



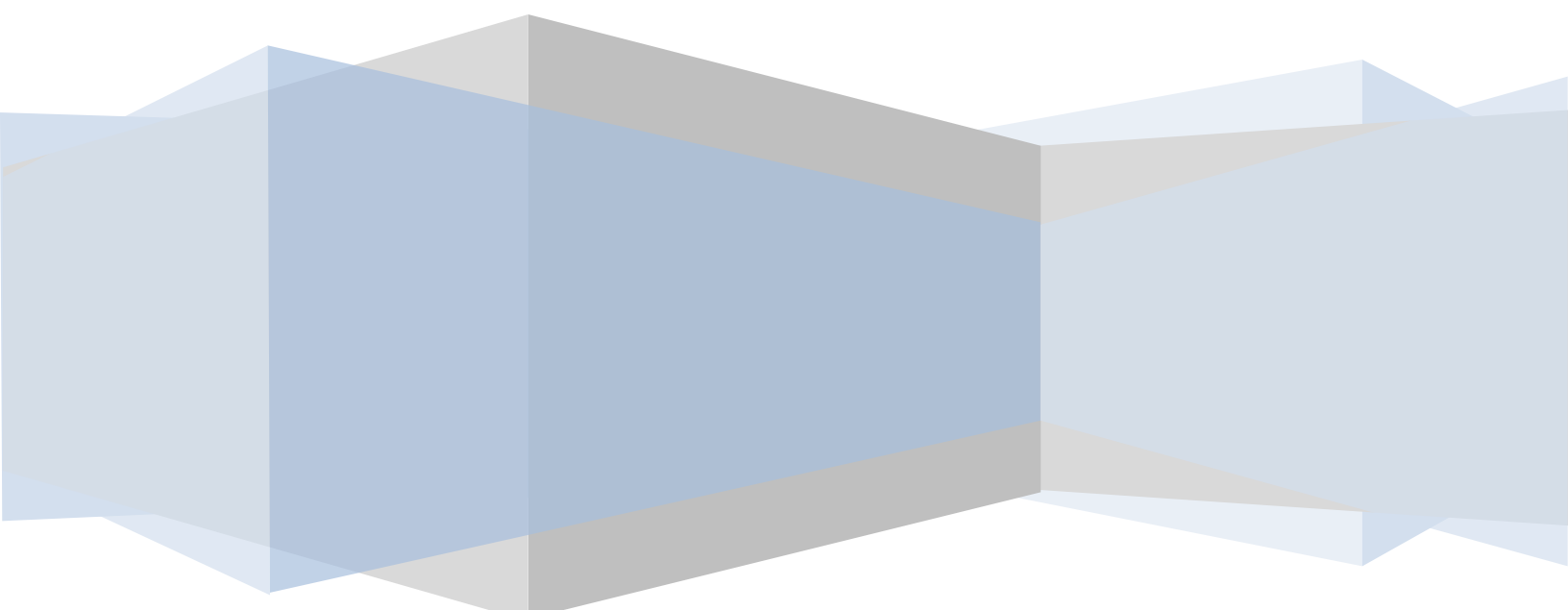
Iowa Department of Education

# Iowa School Health Legal Reference Summary

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# Iowa School Health Legal Reference Summary

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## Abuse of a Child by a School Employee

School districts and schools shall prescribe a model policy adopted by the Department of Education for the handling of reports of suspected child abuse of students by a school employee, as defined in [Iowa Administrative Code 281 Chapter 102](#) and [Iowa Code section 280.17](#).DHS

**Iowa Department of Education Resource:** [Chapter 102 Level 1 Investigator Manual](#)

## Abuse of a Child by a Caretaker

Licensed school employees, authorized coaches, para-educators, and additional school staff are required to report suspected child or dependent adult abuse to the Department of Human Services within 24 hours followed by a written report within 48 hours. Licensing boards require approved training by the Department of Public Health as part of licensure/renewal. Approved two hour training is required for employment every 5 years. [Iowa Code §§ 232.68-232.70](#).

## Age of Minority

The age of minority extends to the age of 18, but all minors attain majority by marriage. Additionally, a person less than 18 years old who has been tried, convicted and sentenced as an adult or committed to the custody of the director of the Department for Corrections shall be deemed to have attained majority, Iowa Code § 599.1.

## At-Risk Children

Funding is appropriated for programs provided for at risk children. [Iowa Code § 279.51](#) and [Iowa Administrative Code 281 chapter 67](#). The board of directors for each public school district shall incorporate into the kindergarten admissions program criteria and procedures for identification of at risk students throughout the school-age population as part of the comprehensive school improvement plan. [Iowa Code § 280.19](#) and [281 IAC 12.5\(13\)](#).

**Iowa Department of Education Resource:** [At-Risk](#)

## Automated External Defibrillator

A school, as an entity, or person that maintains and inspects an AED, maintains records of inspection in accordance with the AED's manufacturer's guidelines, and ensures the AED conforms to national accepted guidelines for treating cardiac arrest ([641 IAC143.12\(135\)](#)) limits liability for the responder using the AED at the place of the emergency, in transit to or from the emergency or while such persons are being moved to or from an emergency shelter. Iowa Code § 613.17.

## Birth Certificate

There are no state requirements for parents to provide to the school, state issued birth certificate to demonstrate compulsory attendance age. School may require proof of date of birth to ensure the child is school age by September 15 to meet compulsory attendance requirements.

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## Blood Borne Pathogens

Iowa schools and education agencies, as employees, are required to develop an occupational exposure to blood borne pathogen program that includes a written policy and guidelines for employees who render first aid. The plan addresses standards to include, but not limited to: scope, application, definitions, exposure control, and methods for compliance, Hepatitis B vaccination, post exposure evaluation and follow up, hazards, recordkeeping, and communication with employees. If an employee renders first aid as a collateral duty to their routine work assignments and are not offered the pre-exposure Hepatitis B vaccination, provided that a number of conditions are met, OSHA will consider it a de minimus violation (violation carrying no penalties or citations issued). [29 USC 653](#); [29 CFR 1910.1030](#).

**Iowa Department of Education Resource:** [School Nurse Resources](#)

## Blood Donation

Students who are 17 years of age may donate blood in a voluntary and non-compensatory way without parental consent and students who are 16 may donate blood in a voluntary and non-compensatory way with parental consent. [Iowa Code § 599.6](#).

## Brain Injury-Concussion

Annually, 7<sup>th</sup> thru 12<sup>th</sup> grade students, who participate in interscholastic sports with the Iowa High School Athletic Association and the Iowa Girls High School Athletic Union, and their parents shall receive and sign a concussion/brain injury information sheet prior to participation. A student's coach or contestant official who observes sign, symptoms, or behaviors consistent with a potential brain injury or concussion will remove a student immediately from participation. The student removed from play may not return to participation until cleared by a physician, physician's assistant, chiropractor, nurse, an advanced registered nurse practitioner, physical therapist, or athletic trainer licensed pursuant to [Iowa Code section 280.13C](#).

**Iowa Department of Education Resource:** [Student Health Conditions](#)

## Bullying-Harassment

On or before September 1, 2007, school boards or authorities in charge of accredited nonpublic schools shall adopt a policy to address bullying/harassment that may occur on school property, in school, at any school function, or school sponsored activity regardless of its location. The school shall make the policy available to all employees, volunteers, students, parents or guardians. The school board and authorities in charge of each nonpublic school shall develop and maintain a system to collect harassment and bullying incident data, as written in their policy, and report data collected to the local community, [Iowa Code § 280.28](#).

**Iowa Department of Education Resource:** [Anti-Bullying/Anti-Harassment](#)

## Cardiopulmonary Resuscitation [CPR] Requirement

Schools follow a standard for the cardiopulmonary resuscitation course completion requirement that is included in the "[Healthy Kids Act](#)," that requires graduating high school students to have completed a psychomotor course leading up to certification in CPR taught by a person employed by

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the school or a volunteer certified to teach CPR. The law exempts students unable to physically manage the course. A school or school district shall accept certification provided by a student from any nationally recognized course in CPR as meeting this requirement. A school may not accept infant CPR certification only. 281 IAC 12.5(20).

