

Federal and State Laws Governing School Health Services

Certain school health services are required by federal and state law. This is a summary of statutes and regulations governing school districts in Alaska related to health services.

Federal Law

Laws passed by Congress to eliminate discrimination and assure equal access for people with disabilities include requirements for school districts. The Individuals with Disabilities Education Improvement Act (IDEIA) defines special education responsibilities, while the Americans with Disabilities Act (ADA) Amendments Act and the Rehabilitation Act Section 504 (§ 504) are civil rights acts that assure equal access to free appropriate public education (FAPE) in the least restrictive environment for children with disability-related learning problems. Related U.S. Department of Education regulations (34 CFR Part 300.111) require states and school districts to ensure that all children with disabilities, and who are in need of special education and related services (e.g., **school health**) are identified, located, and evaluated.

Under these laws, school districts are required to:

- 1) Conduct Child Find to assure that all students with a disability are identified.
- 2) Establish standards and procedures for evaluating students and determining their eligibility for services.
- 3) Meet the needs of students to ensure that they receive the same access to education as other students.

Disabilities may be cognitive, physical, or a combination of both. Students with disabilities may require special education services or 'related services', which may include health services, occupational therapy, physical therapy, counseling, assistive technology and/or transportation. Each student's needs must be assessed individually.

- The appropriate forum for making decisions regarding special education services is the *Individualized Education Program/Individualized Family Service Plan (IEP/IFSP)* meeting.
- A written record should be kept of the alternatives considered and solutions selected for students with a disability who do not need special education. A *504 Accommodation Plan* may be required.
- The ADA protects access to a free affordable public education for students with certain health conditions, such as diabetes, and other chronic health conditions, who may not require either an IEP/IFSP or a 504 Accommodation Plan. While not required by law, these students' safety still depends on a specific planning effort which is often recorded in an *Individualized Healthcare Plan (IHP)* and/or *Emergency Care or Action Plan* based on health care provider orders.

These Federal requirements are brought into Alaska state law at 4 AAC 52.090 - 4 AAC 52.130.

Other Federal laws:

- Protect the confidentiality of student health records (Family Educational Rights and Privacy Act, or FERPA under 20 U.S.C. §1232g; 34 CFR Part 99) and
- Protect school employee safety when handling bloodborne pathogens (Bloodborne Pathogen Standard in the Occupational Safety and Health Administration, or OSHA). Also, under 29 CFR

1910.1030 (adopted by Alaska state law in 8 AAC 61.1010), school districts are required to provide Bloodborne Pathogen Training for employees expected to respond to potentially hazardous situations, before initial assignment and annually thereafter.

Alaska Law

School districts are required to:

- Provide for and require a tuberculosis (TB) skin test for each kindergarten and 7th grade student and all students enrolling with the district for the first time. If TB is active in the community, the AK Division of Public Health may require more frequent testing. (7 AAC 27.213 under: AS 14.30.045, AS 14.30.065, AS 18.05.040, AS 44.29.020)
- Provide for and require a (i) physical examination of, and (ii) vision and hearing screening for every child entering an Alaska school for the first time and at regular intervals set by the district. ((i) AS 14.30.070 and (ii) AS 14.30.127)
- Require all students to have been immunized against: diphtheria, tetanus, polio, pertussis, measles, mumps, hepatitis A, hepatitis B, varicella and rubella; except rubella is not required in children 12 years of age or older. (AS 14.30.125 and 4 AAC 06.055)
- Allow students to self-administer medication for asthma and anaphylaxis. (AS 14.30.141)
- Provide indemnity to board members, school district agents, employees, teachers, student teachers, officers, or supervisory or administrative staff members for acts taken under the direction of the school board if the act is within the course or scope of their duties. (AS 14.12.115)
- Report suspected child abuse or neglect (AS 47.17.020 pertains to teachers, school administrators, and school health staff) and abide by standards set for student interviews at school by law enforcement or the Department of Health & Social Services (AS 47.17.027).
- Develop a Crisis Response Plan for use in schools and form a school-specific crisis response team. (AS 14.33.100)
- Adopt policy that prohibits the harassment, intimidation, or bullying of any student. (AS 14.33.200)
- Follow Alaska Board of Nursing Statutes and Regulations pertaining to delegation of nursing functions. (AS 08.68.805 and 12 AAC 44.950-44.975)

State law also requires school districts to train school district staff. Mandated health-related topics include:

- Alcohol and Drug Related Disabilities – one-time training within 45 days after the first day of work for each teacher, administrator, counselor or specialist. (AS 14.20.680)
- Domestic Violence and Sexual Assault (AS 18.66.310), and Child Abuse – initial training within 6 months of employment and every 5 years thereafter (AS 47.17.022) – for those required by law to report child abuse or neglect under AS 47.17.020, including teachers, administrative staff, nurses, and counselors.
- Education for Children with Disabilities and Gifted Children – for special education aides before or concurrent with providing direct or related services. (4AAC 52.250)
- School Crisis Response – for all district employees annually. (AS 14.33.100([d]))
- Suicide Awareness and Prevention – annually for 7-12 grade public school teachers, administrators, counselors and specialists. (Senate Bill 137 Chapter 34 SLA 12)