School Health Update
2016

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Today’s Objectives

- Participants will be able to describe new or revised Illinois laws, rules, and guidance that form successful strategies toward achieving the Illinois State Board of Education (ISBE) goal:

  "Every school offers a safe and healthy learning environment for all students."

- Participants will be able to describe what changes in their district’s policies and procedures need revision to comply with federal or state laws or rules.

- Participants will be able to discuss school health services delivery structures that may increase efficiency, increase reimbursement, and reduce costs.
Hierarchy of School Health: Federal

504, ESSA, IDEA, HIPAA, FERPA

State Health Statutes, Nurse Practice Act, ISBE Regulations & Guidance

School Board Policy

Local Practices and Organizational Structure

Admin, Staff

SCHOOL

DEPARTMENT

DISTRICT

STATE

FEDERAL

(Shannon & Gerdes, 2015)
Federal School Health Update

- Every Student Succeeds Act (ESSA)
  - Specialized Instructional Service Personnel
  - Chronic disease management and education by RNs

- Individuals with Disabilities Education Act (IDEA)
  - Full evaluations
  - Qualified personnel

- Section 504
  - 504 Plans
  - Individual Health (Care) Plans
  - Qualified personnel
Family Educational Rights and Privacy Act (FERPA)
- Exceptions for serious and imminent threats to health and safety
- Required release related to individual vaccine compliance
- Release of information related to outbreaks of communicable disease
- Illinois School Student Records Act (state law related to FERPA) and record retention – permanent and temporary, health, and health-related

Health Insurance Portability and Accountability Act (HIPAA)
- Definition of HIPAA-covered entity
- Treatment, payment, operations exceptions
- “Covered entity”: a health care provider, including a school nurse, when involved in treatment, payment, operations under some circumstances

Federal Communicable Disease Regulations
Eliminate Disease – Preserve FERPA

- Mandate upon health care providers on “reportable diseases”
  - Centers for Disease Control and Prevention (CDC) regulations to state health departments
  - State health departments to health care providers
  - Downloadable posters produced by Illinois Department of Public Health (IDPH)
  - No names, initials, or other identification may be released outside of school without written parental release, with few exceptions
  - Diseases required to be reported “immediately” (e.g., within three hours) or “within three days” are exempt from FERPA requirement for written parental permission based on public health emergency clause (by agreement between ISBE and IDPH)
IDEA’s Other Health Impairment (OHI): The “Health” Qualifier

- “By their very nature, other health impairments involve medical care and medical concerns.”
  http://www.parentcenterhub.org/repository/ohi/#medical

- ISBE expects involvement of Registered Nurse
  - In the initial health evaluation and re-evaluations
  - In developing the present levels of functional performance
  - In the treatment plan
  - In the educational plan

- Consider also evaluating and reporting on health strengths
Other Health Impairments

... not

Other: Health Impairments

What disabilities does IDEA mention in its definition of Other Health Impairment?

- **ADD and ADHD** (Attention Deficit Disorder and Attention Deficit Hyperactivity Disorder)
- Diabetes
- Epilepsy
- Heart conditions
- Hemophilia
- Lead poisoning
- Leukemia
- Nephritis
- Rheumatic fever
- Sickle cell anemia
- Tourette syndrome

The list of acute or chronic health conditions in the definition of “other health impairment” is not exhaustive, but rather provides examples of problems that students have that could make them eligible for special education and related services under that category. (71 Fed. Reg. at 46550)
Transition Plans

- Federal law requires transition plans by age 16 years, but states can provide at younger age; Illinois requires that transition plans be in effect on or before a student turns 14 ½ years of age.

- Goals and services in the area of independent living skills are required (in addition to post-secondary goals and services in areas of training, education and employment).

- Resource: *Got Transition*, Center for Health Care Transition Improvement, a cooperative agreement between the U.S. Maternal and Child Health Bureau and the National Alliance to Advance Adolescent Health.

- For students with IEPs and health needs, consider a transition service and health goal written for the student, encouraging independence.