**Iowa Department of Education Resource:** [Healthy Kids Act](#)

### Child Find:

All children residing in the state with disabilities [including homeless children, children who are wards of the state, children who attend public or private school] regardless of the severity of their disability, and who are in need of special education and related services, must be identified, located and evaluated. Practical methods must be developed and implemented to determine which children are currently receiving needed special education and related services. 281 IAC41.111(1); Iowa Code chapter 256B, and [34 CFR 300](#).

**Iowa Department of Education Resource:** [Administrative Rules of Special Education](#)

### Recommendation for school nurses to assist schools in Child Find:

Best practice for school nurses to assist schools in early identification of child find for children would include notifying the school district or school's Special Education Director and 504 coordinator of all current individual health plans developed by the school. Additional notification would be warranted whenever an individual health plan is developed for a student, annually thereafter, or whenever there is a substantial change to the individual health plan in accordance with the students health needs.

### Clinical Laboratory Improvement Amendments (CLIA)-Certificate of Waiver for Iowa Schools

The state department maintains certification of waiver for all Iowa schools because some schools are Medicaid enrolled entities and are considered a facility where school nurses perform laboratory testing in the course of the school day. Examples include, but are not limited to: rapid streptococcal tests, urine specimens to monitor for ketones, blood glucose monitoring and bus driver drug/alcohol testing to meet the Department of Transportation requirements for school transportation personnel. Schools that perform less than 15 types of tests in the course of business fall under the state waiver. The Clinical Laboratory Improvement Amendment of 1988 allows waived tests cleared by the FDA to be conducted by facilities who are certified. [42 CFR 493](#).

**Iowa Department of Education Resource:** [School Nurse Resources](#)

### Closing a School – Communicable Disease

The Iowa Department of Public Health, in conjunction with the Governor, may issue an order for temporary closure of a public school or accredited nonpublic school district to prevent and control transmission of communicable disease. [Iowa Code § 135.144](#).



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## Communicable Disease, Poisoning, Illness Reporting Requirement

School nurses, as health care providers, also health care providers, meaning school personnel, or schools, who attend to any person with a reportable disease, reportable poisoning, or toxic agent illness are required to report to the Iowa Department of Public Health and local public health department. [Iowa Code chapter 139A](#). Any person who knowingly violates this law is subject to a simple misdemeanor and reported to their licensing board. Any school who repeatedly fails to comply with this rule is subject to civil penalty. [Iowa Code chapter 139A](#).

### Reporting Recommendation:

It is recommended that each school building report to the Department of Public Health when 10% of the school population is absent to assist the Iowa Department of Public Health Center for Acute Disease Epidemiology [CADE] with monitoring statewide for potential health related issues. See [Iowa School Surveillance System](#).

**Iowa Department of Education:** [Student Health Conditions](#)

## Compulsory Attendance

### Four Year Olds:

A child who reached the age of four by September 15 and who is enrolled in a statewide voluntary preschool program under [Chapter 256C](#) shall be considered of compulsory attendance age. [Iowa Code chapter 299](#). A child who does not attend the preschool program required days may be dropped from the program.

### Five Year Olds:

A child who has reached the age of five by September 15 and who is enrolled in a school district shall be considered of compulsory attendance age.

### Six Year Olds:

Parents or legal guardians of children whom have reached the age of six and are under sixteen years of age on or after September 15 are required to meet compulsory attendance requirements to attend either a public school, accredited nonpublic school, competent private instruction or independent private instruction. A school may refer the matter of truancy to a county attorney for mediation or prosecution in the parent or guardian refuses to accept the school's attempt to assure the child's attendance to meet regulations set forth in [Iowa Code chapter 299](#). A person who is of compulsory attendance age who does not meet the requirements in [Iowa Code chapter 299](#) shall not receive a full driver's license until eighteen years of age.

**Iowa Department of Education:** [Compulsory Attendance](#)

## Confidentiality

Students diagnosed with human immunodeficiency virus [HIV] / acquired immunodeficiency syndrome [AIDS] have legal rights to confidentiality. HIV/AIDS testing and counseling are

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confidential. Disclosure of information regarding any person with HIV/AIDS is strictly prohibited without specific consent written by the person or legal guardian. [Iowa Code § 141A.9](#).

A school, as part of a multidisciplinary community service team, may sign an agreement to share information concerning a student on a confidential basis to collaborate and not duplicate services. [Iowa Code § 331.909](#).

The state shall take appropriate action, in accordance with Section 444 of the General Education Provisions Act, to ensure the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by a local education agency pursuant to part B of the Act. [281 IAC 41.610](#).

## Consent-Minor

### Substance Abuse:

Students seeking voluntary substance abuse treatment or rehabilitation are not required to notify their parents and may provide their own consent. [Iowa Code § 125.33](#).

### Contraceptive Services:

Students seeking contraceptive services may give written consent for services. [Iowa Code § 141.A7 \(3\)](#); *Blackledge v. Allison*, 431 U.S. 67 (1977).

### HIV:

Students who are not pregnant may provide consent to the provision of medical care or services for the prevention, diagnosis, or treatment of HIV. [641 IAC 11.3 and Iowa Code chapters 139A & 141A](#). If the HIV testing is positive, parents will be notified.

### Emergency Care:

Healthcare providers are not required to obtain parental consent prior to rendering emergency health services to a minor, if the parent or guardian is not reasonably available. [Iowa Code § 147A.10\(2\)](#).

### Sexually Transmitted Disease (Prevention, Diagnosis, and Treatment):

Students are not required to obtain parental consent for medical services related to the treatment of sexually transmitted disease. Students are able to consent to Hepatitis B vaccination and treatment of chlamydia, gonorrhea, Hepatitis B, Hepatitis C, Human Papillomavirus (HPV), and syphilis. [Iowa Code § 139A.35](#).

### Victim of Sexual Abuse or Assault:

A student who is the victim of sexual abuse or assault may receive medical or mental health services without consent or knowledge of the student's parent or legal guardian. [Iowa Code § 915.35\(1\)-\(3\)](#).

## Corporal Punishment Ban, Restraint, Physical Confinement and Detention

This regulation provides definitions, limitations, and requirements for schools to follow when using physical restraint, physical confinement or detention. Schools shall maintain documentation for each

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occurrence and attempt to notify the parent or guardian on the same day that the child is subjected to physical restraint or physical confinement and detention. The student's parent or legal guardian must be provided a written copy of the documentation, which must be postmarked within three days of the occurrence. [281 IAC 103](#).

**Iowa Department of Education Resource:** [Timeout, Seclusion, and Restraint](#)

## Crisis Plan

State application for local education agencies to access funds from "Safe and Drug Free Schools" requires schools to have a crisis management plan to respond to violent or traumatic incidents on school grounds. [20 USC §§ 7101-7184](#).

**Iowa Department of Education Resource:** [Title IV-Part A-Safe and Drug Free Schools](#)

## Delegation by School Nurse

Licensed school nurses adhere to regulation of practice by the Iowa Board of Nursing to protect the health and safety of students in response to nursing practice by complying with standards of practice. The school nurse uses professional judgement in the delegation process to ensure the nursing task/function is appropriate to delegate, the individual student is appropriate under the right circumstance, the individual being delegated the health task is trained, the unlicensed assistive personnel has demonstrated competency on the task and the nurse is able to safely communicate, supervise, monitor and evaluate the task being carried out. [655 IAC 6.1](#). Licensed health personnel, in collaboration with the education team, shall determine the special health services to be provided and the qualification of the individual performing the special health services. [281 IAC 41.405\(2\)\(c1-5\)](#). Primary consideration is given to the recommendation of the licensed health personnel. Each delegation considers the individual student's health service. [281 IAC 41.405\(1\)](#). The school nurse has the duty to determine the special health services to be provided and delegated, qualifications of the individuals performing the special health services, use of the nursing judgement by analyzing the students health status, stability, complexity of service, the predictability of service, the unlicensed assistive personnel's job description, the individual student's needs, documentation of the unlicensed assistive personnel's competency in the health task, training, and effectively supervising, monitoring, and evaluating the delegated task. [281 IAC 41.404](#), [655 IAC 6.1](#).

