purposes of the district, endangers the health or safety of any student or district staff, or creates an unreasonable risk of damage to property.

1.6 **Indemnification** – Each nurse who and each health service agency which agrees to provide a student's health care according to this policy and each parent, guardian or other entity who agrees to assume responsibility for a student's health care according to this policy also agrees to indemnify, protect, defend and hold harmless the district and its employees, officers, directors, agents and representatives from and against all claims, demands, and expenses whatsoever (including attorney fees and expenses) for injury or damage to person or property, including without limitation injury or damage to the student, arising from or relating to any error, act or omission of the private duty nurse, the presence of the private duty nurse in a school or district vehicle, and the provision of health care services by the private duty nurse.

1.7 **DNR Directives** – The district shall not be required to comply with any “do not resuscitate” (DNR) directive with respect to any student. No private duty nurse may comply with a DNR directive on district premises or in any district vehicles.

## 2. **Private Duty Nurse**

2.1 The private duty nurse is only responsible for medical services for their client, and shall not be asked to provide medical services of any type to any other students, staff or visitors.

- 2.2 The private duty nurse is an independent contractor employed to provide medical services to an individual student, and shall not be asked to act as a liaison between the school and their client's parent or guardian on education issues.
- 2.3 Unless stated otherwise in the student's IHP, Individualized Education Plan (IEP) or Section 504 Plan, the student's private duty nurse must be allowed visual access and must be available to their client at all times.
- 2.4 The private duty nurse shall make every attempt to ensure that the medical services they provide to their client shall be as non-disruptive and non-intrusive as possible for the client, for other students and for staff.
- 2.5 The private duty nurse shall be responsible for handling any medical emergency involving their client.
- 2.6 The private duty nurse may be requested to attend IEP, IHP or Section 504 meetings about their client to provide relevant medical information.
- 2.7 Health Service Agency agrees to make books and records available, and to require any subcontractor to make books and records available, upon request of district or any authorized auditor or federal or state government representative, including the Secretary of Health and Human Services or the Comptroller General of the United States for up to five (5) years following the furnishing of services or such longer period of time as may be required by law.
- 2.8 Health Service Agency shall conduct background checks pursuant to district standards and procedures for all Health Service Agency personnel providing services. Health Service Agency agrees to provide district with copies of current license information and background check information for those nurses providing care to district students. Health Service Agency also agrees to notify district if there is a change in staff providing care to district's students. Nothing herein shall be construed in any way to diminish or alter the ultimate control, responsibility, and authority of district's Board of Education over district's operations. If, in the discretion of the district, any individual provided by Health Service Agency to provide the services is not capable of providing the services, is not suitable for a public school environment, or is otherwise not approved by the district, Health Service Agency and district shall work together to replace the individual with a different individual as soon as possible. District will fully cooperate with Health Service Agency in Health Service Agency's performance of all duties and obligations assumed by Health Service Agency.

**3. Role of Teachers and Other School Staff**

- 3.1 Teachers and other school staff shall not expect or request the private duty nurse to assist with any tasks, medical or other, for any students other than the private duty nurse's own client.
- 3.2 Teachers and other school staff shall help ensure that the private duty nurse is available to their client – in school, on school property, at school activities and/or on district transportation – at all times.
- 3.3 Teachers and other school staff shall consider the student's medical needs and schedule when planning the student's educational program.
- 3.4 Teachers and other school staff shall not share educational information with the private duty nurse unless it is necessary for medical planning purposes for their client.

**4. School Nurse** – In relation to a student with a private duty nurse and to the private duty nurse, the school nurse's responsibilities are as follows:

- 4.1 Providing the student with the usual school health services that are available to all students, unless stated otherwise in the student's IHP;
- 4.2 Providing back-up emergency nursing support services for the student, as indicated in the student's IHP;
- 4.3 Helping to determine where and when the student's medical needs will be met within the school setting, and
- 4.4 Participating in development of the student's IHP.

**5. Individualized Health Plan (IHP)**

- 5.1 If the student has an IHP which calls for a private duty nurse to be with the student at school, it shall include the following:
  - 5.1.1. In the absence of the private duty nurse, the student may not attend school but shall receive home instruction in accordance with applicable state law;
  - 5.1.2. School staff will abide by district policies and the educational components of the student's IHP, and will not assume or share the duties of the private duty nurse, and
  - 5.1.3. A statement of the clear delineation of the roles of the private duty nurse and the school health nurse, including a statement of their respective obligations and duties in ongoing and emergency medical circumstances.
- 5.2 The IHP must be developed, agreed to by participants and on file in the school office before the student attends school with the private duty nurse.

6. **Communications** – This policy and related district policies, regulations and procedures shall be reviewed with school nurses, private duty nurses and the parents or guardians of students who have private duty nurses.