  - Examples: define his or her condition using medically accurate terms; list/spell or speak names of daily medications; practice health-related self-care, such as personal hygiene, medical treatments, refill of prescriptions (as demonstrated to and evaluated by the RN).
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State Law – Health Care Providers


- “Mid-level” Practitioners
  - Advance Practice Nurse
  - Physician Assistant

- Illinois State Nurse Practice Acts
  - Registered Nurse (RN)
  - Licensed Practical Nurse (LPN)
  - Differences in scope of practice
  - Check licenses: [www.idfpr.com](http://www.idfpr.com)

- Delegation rules
- “Sunset” review of Illinois Nurse Practice Act
Illinois Student Health Services Workforce, 2014-2015

- RN FTE direct service 978*
- LPN FTE direct service 120*
- Health Extenders Direct & Regular Service 220*
- RN Supplemental 31*
- RN special assignments 100*

* Preliminary data, school nurses reporting

- RNs with PEL* (certified): 1,007
- RN with non-PEL IEP designation: 707

- Professional Educator License (PEL) with school nurse endorsement (formerly certificates with types)
State Law - Students

- State legislation on student health
  - Health entry requirements
  - Exclusion for noncompliance (Oct. 15 or earlier)
  - Homeless
  - Foster (Department of Children and Family Services placement)
  - Medication laws (self-carry/self-administer, epinephrine, diabetes care, asthma rescue inhalers)
- Minor consent:
  - Mental health
  - Sexual health
  - Drug use/abuse
  - Emancipated minor, unaccompanied minor
Student Vaccinations

- Medical Schedule; Medical Contraindications; Physician Statement of Immunity, Religious Objection, Homeless status the only exceptions and must be documented in student health record (permanent)

- Religious objection (P.A. 99-0249) needs to be signed by health care provider who attests counseled parent on benefits of vaccination to student and community

- State form required at grade levels in conjunction with required physical examinations:
  - Kindergarten, first entry to Illinois school, sixth grade, ninth grade
  - Pending: Anytime a new vaccine is required if not in those grade levels
Reports to ISBE and Public

- IWAS report: due by Nov. 15, based on district compliance date (Oct. 15 or earlier, not both)
- By December 1 of each year, schools must make publicly available the immunization data they are required to submit to the ISBE (P.A. 097-0910)
- ISBE and Regional Offices of Education monitoring visits
- Additional IDPH rules pending
Illinois Health Education Requirements

- Critical Health Problems and Comprehensive Health Education Act (P.A. 99-078)
- Rule requirement: kindergarten through grade 12; incorporated into curriculum K-5; 16 weeks at middle school, 16 weeks at high school
- May be scheduled during required daily PE time (students with adapted sports activity outside of school can petition for waiver from daily PE, but not from health education)
- ESSA: Health education is a “core” subject for well-rounded education (similarly, consider developmentally appropriate instruction)
Required Health Education Topics

- Prevention and control of disease, including in grades 6-12, prevention, transmission and spread of AIDS
- Age-appropriate sexual abuse and assault awareness and prevention, pre-k through grade 12
- Medical and legal aspects of alcohol, drug use and abuse, tobacco use
- Evidence-based and medically accurate information regarding sexual abstinence
- Abandoned Newborn Infant Protection Act
- Cardiopulmonary resuscitation /automated external defibrillator (CPR/AED) training (P.A. 98-0632) in high school: negotiable in IEP; consider cognition as well as physical skills
- And more...
Optional Health Education Topics

- Notwithstanding the above educational areas, the following topics may also be included as a basis for curricula in all elementary and secondary schools in Illinois: basic first aid (including, but not limited to, cardiopulmonary resuscitation and the Heimlich maneuver), heart disease, diabetes, stroke, the prevention of child abuse, neglect, and suicide, and teen dating violence in grades seven through 12.

- Comprehensive sexual health education, if taught, must meet requirements of P.A. 98-0441 (Sex Education) for grades six through 12: include instruction in both abstinence and contraception, and utilize materials that are evidence-based and medically accurate.

- Parents may opt children out of CPR/AED and “family life” or sexual health education.
Physical Fitness Assessment in Schools

- Public Act 98-0859 (Physical Fitness Assessment in Schools) requires fitness testing of students grades three through 12.

- Indicators to be reported to ISBE on aerobic capacity, muscular strength, endurance and flexibility of students in grades five, seven, and 10 only, with results including demographic information (grade, gender).

- Different set of testing protocols available for students with disabilities (conference session Thursday Aug. 4, 12:30 pm).

- Development of protocols to protect students’ confidentiality and individual identifiers.