**Iowa Department of Education Resource:** [School Nurse Resources](#)

## Delegation by School Administration

Licensed school administration shall also adhere to regulation standards by the Iowa Board of Education Examiners to protect the health and safety of students in response to student health needs by following professional conduct and ethics standards. Licensed education practitioners do not delegate the nursing practice, do not delegate nursing tasks to unqualified personnel, do not performing beyond their licensed scope of practice and do not aide, assist, or abet an unlicensed individual in the completion of acts for which licensure is required. [282 IAC 25.3](#).

## Dental Screening Requirement

All enrolling kindergarten student and enrolling 9<sup>th</sup> grade students shall provide the school with a certificate of dental screening. The Iowa Department for Public Health, or their appointed designee,

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audits school admitting official for compliance with this regulation. School nurses may perform the kindergarten screening to assist school officials with meeting the requirements of this mandate. [641 IAC 51](#). Board of directors in all public schools may establish and maintain dental clinics and employ qualified dentists or dental hygienists using general funds. [Iowa Code § 280.7](#).

**Iowa Department of Education Resource:** [Student Health Requirement](#)

## Do Not Resuscitate [DNR] Order

[Attorney General Opinion, March 10, 1988. #88-3-3\(L\)](#) Addressed to Mr. Lepley, Iowa Department of Education Director, Withholding life-sustaining procedures. The opinion states the school is not a health care provider under the law and therefore has no mandate either to withhold life sustaining measures or transfer a terminally ill child to another facility.

[Iowa Physician Orders for Scope of Treatment \(IPOST\)](#) is a document that summarizes a patient's preferences to life-sustaining treatments, acts, and interventions provided for individuals who are a qualified patient as defined in Iowa Code chapter 144D and signed by a physician, advanced registered nurse practitioner or physician's assistant, to define the provision for health care decisions making related to life-sustaining procedures in accordance with chapter 144D.

Practice Note: A court order is advisable before agreeing to neither summon medical personnel nor give first aid to a terminally ill child.

## Ear Protection

Every student and teacher in any public or nonpublic school shall wear industrial quality ear-protective devices while the student or teacher is participating in any phase or activity of a course which may subject the student or teacher to the risk or hazard of hearing loss from noise in processes or procedures used in vocational or industrial arts shops or laboratories. The board of directors of each local public school district and the authorities in charge of each nonpublic school shall provide the safety devices. [Iowa Code § 280.11](#).

## Emergency Assistance in an Accident

A person, in good faith, who renders emergency care or assistance without compensation shall not be liable for civil damages or in a workplace rescue arising out of an accident or emergency. [Iowa Code § 613.17](#).

## Environment

Schools provide training education and information on the school environment to employees on Hazardous chemicals and school environment requirements.

### “Right to Know”/Hazardous Chemicals:

Hazardous chemicals and their associated risks. An employee in school has the right to be informed about the hazardous chemicals to which the employee may be exposed in the workplace, the potential health hazards of the hazardous chemicals, and the proper handling techniques for the hazardous

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chemicals. An employer shall provide or make available to an employee information on all hazardous chemicals. [Iowa Code § 89B.8](#).

### State Building Code:

Contains minimum safeguards in the erection and construction of building and structures, to protect human beings who work and live in them from fire and other hazards to protect the health, safety and welfare of the public. [Iowa Code chapter 103A](#).

### Environmentally Preferable Cleaning Product:

School districts shall purchase only cleaning and maintenance supply products identified and posted on the department's internet site. A school may opt out, if the board majority agrees and the school would then need to report to the Department of Education, Board of Education, or State Board of Regents. This rule does not include disinfectants, disinfectant cleaners, sanitizers, antimicrobial products, fungicide, or rodenticide that is necessary to protect the public health. [Iowa Code § 8A.318](#).

**Iowa Department of Education Resource:** [School Facilities](#)

## Epinephrine Auto Injectors

School districts or accredited nonpublic schools may voluntarily stock epinephrine auto-injectors for the administration to a student or individual who may be experiencing anaphylaxis. The provision to include, but not limited to: policy, training, authorized personnel, reporting, procurement, and disposal are defined within the administrative rule. [281 IAC 14.3](#).

**Iowa Department of Education Resource:** [School Nurses Resources](#)

## Eye Protection

Every student or teacher in a public or nonpublic school shall wear industrial quality eye-protective devices at all times while participating in any phase or activity of a course that may subject a teacher or student to the risk of eye injury. The school board or authorities in charge of each nonpublic school shall provide the safety devices. The board may require students and teachers to pay for the safety devices. [Iowa Code § 280.10](#).

## Family Educational Rights and Privacy Act [FERPA]

FERPA gives parents and students over the age of 18 years certain rights regarding student's educational records including inspection, review, amendment, consent to disclose, and provides definition of when prior consent is not required. Any record created by the school nurse, including electronic or paper documentation (excluding memory joggers), is an educational record. FERPA requires annual notification of rights and directory information disclosure. [34 CFR Part 99](#).

**Iowa Department of Education Resource:** [FERPA and PPRA Notices](#)

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## Health Literacy Curriculum

Health literacy core curriculum is required in preschool thru 12<sup>th</sup> grade that is taught from a multicultural, gender fair approach with global perspectives incorporated at all levels in the education program. Each school board shall provide the parent or guardian of any student enrolled information about the human growth and development curriculum used in each grade level. [Iowa Code § 279.50](#).

### Preschool program:

The education program includes helping children work and play with others, learn to use and manage their bodies, develops a sense of self and their role in their family with an emphasis on collaboration between school, family and community. Iowa Code § [256.11](#).

### Kindergarten program:

The education program includes healthy social and emotional habits, growth in communication skills, and promote skills to protect their physical wellbeing with an emphasis on the development of life, human growth and development. Iowa Code § [256.11](#).

### Grades 1st thru 6th program:

The education program contains characteristics of communicable disease, diseases including acquired immune deficiency syndrome, research based human growth and development, and health. Iowa Code §[256.11](#). Health instruction also includes personal health, food and nutrition, environmental health, safety and survival skills, consumer health, family life, self-esteem, substance abuse and nonuse and other health topics. 281 [IAC 12.5](#).

### Grades 7th thru 8th grade program:

The education program contains age appropriate and research based human growth and development, age appropriate and research based information regarding the characteristics of sexually transmitted diseases, including Human Papillomavirus Infection [HPV] and the availability of a vaccine to prevent HPV, and acquired immune deficiency syndrome. Iowa Code §[256.11](#). Health instruction also includes personal health, food and nutrition, environmental health, safety and survival skills, consumer health, family life, self-esteem, substance abuse and nonuse and other health topics. 281[IAC 12.5](#).

### Grades 9th thru 12th grade program:

The education program includes one unit including personal health, food and nutrition, environmental health, safety and survival skills, consumer health, family life, contains age appropriate and research based human growth and development, substance abuse and nonuse, emotional and social health, health resources, and prevention and control of disease, including age appropriate research based information regarding sexually transmitted diseases, including Human Papillomavirus Infection [HPV] and the availability of a vaccine to prevent HPV, and acquired immune deficiency syndrome. Iowa Code §[256.11](#). Health instruction also includes personal health, food and nutrition, environmental health, safety and survival skills, consumer health, family life, self-esteem, substance abuse and nonuse and other health topics. 281 [IAC 12.5](#).



