Questions and Answers from ISBE School Health Update webinar presented live 8-17-18

ILLINOIS STATE BOARD OF EDUCATION

BACK-TO-SCHOOL WEBINAR – Questions Raised by Participants at Live Event Aug. 17, 2018

September 2018

The questions asked and addressed in this document were those that were provided to ISBE staff during the live webinar held on August 17, 2018.

The following questions were received during the IDPH portion of the webinar August 16, 2017, and are referred to Illinois State Board of Education staff.

**Medications**

Can cough drops without active ingredients be given with a parent note and no doctor’s order?

- A “cough drop” without any active ingredients (i.e., no medication, usually only carbs in the form of sugar) are in the same class as “food” or in this case, “candy.” If such are allowed to be carried by a student and taken at will, it stands to reason that these items can be handled in the same manner.

**FERPA**

Can a Health Department Nurse come in to review School Physicals without consent?

- No. “For personally identifiable information from education records to be disclosed to a public health department in a non-emergency situation, unless there is another exception to the consent requirement, FERPA requires that parents and eligible students provide written consent.” Similarly, “Signed and dated consent is generally needed for a school to share vaccination records to public health authorities (e.g., for entry into an immunization registry) or to the child’s health care provider (e.g., for inclusion in the child’s health care record). (statement from FERPA officials to NASSNC, state school nurse consultants, January 2015). But there may be other conditions under which such disclosure is allowable:

  FERPA (Family Education Rights and Privacy Act) does not allow anyone other than school personnel to view any student records, including health records, without parental consent, unless the incidence falls into a clear and present danger “emergency” clause, which should be rare.

  Disclosure may also be made to authorized representatives of federal, state and local educational authorities conducting an audit, evaluation, or enforcement of education programs. For example, ISBE staff can review student records for compliances without written parental consent, but the state or local health department cannot.

  FERPA does allow a school to contract with a non-employee to provide services that a school would normally provide, such as a school nurse that provides services to students under contract with or otherwise under the direct control of the school, or school nutrition staff who are contracted through a food service program who may need to review a record of a student with a food allergy. Such a person or entity acting on behalf of a school may use and view those records, just as they would be if the school maintained the records directly. A parent or school employee may want to verify that anyone outside the school district employment who states their need to view any student records has the authority to do so, such as assurance of a
contract with the school to provide those services. Some local health departments with a small school nurse workforce may enter such agreements to do the kind of auditing that school nurses or other school staff would be performing.

FERPA requires schools to annually notify parents/guardians of their rights under FERPA, which must include criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

For more information on FERPA go to https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html

Absences

Can parents withhold reason for illness? I have had parents refuse to disclose reason for absence due to illness by stating it violates confidentiality.

- Parents cannot be required to disclose a reason for absence, but the schools may also adopt a policy on absence that considers non-disclosure as a reason to mark the absence unexcused, with whatever penalties that may entail. Schools report chronic absenteeism rates to ISBE, and those absences include both excused and unexcused absences, medical and non – medical, except when the absence is due to homebound instruction.

The remaining questions were asked by participants during the live webinar offered by ISBE on August 17, 2018

Concussion

Is that a CSN or is an RN ok for the concussion team?

- Any Registered Nurse who has taken training on concussion management is permitted, and encouraged by state law, to be part of the school or district concussion oversight team.

Diabetes

Can parent decline 504 for student with diabetes?

- Yes. The school should nevertheless maintain an individual health care plan and emergency action plan for the student and share it with appropriate school staff members.

Do you always have to have a 504 for a student with diabetes?

- One must always be offered to the parents; parents may decline. See question

For a diabetic student, if the nurse and/or the diabetic care aid are not available, who is then responsible? Will the parent be required to come in or is the school legally responsible to make sure there is someone to care for them under their 504 plan?

- This scenario should be part of the 504 plan; if the absence will be known in advance, the parent may want to make other arrangements, such as another family member providing the care. In general, if designated staff is not available, whether for nursing or teaching, the school administrator is the responsible party. Parents may, but are never required, to provide the care during the school day.

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Immunizations

What is the appropriate documentation for students who are on a delayed or catching up schedule for immunizations?

- Please refer any specific immunization schedule questions to the Illinois Department of Public Health Immunization Program staff; contact Jan Daniels at janet.daniels@illinois.gov

Influenza

Does the flu vaccine info also pertain to Private schools?

- The law you refer to, Public Act 100-0977, requires the department of public health to provide or publish information regarding influenza, influenza vaccinations, and meningococcal disease and meningococcal vaccinations. Although it does not specifically require the schools to use them, it is the expectation that any school would want to inform parents of such diseases and vaccines available.

Medications

How can we get an order for a stock epinephrine?

- There are many ways to obtain an order to obtain and stock epinephrine auto injectors. Any willing MD, APN or PA may write an order for a school to obtain doses of epinephrine to keep in stock for use on someone not previously diagnosed with a severe allergic disorder. Some schools contact a parent/physician for that service; others contact the physician or health care provider of a student with a severe allergic condition; others contact the medical director of the local health department. Once the order is received, the school or district revises their administration of medication policy to include a statement about keeping a supply of epinephrine on hand, in accordance with Public Act 099-0711.

How does a school district get the undesignated stock albuterol?

- The law allowing schools to stock albuterol for use in an acute asthma episode takes effect January 1, 2019. More information will be provided later this school year.

Are school bus drivers permitted to administer epi pens to students who self-carry on the bus?

- School bus drivers, as any other school employees or contacted employees, who are neither nurse nor an administrator, are permitted but not required to administer any medications. Bus drivers may be trained to give emergency medications such as epinephrine.

Does the rule 226.800 mean that health assistants and principals cannot administer medication if the nurse is not in the building?