State Law - Staff

- Tuberculosis testing of new school staff in all facilities with preschool-age children

- Vaccines for all employees of licensed child care facilities caring for children ages 6 and under:
  - MMR vaccine (two doses, or proof of immunity to measles, mumps and rubella)
  - Tdap vaccine (one dose)
Required Health Training for School District Personnel

P.A. 098-0471, P.A. 099-0030, P.A. 099-0443 require staff training on:

- Signs of mental illness and suicidal behavior (grades seven through 12, staff - frequency not specified)
- Domestic violence, sexual violence and needs of pregnant/parenting youth (every two years)
- Anaphylactic reactions and management (at least every two years)
- Psychotropic medications
- Model district suicide prevention policy
- Instruction on prevalent student chronic health conditions

District emergency procedure to be followed in cases of injury to or sudden illness of students and/or staff (23 IAC 1.530)

Federal and state OSHA laws (blood-borne pathogen)

- Registered nurse may be utilized for staff training; “canned” training does not always meet the full requirements of law or rule
Diagnosed Chronic Health Conditions, 2014-2015*

- 6% asthma (59,473 students)
- 1.6% life threatening allergy (15,139 students)
- 0.2% Type 1 Diabetes (2,383 students)
- 0.9% seizure disorder (9,127 students)
- 0.1% Type 2 Diabetes (1,486 students)

939,875 students counted

*Preliminary data, school nurses reporting
Recently Enacted Laws

- Establish concussion policy, protocols and procedures (P.A. 99-0486 / Student Athletes)
- Heroin and Opioid Abuse Act: policy, protocols, training (P.A.99-0480)
- Compassionate use of Cannabis Act (P.A. 98-0122)
- Youth suicide awareness and prevention (P.A. 99-0443)
  - Model suicide prevention policy on ISBE website
  - Districts must adopt and make public similar policy
- Related rules:
  - [http://www.isbe.net/rules/default.htm](http://www.isbe.net/rules/default.htm)
Recently Passed - at Governor

HB 6333 - Asthma Action Plan
- requires each district and school (including charter and non-public) to request AAP
- Requires ISBE to develop a model asthma emergency response protocol by Sept. 1, 2016
- Requires each district and school to adopt a similar protocol by Jan. 1, 2017

SB 2137 - Staff training on Americans with Disabilities Act

SB 2440 - Principal Endorsement eligible by SSP

HB 4352 - Dyslexia - defines dyslexia in school code for use in both general and special education

HB 4462 - Emergency Epinephrine
Epinephrine: P.A. 98-0795, HB 4462

- Authorizes *but does not require* undesignated epinephrine to be available in Illinois schools
- Allows administration of undesignated epinephrine to any person with symptoms of anaphylaxis (severe allergic reaction) not previously known to have severe allergy and/or not previously given a prescription for epinephrine
- Rules define training required for non-nurse school staff
- HB 4462:
  - expands the locations where undesignated epinephrine may be kept and used (restaurants, child care centers, etc.)
  - adds private (contracted) school bus transportation companies
  - requires districts to notify ISBE upon adoption or revision of policy
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(Shannon & Gerdes, 2015)
Evaluation for Special Education - Health

- IDEA requirement to rule out medical issues (among others) prior to determining student to have a learning disability

- Components of Medical Review (IAC 226.160): Parts 1-4, assessment and data collection; Part 5, recommendations, goals, evaluation
  

- 23 IAC Section 1.610: All professional employees...shall be properly licensed as required

- Personnel qualified to perform Medical Review
  - Parts 1-4: RN, MD
  - Part 5: RN with PEL endorsement or otherwise designated

- No other personnel other than MD or RN qualified to assume responsibility for this evaluation

- Role of RN on IEP team
RNs Authorized to Provide Instructional Judgment and Educational Evaluation

- RN holding a PEL endorsed in school nursing
- RN without PEL, who obtained designation for IEP through coursework or test option
- Both credentials are searchable on the Educator Licensure Information System

By June 30:
- More than 700 RNs had completed the course
- 12 RNs have met designation through test option
381 RNs have completed the course
80 spring 2014
71 summer 2014
76 fall 2014
74 winter 2015
80 spring 2015

2 RNs have indicated completed test option

Classes scheduled through Spring 2016

Significant of July 1, 2016

Components of medical review

Qualifications of persons to conduct medical review

Role of RN on IEP teams

Form on which to document designation for IEP for non-ISBE school nurses coming soon
What Changed on July 1?

- A school district or special education cooperative that does not have a person qualified to perform all five components of a Medical Review by June 30, and needs one, must be “actively engaged” in an effort to recruit and hire a registered nurse who holds the PEL endorsement in school nursing.

- “Active engagement” can be demonstrated by a position posting that is publicized in a way that would demonstrate effort to recruit a qualified candidate.