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## Materials for parents to teach about unwanted sexual and verbal advances:

The department will develop and make available to school districts, examples of age appropriate and research based materials and lists of resources parents can use to teach their children to recognize unwanted physical and verbal sexual advances. The director consults with entities to include, but not limited to: Department of Human Services [DHS], Iowa Department of Public Health [IDPH], Public Safety, Education Stakeholders and Parent Teacher Organizations. [Iowa Code § 256.9\(50\)\(a\)](#).

## Materials for school districts and nonpublic schools to use in the area of health and wellness:

The department shall make available scientifically based research studies in the area of health and wellness. The content shall include at a minimum instructional materials and teaching strategies that have proven effective in teaching children the knowledge and skills listed in Iowa Code section 256.11. [Iowa Code § 256.9\(50\)\(b\)](#).

**Iowa Department of Education Resource:** [Health Literacy](#)

## Healthy Kids Act

In 2009, schools follow standards from Senate File 2425 otherwise known as the “Healthy Kids Act” that established nutrition standards for foods and beverages sold or provided on school grounds (example: vending machine), during the school day exclusive of the food provided by any federal school food program and exclusive of foods or beverages sold at concession stands and for fundraising purposes. [Iowa Code § 256.7\(29\)](#). The department monitors for compliance with the nutritional standards to this requirement. School districts and schools shall annually make the standards available to parents, students, and the community. A district or school found to be not in compliance with the nutritional content standards will have to submit a corrective action plan for approval with steps to ensure compliance. [Iowa Code § 256.7\(56\)](#).

**Iowa Department of Education Resource:** [Healthy Kids Act](#)

## Health Science Education Programs

At the secondary level, career and technical (CTE) programs are organized within six broad service areas, as defined in [281—IAC 12.5\(5\)\(i\)](#): agriculture, family and consumer sciences, health occupations, business, industrial technology, and marketing. Health Science Education Programs prepare students for employment and/or continuing education opportunities in health care through technical instruction in the classroom, experiential education in the laboratory and clinical settings, work-based learning opportunities, and leadership skills through HOSA-Future Health Professionals. The Iowa Health Science Education Pathways are based on the national healthcare skills standards and national health science career cluster pathways. Through health science courses students can gain an important foundation of knowledge and skills necessary for entry-level employment and continued education in health sciences. Iowa Health Science Education suggested pathways include: Allied Health; Nurse Assisting; Medical Assistant; Emergency Medical Technician; Clinical/Medical Laboratory Assistant; Pharmacy Technician; Health Information Management. A school nurse or other licensed individual who holds a baccalaureate or graduate degree in the area of related study or

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occupational area may obtain a career and technical education instructor license once meeting the requirements from the Board of Education Examiners Guidance ([BOEE Guidance](#)). For community college courses and secondary concurrent enrollment courses, the instructor must also meet additional instructor requirements for community colleges. [281 IAC 22.3\(1\)](#). Additional information regarding Secondary Certified Nursing Assistant Programs can be found by clicking on this link: [CNA FaQ](#).

**Iowa Department of Education Resource:** [Health Science Education Programs](#)

### HIV/AIDS

A student who has been diagnosed with the Human Immunodeficiency Virus (HIV) has rights to confidentiality of their health diagnosis. The identity of the HIV infected student shall remain confidential unless it is necessary to reveal to a third party so the third party may avoid exposure to HIV. If the identity of the HIV infected student is revealed, the third party shall be presented with a statement in writing at the time of the disclosure which includes the following or substantial language: “Confidential information revealing the identity of a person infected with HIV has been disclosed to you. The confidentiality of this information is protected by state law. State law prohibits you from making any further disclosure of the information without the specific written consent of the person to whom it pertains. Any breach of the required confidential treatment of this information subjects you to legal action and civil liability for monetary damages. A general authorization for the release of medical or other information is not sufficient for this purpose.” [641 IAC 11.18\(7\)](#). Students diagnosed with human immunodeficiency virus [HIV]/acquired immunodeficiency syndrome [AIDS] have legal rights to confidentiality. HIV/AIDS testing and counseling are confidential. Disclosure of information regarding any person with HIV/AIDS is strictly prohibited without specific consent written by the person or legal guardian. [Iowa Code § 141A.9](#).

### Homeless Students

The school district designated for the homeless student’s enrollment shall make available to the student all services and assistance, including but not limited to compensatory education, special education, English as a second language, vocational and technical education courses or programs, programs for Talented and Gifted pupils, health services, preschool, before and after school child care, and the school nutrition programs. A child who is homeless cannot be denied a free, appropriate public education [FAPE] on the basis of transportation. A public school cannot refuse to enroll or exclude a homeless student for lack of immunization records in any four situations exist pursuant to [281 IAC 33.5](#). Appropriate staff of emergency shelters, transitional shelters, independent living programs and street outreach programs may be appointed as temporary surrogate parents until a surrogate parent is appointed that meets all the requirements. [281 IAC 41.519\(6\)](#).

**Iowa Department of Education Resource:** [Homeless Students](#)

### Homeschool Students

Students who are enrolled in Competent Private Instruction [CPI] are required to submit to their resident district with a certificate of immunization to meet the regulations required for enrollment in compulsory education. [Iowa Code § 299A.1](#).



# Iowa School Health Legal Reference Summary

Students who receive independent private instruction [IPI] meeting the criteria to include, but not limited to: enrolling less than 4 unrelated students are exempt from all state statutes and administrative rules applicable to school, a school board, or a school district as required in [Iowa Code § 299A.1](#).

**Iowa Department of Education Resource:** [Private Instruction](#)

## Immunization Requirement

An immunization record is required for an individual to enroll in preschool, licensed child care centers, a public or nonpublic school, and those students who are dual enrolled in competent private instruction pursuant to Iowa Department of Public Health [IDPH]. 641 IAC ch. 7. The individual submits a valid Iowa Department of Public Health immunization certificate to the school admitting official. Medical and religious exemptions are permitted on an individual basis. A 60 day provisional enrollment certificate may be issued and signed by a physician, physician's assistant, nurse, or certified medical assistant for students where immunization series has begun and is proceeding as rapidly as medically possible or the student is a transfer student. The school nurse assists admitting officials with meeting the requirements of the mandate by screening immunization records and completing provisions as needed for the student to enroll. The school collaborates with local public health, whom audits admitting official's compliance. [641 IAC 7.1](#).

The students failing to comply with this rules shall be excluded from the school program by the admitting official. Enrolling applicant students not presenting proper evidence of immunization or exemption are not entitled to enroll. [641 IAC 7.1](#).

Students enrolling in competent private instruction are required to submit proof of immunization. [281 IAC 31.2\(1\)\(a\)\(7\)](#).

**Iowa Department of Education Resource:** [Student Health Requirement](#)

## Insurance

Hawk-I (Healthy and Well Kids in Iowa) insurance is available for qualified underinsured children in Iowa. [441 IAC 86.2](#). Iowa Department of Human Services manages the Hawk-I program.

## Medicaid "Qualified Entity"

School nurses may complete a training program to become a "qualified entity" with the Iowa Medicaid Program to complete applications in collaboration with information provided by parents regarding their circumstances and income who have no insurance coverage for their children. The application is submitted by the school nurse to the Medicaid Presumptive Eligibility Portal [MPEP] and an immediate notice of action is received. If the child is eligible, a temporary Medicaid number for the child is provided for a limited time while a formal Medicaid Eligibility determination is being made by the Department of Human Services [DHS]. All children in the home or as stated on the application are then able to access medical care immediately. [441 IAC 76.7 & 76.13](#).

# Iowa School Health Legal Reference Summary

## Medicaid

While States, local education agencies, and education agencies are primarily responsible for providing education for all children with disabilities, it is the national interest that the federal government have a supporting role in assisting state and local efforts in order to improve efforts to educate children with disabilities and to ensure equal protection of the law. [20 USC 1400](#). Assistance to States for the education of children with disabilities and early intervention program for infants and toddlers with disabilities are defined in regulations. [34 CFR 300 & 303; 249 IAC 1.6](#).