- Rule 226.800 specifies nursing interventions to students to be limited to nurses (RN, LPN) “except as may be otherwise authorized under state law.” Such phrase allows school administrators (e.g., principals, assistant principals, superintendents) to give medications to students; it also allows non-nurse, non-administrator, to assist students with medical emergencies, which as part of treatment for an emergency condition may include a medication, such as epinephrine or an asthma inhaler; it also allows the Delegated Diabetic Care Aide to provide medication and other health services to students with diabetes.

Nursing Interventions for Students

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Does that mean that effective now paras are not able to do G-Tube feedings now????

- ISBE staff cannot find reference to any point in time where it was specifically stated that paras (formerly called teacher aides or teaching assistants) were able to also perform non-teaching duties such as nursing service (including but not limited to G-tube feedings in the question). Definitions of non-certified personnel includes para-professional license (also called instructional aide, approved to provide teaching assistance under direction of a licensed teacher) or individual student aides (non-nursing, personal care of a student). Illinois Administrative Rule 1.760, item h), and rule IAC 226.800, item k), both specify that functions assigned to a nurse under the Illinois Nurse Practice Act cannot be assigned to a non-nurse in the schools.

Private school compliance with state laws

Are private schools required to comply with Ann Marie's law? And concussion law?

- Generally, if the law does not state that this law applies to "all public, private, charter" etc. schools, or it directs a "school board" to carry out the law, as it does in Ann Marie’s Law (Public Act 099-0443), and Protecting Our Student Athletes Act (Public Act 097-0204), it does not apply to nonpublic schools such as private or parochial schools. However, the laws were intended to protect all youth and it is common for private schools to adopt similar policies and practices of public schools whenever good judgment would indicate.

Student Privacy Laws

Can we communicate health needs of students with the bus company? Student A = diabetic, Student B = Seizures, Student C, D, E, F = Peanut allergies, etc.

- If the bus company staff are school employees, the answer is yes, if the information is needed for the student to be safe. If the bus company is a non-school employee, such as employed by a separate bus company, the answer is yes, if the information is needed for the student to be safe, and, if there is a formal contractual relationship between the school and the bus company for its employees to perform work that would otherwise be performed by a school employee. It is always best to have written parental consent and participation.
- For additional information on privacy of student records, see question about FERPA elsewhere in this document.

School Nurse Certification (Professional Educator License)

So you are saying that an RN in the school setting is a health aide?? That is an insult—I am a registered nurse with a BSN; I am not a health aide. I am an RN that works in a school setting. I really hope that I am misunderstanding that slide. Please clarify. I am not less of a nurse because I am not certified.

- The definition of school nurse is in school code (state law) and is defined as a Registered Nurse who holds a Professional Educator License (PEL) endorsed in school nursing issued by the Illinois State Board of Education. In order to have a code that distinguishes between the PEL-SN and the RN without PEL-SN, a definition of non-certified health aide (NHA) was written into ISBE rule decades ago as an RN or LPN who does not hold the PEL. The term NHA is primarily used for database coding purposes and is not meant to deny an RN or LPN the credential from using the professional license credential that they have earned if working in a position that requires it. A nurse without PEL is not less of a nurse (RN or LPN, respectively); but an RN with school nurse
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License and endorsement has a broader scope of practice in schools than a nurse without the certification. Just as a social worker who does not hold the PEL with school social work endorsement may be a full-fledged social worker in another setting, and not less of a social worker, they are not a school social worker with a broader or different scope of practice. Many nurses have worked with other nurse who hold certification in other fields, such as ostomy nurse, hospice nurse, critical care nurse, and in those fields as well, those nurses have a broader scope of practice than a nurse without the additional certification and preparation.

- Registered Nurses who have at least a bachelor’s degree in any field are encouraged to enter a state board-approved school nurse certification programs to enlarge their scope of practice in schools.

**Special Education and Nurse Role**

Will nurses who took the content test prior to today 8/17/18 be grandfathered in for the medical review? We have a nurse who took the course over the summer, before we knew about these new regulations.

- If the request for IEP designation and school documentation was received before 8/1/18, the nurse will be permitted to obtain the designation, if all other documentation is approved.

Does the RN working in the school without a PEL School Nurse endorsement need "permission" to sit for the Exam #236 School Nurse Content? Or may the RN simply sign up to take this exam?

- The nurse may register and pay for the test, but without the required documentation from the district and ISBE approval, the test does not provide any additional credential. If the nurse is considering entering a school nurse certification program, the test will be required and may be used as part of that process.

Does an RN that received IEP health review designation need to periodically renew that designation?

- The RN with IEP Designation only needs to maintain RN license; no further professional development is required. However, if the RN takes a position in a district different than the one through which the designation was obtained, or changes again at any future time, a new IEP Designation form must be completed by the new employer. The form is approved only after the district has complied with the requirement to first seek a PEL holding School Nurse for work requiring IEP evaluations and planning.

**Sports Physicals**

To confirm for sports participation only, a student may provide a physician statement that he is OK to participate in sports and no specific form is required. Must the letter state the day of the exam or may we use the date the letter is written for the 395 day rule?

- Both IHSA and IESA require “a certificate of physical fitness” issued “not more than 395 days preceding” the start of tryouts, practice or play. The form is provided as a service; its use is optional. The See section 2.150 of the IHSA rules at this link: [http://ihsa.org/documents/forms/current/IHSA_Section2.pdf](http://ihsa.org/documents/forms/current/IHSA_Section2.pdf)

**Staff Physical Exams**

Do we need to keep a copy of staff physicals?
The maintenance of staff physical exams is a decision made by the school or district administration. If maintained by the school nurse, extra caution should be made regarding security of the files.