- The posting for a position that requires the PEL endorsement must meet the requirements of the School Code (105 ILCS 5/21B-25), which stipulates that the “holder of such an endorsement is entitled to all of the rights and privileges granted holders of any other Professional Educator License, including teacher benefits, compensation, and working conditions.”
Required Documents

Six required documents a district/cooperative submits to ISBE for review and approval:

1. The position posting as advertised
2. The results of such recruitment
3. Letter from the public school district or special education cooperative administrator indicating that the RN’s duties will include providing educational evaluation and instructional judgment for students being evaluated or reevaluated for special education services
4. Cover letter from the RN, including degree(s) (at least a bachelor’s degree in nursing, education, or related field)
5. Copy of current RN licensure
6. Proof of current employment (pay stub) or notice of hire (contract, board minutes) by the district or special education cooperative, or agency contracted.
How Can Schools Better Utilize a School Health Services Team?

- Nurse Practice Act, and other medical/health care acts, refer to non-licensed health care providers assisting in the health care team.

- ISBE 23 IAC 1.760(h): The duty to provide registered professional nursing practices, as defined in Section 50-10 of the Nurse Practice Act, shall not be included among the functions assigned to any school district personnel not covered by the job description required for school nurses.

- ISBE 23 IAC 226.800(k): Clarification of Nurse Practice Act nursing activities as practiced in Illinois schools.
Reimbursement for School Nursing Services: Really? Really!
Staff Positions Qualifying for Reimbursement for Special Education

- Certified (PEL with endorsement) school nurse

- Non-certified qualified staff:
  - Non-Certified Health Aide (NHA) - licensed by the Illinois Department of Financial and Professional Regulation as an RN or LPN, but without ISBE PEL endorsement in school nursing
  - NHA includes the RN with designation for IEP privileges
  - Individual student aide: non-nurse, non-instructional support
  - Paraprofessional educator: a staff member holding paraprofessional educator who is not an RN or LPN may not perform nursing activities; similarly, an RN or LPN under the NHA position may not perform duties of a paraprofessional (instructional assistance)
  - Consider utilizing NHA with para license to increase cost-efficiency
Suggestions for Cost Efficiency

- Utilize the RN with PEL for functions that require PEL and for which the certification training prepared them
  - IEP work (medical/health evaluation, IEP goals/evaluation)
  - Policy development
  - Program evaluation
  - Instruction (staff in-service, student instruction, as permitted)
  - Supervision of other health service staff

- Utilize RN without PEL for professional nurse functions
  - Creating Individual Health Plans
  - 504 plans
  - Direct nursing care
Suggestions for Cost Efficiency, cont.

- Utilize the LPN for direct care of 1:1 care under delegation and supervision of Registered Nurse

- Utilize the LPN as second office nurse in large schools or campuses, in close proximity to RN

- Utilize a nurse aide or individual student aide for minor first aid or one-to-one aide for student not needing nursing care that requires license

- Utilize adult or student volunteers with attention to FERPA and infection control (filing, ordering supplies, checking equipment, mailings, research)
The “21 Tasks” of the CNA – Includes Personal Care Tasks, Such As:

<table>
<thead>
<tr>
<th>Meal preparation</th>
<th>Ambulation assistance</th>
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<tbody>
<tr>
<td>Meal set-up</td>
<td>Catheter: changing of bags and charting amounts</td>
</tr>
<tr>
<td>Oral feeding</td>
<td>Ostomy care: empty, clean, change appliance</td>
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<tr>
<td>Oral care</td>
<td>Turn and position</td>
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<tr>
<td>Nail care</td>
<td>Charting requested information</td>
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<tr>
<td>Basic hygiene</td>
<td>Recreation activities</td>
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<tr>
<td>Bathing</td>
<td>Obtaining temperature</td>
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<tr>
<td>Dressing</td>
<td>Obtaining pulse</td>
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<tr>
<td>Toileting</td>
<td>Obtaining blood pressure</td>
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<tr>
<td>Changing bed linens</td>
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Reimbursement for Nursing Services

- Medicaid
  - “free care rule” letter and follow-up
  - School-based health care the only service location outside the home where health care services are delivered without third party reimbursement
  - The Centers for Medicare and Medicaid (CMS) recently released the "Medicaid School Based Administrative Claiming Guide". The Guide offers instructions on submitting claims for school-based administrative costs and implementing and managing administrative claiming programs in accordance with statutory and regulatory requirements
  - The Illinois Department of Health and Family Services is currently reviewing the new guide in the context of the approved Illinois program, and will be notifying school districts of any changes in the program
  - NAME - National Alliance for Medicaid in Education, and Healthy Schools Campaign, both working to achieve increased reimbursement for school healthcare services
  - Further information about the school-based health services program is available at via the School-Based Health Services website http://www.sbhsillinois.com/
Home and Hospital Instruction

- Medical certification form (sample)
- Does not require a 504 plan
- Special education credentials if IEP
In addition to ISBE resources and the School Code, these resources were used in preparation of this session:


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