The state board of education in conjunction with the Department of Education shall develop a program to utilize federally funded health care programs to share in the costs of services which are provided to children requiring special education. Non-licensed individuals are not allowed to perform services otherwise requiring licensure. [Iowa Code § 256B.12](#). All services are provided by the education agency and may then be claimed for reimbursement with parental permission. [281 IAC 41.15.4\(4c\)](#). Additional requirements include the student have an individual education plan, an individual health plan (meaning a treatment plan developed by the licensed health care professional, but may be provided by paraprofessional staff) ([Iowa Medicaid Enterprise \[IME\], LEA Provider Specific Policies Guide, page 22](#)) or a behavior intervention plan outlined in the IEP, and proof of a health (physical or mental) diagnosis by a healthcare provider that aligns with the ICD-10 code [International Classification of Diseases Tenth Edition], clinical cataloging system. Health services that are provided but are not documented in the student's treatment plan or linked to a service in the IEP cannot be covered ([IME LEA Guide, page 43](#)).

**Iowa Department of Education Resource:** [Medicaid](#)

## Lead Blood Screening Requirement

The board of directors of each school district and the authorities in charge of each nonpublic school shall furnish the Department of Public Health a spreadsheet provided by Iowa Department of Public Health [IDPH] Bureau of Lead Poisoning Prevention within 60 days after the start of the school calendar, an electronic list of the children enrolled in kindergarten, including the names of children who have filed certificates of blood lead testing exemption. IDPH will compare the list with the lead database and submit a list back to the school district or nonpublic school of the kindergartener students who did not meet the requirement. If the parent or guardian cannot then provide evidence that the child received a blood lead test, the board of directors of the school district or the authorities in charge of the nonpublic school shall, in collaboration with IDPH, provide the parent or guardian with community blood lead testing program information, including contact information for the Department of Public Health. [641 IAC ch. 67 and Iowa Code §135.105](#).

**Iowa Department of Education Resource:** [Student Health Requirements](#)

## Liability

Local School boards or other boards exercising quasi-legislative, quasi-executive, and quasi-judicial power over territories comprising a school district are subject to liability for its torts and those of its officers and employees acting within the scope of employment or duty, whether arising out of governmental or proprietary function. The governing body shall defend employees, shall save

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harmless and indemnify employees against any tort claim or demand except for punitive damages and in the event the employee fails to cooperate. [Iowa Code § 670.1](#). A person, who in good faith renders emergency care or assistance without compensation shall not be liable for any civil damages. [Iowa Code § 613.17](#).

### Licensed Practice Nurse Employed In the School Setting

The licensed practical nurse (LPN) may not be employed or practice as an independent school nurse in any school setting, public or private. An LPN may practice nursing in the school setting under the supervision and direction of a registered nurse or physician who is in proximate area, meaning in the same building, readily available, and at all times that the LPN is practicing within the same building. [655 IAC 6.3\(7\)\(b\)](#).

The LPN may provide nursing services to a specific student under the supervision and delegation of a registered nurse employed by the school district, pursuant to [655 IAC 6.1](#). The LPN shall be permitted to provide supportive care to a specific student in the school setting in accordance with the student's individual health plan under the supervision of and as delegated by the registered nurse employed by the school district. The LPN may not perform the initiation of an assessment related to procedures/therapies requiring the knowledge or skill level ascribed to the registered nurse.

An LPN may also work as a paraprofessional may not use the title LPN after their name, may not practice nursing, including, but not limited to, performing an assessment, using nursing judgement, providing education or counseling, and is still accountable by the board of nursing should they practice nursing. See [Memorandum 8/16/15 Iowa Board of Nursing](#).

**Iowa Department of Education Resource:** [School Nurse Resources](#)

### Medication Administration

School children often require medications during the school day or during school activities for short term illnesses or chronic health conditions. Essential elements for medication administration are outlined in [281 IAC 41.404\(3\)](#) and local education agency board policy.

#### Asthma and other airway constricting diseases:

Students with asthma and other airway constricting diseases may self-administer their life saving medication when the parent provides written permission, the school provides a written statement that employees are to incur no liability, except for gross negligence, and the physician provides a written statement that contains the name of the medication, purpose of the medication, the prescribed dosage, and the time or special circumstance under which the medication is to be administered. If the student misuses this privilege, the privilege may be withdrawn. [Iowa Code § 280.16](#).

#### Individuals qualified to administer medication:

The Iowa Board of Pharmacy allows a practitioner (prescriber), licensed pharmacist, or any person specifically authorized or licensed under sections of the Iowa Code to administer prescription drugs (e.g. school nurse). [657 IAC 8.32](#). The Iowa Board of Nursing allows delegation of nursing activity or tasks that do not rise above the ascribed level of a LPN after training, demonstration of

# Iowa School Health Legal Reference Summary

competency in the task and provision for supervision, monitoring, and evaluation. [655 IAC 6](#). Medication administration can be delegated by a licensed physician, pharmacist, or nurse. [657 IAC 8.32](#), and Iowa Code § [124.101](#).

## Individuals qualified to administer controlled substances:

The Iowa Board of Pharmacy states that a practitioner or by the practitioner's authorized agent is permitted to administer a controlled substance in the course of professional practice or at the direction of the dispenser. Iowa Code § [124.101](#). A registered nurse may delegate or administer medication, including prescribed medication, to a student if the student has a supervising physician for the purposes of completing a course of therapy. Iowa Code § [147.107](#).

## Medication administration policy:

Schools shall establish medication administration policies and procedures that include a statement on the administration of prescription and nonprescription medication administration, a statement on an individual health plan when administration requires ongoing professional health judgement, a statement that authorized personnel, school nurses, and persons whom authorized practitioners have delegated medication administration to complete a medication administration course, a statement that students whom have demonstrated competency in administering their prescription medication may do so, a statement by the parent requesting co-administration of medication when competency is demonstrated by the student, and students who have an asthma or airway constricting disease requiring medication provide a parental consent and physician statement do not have to demonstrate competency in their medication administration. [281 IAC 41.404\(3\)](#). The policy must also contain a provision for the school nurse or pharmacist to conduct a medication administration course and periodic updates with a record of course completion maintained by the school and a statement signed and dated by the parent requesting medication to be administered at school. [281 IAC 41.404\(3\)](#). The policy shall include a statement that the medication must be in the original labeled container either as dispensed or by the manufacturer's container. [281 IAC 41.404\(3\)](#). The requirements for a medication record are required in the policy along with a statement that the medication shall be stored in a secured area unless an alternative provision is documented, a requirement for emergency protocols for medication related reactions, and statement regarding confidentiality of student information pursuant to Iowa Administrative Rule. [281 IAC 41.404\(3\)](#).

## Medication administration record:

A medication administration record shall include the student's name, date, prescriber or person authorizing administration, the name of the medication, the medication dosage, administration time, administration method or route, signature and title of the person administering the medication, any unusual circumstances, actions, or medication omissions. [281 IAC 41.404\(3\)\(g\)\(1-9\)](#).

## Prohibition of mandatory medication:

A school is not permitted to require a parent to obtain a prescription for medication as a condition of attending school, to receive an evaluation or to receive services under Part B of the Individual Disability Education Act. [281 IAC 41.174](#); [Iowa Code chapter 256B](#); and [34 CFR 300](#). A school teacher or other school personnel may consult or share classroom based observations with parents or

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legal guardians regarding a student’s academic performance, functional performance, and behavior in the classroom or school. [281 IAC 41.174](#).

## Authority to not administer prescription or nonprescription medication:

A school nurse shall exercise professional judgement in accordance with minimum standards of nursing practice and accountability. If the medication regime prescribed by the physician is not carried out, based on the registered nurse’s professional judgement, accountability shall include but need not be limited to the following: timely notification of the physician who prescribed the medication regime that the order or orders were not executed and reasons for the same. The registered nurse shall document on the medical record that the physician was notified and reasons for not executing the order. [655 IAC 6.2\(5\)\(e\)\(1-2\)](#). A registered nurse, may determine that the use of an over the counter medication, ordered by a parent, could be detrimental to the child. The registered nurse may refuse to administer the medication and state reasons in writing to the parent. If the parent pursues the matter and returned with a physician’s prescription for the medication the registered nurse must then use professional judgment and “execute the regimen” unless the registered nurse makes a determination to not administer the medication if it is not appropriate and must then follow the steps in the Nurse Practice Act to include, but not limited to: notifying the physician in a timely manner, as stated in [655 IAC 6.2\(5\)\(e\)\(1-2\)](#) and as guidance in the [Iowa Board of Nursing Declaratory Ruling no.3](#).

## Authority to not administer an herbal supplement or natural remedy:

The Iowa Board of Nursing holds the nurse accountable for nursing actions and decisions using professional nursing judgement. The school nurse is expected to practice in a safe and prudent manner. When a school nurse administers a drug, the nurse must be knowledgeable about the medication’s action, indication, contraindications, and adverse effects of a drug. The nurse may not administer natural remedies and supplements to school children, at the request of their parents during the school day, when the nurse is unable to determine appropriateness, safety, possible side effects, and toxic effects of the substance, the appropriate dose for a child of specific age, weight, and body surface area, and treatment for overdose with guidance from the [Iowa Board of Nursing Declaratory Ruling no. 81](#).

**Iowa Department of Education Resource:** [School Nurse Resources](#)

## Medication Waste:

Often public school districts, accredited nonpublic schools and school nurses find that they have prescribed medications, controlled substances, over-the-counter medications, infectious waste, and hazardous pharmaceutical waste left behind by the student and families at the end of the school year. Schools are encouraged to first practice waste minimization. Guidance is created to dispose of nonregulated medications (including liquid and solid medication), inhalers, infectious waste, hazardous pharmaceutical waste and controlled substances either expired or abandoned at school. Special waste regulations in Iowa guidance.

**Iowa Department of Education Resource:** [Iowa School Medication Waste Guidance](#)

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## Controlled Substances:

Schools and school nurses are not allowed to destroy controlled prescription medications left by students or that are expired. Local law enforcement must maintain custody of left over controlled medication to transport for disposal, pursuant to [79 Fed. Reg. 53520, 53546](#).

## Infectious Waste:

Used needles, lancets, and auto-injectors should immediately be placed in a sharps disposal container to reduce the risk of needle sticks, cuts, or punctures to the handler of the infectious waste and others in the school setting. All sharps containers should be made of heavy duty plastic, clear so easy determination of the container's fill status can be seen, able to close with a tight fitting, puncture proof lid without sharps being able to come out, upright and stable during use, leak-resistant and properly labeled.. Infectious waste in Iowa is regulated in Iowa Administrative Code. [567 IAC 109.9](#).

**Iowa Department of Education Resource:** [School Nurse Resources](#)

## Multicultural

The board shall establish a policy to ensure students are free from discriminatory practices in the educational program. In developing or revising the policy, parents, students, instructional and non-instructional staff, and community members shall be involved. Goals for the education program shall incorporate multicultural and gender fair goals. [281 IAC 12.5\(8\)\(a-b\)](#).

**Iowa Department of Education Resource:** [Equity Education](#)

## Other health personnel in school

A school may have unlicensed assistive personnel whom hold certifications and are employed in the school. Schools may have questions regarding who can perform health services. Any health service that is a provision of nursing practice or an activity representing nursing practice is a regulatory responsibility of the Iowa board of nursing.

## Qualified Personnel:

The department has a policy requiring schools to take measurable steps to recruit, hire, train, and retain highly qualified personnel to provide related services and special education under IDEA to children with disabilities. 281 IAC [41.156 \(4\)](#). Qualified designated personnel means a person instructed, supervised and competent in implementing the student's individual health plan. 281 IAC [41.405\(1\)](#). School health services are services that may be provided by a qualified school nurse or other qualified individual. [281 IAC 41.34\(3\)\(m\)](#). The school nurse provides health instruction to prepare qualified personnel to deliver and perform special health services contained in the individual health plan. 281 IAC [41.405\(1\)](#). The school nurse's duty is to assign and delegate to, instruct, supervise, and provide technical assistance to qualified personnel. 281 IAC [41.405\(2\)\(a\)\(9\)](#). The school nurse shall document the training, define the level of supervision, with periodic updates and keep the file at school. 281 IAC [41.405\(2\)](#).



# Iowa School Health Legal Reference Summary

## Certified Nurse Assistant:

A certified nurse aid [CNA] cannot practice as a school nurse. A certified nurse assistant works under the supervision and delegation of health tasks delegated by a licensed nurse. A CNA completes a 75 hour course (30 hours are clinical experience) and competency test, after completion of the test and passing both skills on person care (to include, but not limited to: bathing, grooming, oral care, skin care, positioning, feeding, measuring and recording heights and weights, range of motion, orthotic devices, and taking vitals) and written competency test, the individual is placed on the Iowa Nurse Aide Registry and is issues a 6 digit ID number from the Department of Inspection and Appeals. [441 IAC 81.16](#).

## Emergency Care Provider:

An emergency medical technician [EMT] cannot practice as a school nurse, nor can a school nurse delegate health services to an individual who is working under the certification title of EMT. An emergency care provider, means an individual trained to provide emergency and nonemergency medical care at the emergency medical responder, advanced emergency medical technician, paramedic, or other certification levels adopted by rule by the Department of Public Health, who has been issued a certificate by IDPH and is overseen by a medical director. An emergency care provider, cannot practice as a school nurse, nor can a school nurse delegate health services to an individual who is working under their title of certification. A certified emergency medical provider can practice certain medical procedures defined by the Iowa Department of Public Health under the directive of a medical director and may render emergency and nonemergency medical care at the scene of an accident, at the scene of an emergency, during transportation to the hospital, transportation from facility to facility, in the emergency room, and until care is assumed by a doctor or authorized hospital personnel, and under the supervision of a physician and direct supervision of a physician, physician's assistant or nurse as employed and assigned in a hospital where health care is ordinarily provided. Iowa Code § [147A.8](#).

## Unlicensed Assistive Personnel or Health Paraprofessional:

An unlicensed assistive personnel is an individual who is trained to function in the assistive role to the registered nurse in the provision of nursing care activities as delegated by the registered nurse in the school setting. [655 IAC 6.1](#). Paraprofessionals who are appropriately trained and supervised, in accordance with state law, regulation, or written policy, in meeting the requirements may be used to assist in the provision of special education and related health services to children with disabilities that are not the ascribed practice of a licensed practitioner. [281 IAC ch. 41](#) and Iowa Code § [272.12](#). Paraprofessionals providing the related health services work under the supervision of professional personnel [e.g. school nurses], whom are appropriately authorized to provide direct nursing services or nursing tasks in the same area where the paraprofessional provides assistive services. [281 IAC 41.403\(1\)\(b\)](#). The health professional or unlicensed assistive personnel could not substitute for appropriately authorized professional personnel. [281 IAC 41.403\(1\)\(c\)](#) and Iowa Code §[272.12](#).

**Iowa Department of Education Resource:** [School Nurse Resources](#)

# Iowa School Health Legal Reference Summary

## Physical Education Requirement:

Physical education includes physical activities that increase cardiovascular endurance, muscular strength, flexibility, sports, games, tumbling, gymnastics, rhythms, dance, water safety, leisure and lifetime activities. [281 IAC 12.5\(f\)](#). Physical activity requirements engage all students' kindergarten thru fifth grade for minimum of 30 minutes each school day. Students in sixth through 12<sup>th</sup> grade engage in physical activity for a minimum of 120 minutes per week in which there are at least five days of school. The requirements for 6<sup>th</sup> thru 12<sup>th</sup> grade can be met by addition activities signed into agreement pursuant to [281 IAC 12.5\(19\)](#).

## Students with exemptions:

A parent may file a statement signed by a physician that the student is not “physically able” to participate in physical education, then the physical exemption applies to grades first thru twelfth. A parent may file a written statement with the school principal that a physical education course conflicts with the student's religious belief. Both exemptions are valid and the school has no discretion to deny the exemptions or question sincerity of the asserted belief. The physical and religious exemption also applies to “health courses”, “physical activity” and the “CPR course” requirement of the Healthy Kids Act. [281 IAC 12.5\(6\)](#).

## Students with disabilities

Every child with a disability receiving a free appropriate public education [FAPE] must be made available physical education unless the enrolling agency does not provide physical education to children without disabilities in the same grade. Each child with a disability must be afforded the opportunity to participate in the regular physical education program available to their nondisabled peers unless the child is enrolled full time in a separate facility or is prescribed specially designed needs in the child's Individual Education Plan [IEP]. If specially designed needs are prescribed in the IEP, the public agency is responsible to provide the services or make arrangements for the services to be provided through other programs. [281 IAC 41.108 \(1-3\)](#).

## Students in an alternative program:

A student who participates in alternative programs or attends alternative school must participate in physical education, unless the student receives a specific excusal of physical education or the department has granted a waiver to the school or program, based on satisfaction of the high standards for a waiver. [Iowa Code § 256.11\(8\)](#); [281 IAC 12.9](#).

## Students in grades 9 thru 11th grade excusal requirements:

A student in ninth thru twelfth grade may be excused from the physical education requirement in order to enroll in academic courses, in consultation with the student's counselor for one semester per year if the parents provide a request in writing. The student requesting excusal also must be a participant in an organized and supervised athletic program that requires at least the same amount of time per week as one-eighth unit of physical education. [281 IAC 12.5](#).



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## Separation by teams for specific contact activities:

No student shall, on the basis of sex, be excluded from participation in, denied benefits of, or be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club or intramural athletics offered by a recipient. Title IX does allow separation of teams selected by competitive skill in physical education classes or contact sport activities to include wrestling, boxing, rugby, ice hockey, football, basketball, and other sports when the purpose or major activity involves bodily contact. This separation does not include warm up, lecture, and non-contact drill workout.[34 CFR Part 106](#).

**Iowa Department of Education Resource:** [Physical Education](#)

## Pre-employment Physical Requirement:

Unless required for licensure and certification under other Iowa laws, there are no state requirements for employee physical examination.

## Physical Examination Requirement (School Employee for K-12<sup>th</sup> grade)

Each local board of education or authorities in charge of accredited nonpublic schools develop and adopt staffing policies designed to attract, retain, and effectively utilize personnel.

## Bus Driver requirements:

Except for insulin-dependent diabetics, an applicant for a school bus driver's authorization must undergo a biennial physical examination by a certified medical examiner who is listed on the National Registry of Certified Medical Examiners. The applicant must submit annually to the applicant's employer the signed medical examiner's certificate (pursuant to Federal Motor Carrier Safety Administration regulations [49 CFR Sections 391.41 to 391.49](#)), indicating, among other requirements, sufficient physical capacity to operate the bus effectively and to render assistance to the passengers in case of illness or injury and freedom from any communicable disease. At the discretion of the chief administrator or designee of the employer or prospective employer, the chief administrator or designee shall evaluate the applicant's ability in operating a school bus, including all safety equipment, in providing assistance to passengers in evacuation of the school bus, and in performing other duties required of a school bus driver. [281 IAC 43.15](#). A person who is an insulin-dependent diabetic may qualify to be a school bus driver if the person meets all qualifications of Iowa Code sections [321.375\(3\)](#) and [321.376](#). Such driver is subject to an annual physical examination by a qualified medical examiner as listed in rule [281 IAC 43.15](#).

**Iowa Department of Education Resource:** [School Transportation Links](#)

## Childcare Provider Requirements:

If schools operate child care centers licensed under the Department of Human Services, they must abide by DHS regulations for child care centers. Child care personnel shall have good health as evidenced by a pre-employment physical examination and shall be repeated at least every three years. [441 IAC 109.9](#).

# Iowa School Health Legal Reference Summary

**Iowa Department of Education Resource:** [Early Childhood Standards](#)

## Voluntary Statewide Preschool Program Personnel Requirements:

If a voluntary statewide preschool operates on school grounds under the Department of Education, it shall meet the standards adopted by the state board of education under Iowa Code section [279.49](#). Personnel (all employees in the program to include, but not limited to; bus drivers, bus monitors, custodians, cooks, clerical, and other staff who come in contact with children in the program or who have responsibility for children) are requiring to provide a physical that attests to the perspective employee's ability to perform the tasks required to carry out their responsible position. [IQPPS Standard 10.16](#); [441 IAC 109.9](#).

**Iowa Department of Education Resource:** [Statewide Voluntary Preschool Program for Four Year Olds](#)

## Before and After School Program Personnel Requirements:

If a school operates a child care center to children who are not enrolled in school or students enrolled in kindergarten thru sixth grade before and after school, or both shall meet the standards adopted by the State Board of Education or Department of Human Services under Iowa Code chapter [237A](#) as a child care center requiring a physical from personnel.

**Iowa Department of Education Resource:** [Before and After School Programs](#)

## Physical Examination Requirement (Student)

There are no state laws requiring a student to receive a physical examination to attend kindergarten thru twelfth grade.

## Athletic Physical Requirement:

A student in 7<sup>th</sup> thru 12<sup>th</sup> grade shall present to the student's superintendent a certificate signed by a licensed physician, osteopathic physician, osteopath, advanced registered nurse practitioner, physician's assistant or qualified doctor of chiropractic, to the effect that the student has been examined and may safely engage as an interscholastic athlete in competition, which is valid for one year per [Iowa High school Athletic Association's/ Iowa Girls High School Athletic Union Handbook](#); [281 IAC 36.14\(1\)](#).

## Preschool Requirement:

The Statewide Voluntary Preschool program follows the [Iowa Quality Preschool Program Standards](#) [\[IQPPS\]](#) requires a child's health record to include the results of a health examination, showing up to date immunizations and screening tests with an indication of normal or abnormal results and any follow up required for abnormal results. [441 IAC 109.9\(3\)](#).

# Iowa School Health Legal Reference Summary

## School Closing Mandate-Disaster/Disease

The Iowa Department of Public Health, in conjunction with the Governor, may issue an order for temporary closure of a public school or accredited nonpublic school district to prevent and control transmission of communicable disease. [Iowa Code § 135.144](#).

## School Health Services

Related services include health services and school nurse services. School health and school nurse services means health services that are designed to enable a child with a disability to receive FAPE as described in the child's IEP. School nurse services are services provided by a qualified school nurse. The school nurse is a participating member of the education team. 281 IAC [41.405](#). School health services are services that may be provided by either a qualified school nurse or other qualified person. [34 CFR 300.34\(c\)\(13\)](#).

## Consent for Performance of Health Services

Public schools and nonpublic schools shall not require non-administrative personnel to perform any special health services or intrusive nonemergency medical services for students unless the non-administrative personnel are licensed or otherwise qualified and have consented to perform the health services. [Iowa Code § 280.23](#).

## Individual Health Plan

The registered nurse shall utilize the nursing process in the practice of nursing, consistent with accepted and prevailing practice, to include planning of nursing care which includes determining goals and priorities for actions which are based on the nursing diagnosis, nursing interventions implementing the plan of care, and evaluation of the individual's or group's status relationship to established goals and the plan of care. The nursing process is defined as ongoing assessment, nursing diagnosis, planning, intervention, and evaluation. [655 IAC 6.1-6.2 \(2\)\(a-e\)](#). The duties of the licensed health personnel include planning, implementing and evaluating the written health plan and/or emergency health services. [281 IAC 41.405.2\(a\)\(3-4\)](#). The health plan is a confidential, written, preplanned and ongoing working document in the education program. The health plan includes assessment, nursing diagnosis, outcomes, planning, intervention, and evaluation. The duties of the school nurse also include planning, implementing and evaluating special emergency health services. 281 IAC [41.405\(a\)\(4\)](#). The individual health plan is considered a cumulative record. [281 IAC 12.3\(4\)](#). The individual health plan, may be considered as the treatment plan that is developed by the licensed health care professional that outlines personal health services for schools to claim for Medicaid reimbursement. ([DHS Iowa Medicaid Enterprise LEA Provider Manual, Chapter III, page 22](#)). Medicaid covers the individual assessment, to include establishing a plan of care, for formulation of the individual health plan provided by a registered nurse or physician when it is in the child's IEP or linked to the services of an IEP and other requirements are met by the provider. ([DHS IME LEA Guide](#)).

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## Health Evaluation for IDEA

Evaluation procedures for special education or related services are conducted and completed by trained and knowledgeable personnel in all areas related to the suspected disability if appropriate, to include health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities in a nondiscriminatory manner prior to action for services. [281 IAC 41.304\(3\)](#).

## Health Service Equipment

The parent shall provide the usual equipment, supplies and necessary maintenance of the equipment. The equipment shall be stored in a secure area. The person responsible for the equipment shall be designated in the student's individual health plan. The individual health plan shall designate the role of the school, the parent, and others in the provision, supply, storage and maintenance of necessary equipment. [281 IAC 41.405\(2\)\(f\)](#).

## Policy for Health Services

School districts and nonpublic schools are required to adopt policies related to health services as part of the general accreditation standards applicable to schools for reporting purposes. [Iowa Code § 256.7\(24\)](#). For attendance issues of children who meet compulsory age, if a child is truant a school shall attempt to find the cause for a child's absence and use every means available to the school to assure that the child does attend to meet compulsory attendance requirements. [Iowa Code § 299.5A](#). Additionally, children of compulsory age whom experience deafness, blindness, or have severe disabilities shall receive appropriate special education to sufficiently met to the maximum extent possible corrective and supporting services under Iowa Code [chapter 256B](#) to meet the student's needs so they shall be educated with children who do not require special education, unless exempted under [Iowa Code § 299.18](#) and parents or guardians continue to maintain the duty to follow compulsory education rules. [Iowa Code § 256B.6](#). Each public agency shall develop a policy to ensure the provision of a free appropriate public education, policy for the provision of related service, and a provision for special health services. [281 IAC 41.404\(2\)](#).

## Procedures for Health Services

Each public agency shall develop procedures for providing special health services, policy for the provision of related services and the procedure for providing continuing education opportunities. [281 IAC 41.404\(3\)](#).

## School Nurse Contract

The board of each school district shall employ a school nurse and shall require a current license to be on file with the superintendent or other designated administrator as specified in subrule [281 IAC 12.4\(10\)](#). All licensed employees shall have contracts that shall state the number of contract days, the annual compensation to be paid, not to exceed into the next school year, and should include any other matters agreed upon signed by the board and nurse, on file before the nurse may practice in the school setting. [Iowa Code § 279.13](#).

**Iowa Department of Education Resource:** [School Nurse](#)

# Iowa School Health Legal Reference Summary

## School Nurse

Beginning July 1, 2007, each school district shall have a school nurse to provide health services to its students. Each school district shall work toward the goal of having one school nurse for every seven hundred fifty students enrolled in the school district. For the purposes of Iowa Code section [256.11\(9B\)\(b\)](#), “School Nurse” means a person who holds an endorsement which allows the nurse to teach health at all grade levels and provide health services as a school nurse at the prekindergarten to twelfth grade level. [281 IAC 13.28\(28\)](#). School nurse is defined as a registered nurse holding current licensure recognized by the Iowa board of nursing who practices in the school setting to promote and protect the health of the school population using knowledge from the nursing, social, and public health sciences. [281 IAC 14.3](#).

## School Nurse Endorsement

An endorsement by the Iowa Board of Education Examiners [IBOEE] does not authorize a school nurse to practice general classroom teaching. The school nurse is authorized to provide organization and administration of school nurse services to include the appraisal of the health needs of children and youth, collaborate school-community relationships and coordinate resources between the school and community to serve the health needs of children and youth, maintain knowledge and understanding of health needs for exceptional children, provide health education and hold current licensure as a registered nurse issued by the Iowa Board of Nursing. [282 IAC 12.28\(28\)](#). The board of education examiners does not require an SPR for nurses working in the school district. [282 IAC 16.3](#).

## Statement of Professional Recognition [SPR]

A person who holds current licensure as a registered nurse may obtain a statement of professional recognition from the board of education examiners. The holder of an SPR is authorized to promote the health and safety of students in an accredited school district, including the provision of nursing practice as allowed under the authority granted by virtue of holding a license to practice nursing in Iowa. The registered nurse must hold a baccalaureate degree, hold a current license to practice as a registered nurse, and be employed in an accredited K-12 school district. Upon approval, the BOEE will issue a folder number to the applicant that is valid for 5 years. [282 IAC 16.3](#). (Note: Licensure is renewed every 3 years with the Iowa Board of Nursing. [655 IAC 3.1](#).)

## Special Education Nurse

Additionally, a school nurse may be considered as a “*Special education nurse*” from the board of education examiners by holding a baccalaureate degree in nursing or a master’s degree in nursing, hold a current license to practice registered nursing with the Iowa board of nursing, have two years of experience in public health including service to schools or as a school nurse and a statement of professional recognition [SPR]. The nurse is authorized to serve as a special education nurse to pupils’ birth to age 21 whom require special education. The requirements include: a letter from the local education agencies special education director to request that an SPR be issued, a copy of the current licensure from the Iowa Board of Nursing [IBON], an official college transcript, verification of 2 years’ experience in public health nursing, completion of an approved human relations course. Upon approval, the BOEE will issue a folder number to the applicant that is valid for 5 years. [282 IAC 16.7](#). A temporary authorization for SPR may be issued. A person who holds a SPR, including

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but not limited to a physician, dentist, nurse, speech therapist, or a person in one of the other non-instructional professional areas designate by the state board of education shall be eligible for classification as a member of the non-instructional staff. [281 IAC 12.4\(2\)](#). (Note: Licensure is renewed every 3 years with the Iowa Board of Nursing. [655 IAC 3.1](#).)

### Substitute Nurse:

There are no laws requiring a substitute nurse. There are laws requiring schools to provide related services and health services when a free appropriate public education [FAPE] is an issue. [281 IAC 41.146\(1\)](#) and [Iowa Code § 256.11 \(9B\)](#). There are laws pertaining to the license requirement if a school district or accredited nonpublic school would choose to hire a substitute nurse. A nurse, working in the capacity of a school nurse in the school environment, shall hold an active registered nursing license. [655 IAC 3.1](#).

**Iowa Department of Education Resource:** [School Nurse](#)

### School Meal Program

The secretary shall conduct training activities and provide assistance on a competitive basis, to state agencies for the purpose of aiding schools and school food authorities with 50 percent of enrolled children certified to receive free or reduced price meals in meeting the cost of acquiring and upgrading technology and information management systems for use in food service programs if the local education agency submits a infrastructure development plan. Any food service management shall carry out activities to improve the general operation and quality of the food service programs by providing training. [42 USC 1769-1\(B\)](#). The School Meal Program provides guidelines for reimbursable meals, provisions that the reimbursable meals will not be less restrictive than regulations in the Child Nutrition Act. There are provisions for exemptions and variations in the meal plan for medical or special dietary needs supported by a stated from a medical professional who may prescribe, ethnic, religious, economic reasons and in emergency conditions. [7 CFR 210 & 220](#). A school district shall operate or provide a lunch program for all students in each district who attend school four hours or more each school day. School districts may provide school breakfast and lunch program for other students. [Iowa Code ch. 83A.2](#). Each school district operating or providing a school food program shall forward information of students to the Department of Human Services for which federal funding is provided to identify the student for medical assistance program. Iowa Code ch. [283A.3](#) and [514I](#).

**Iowa Department of Education Resource:** [School Meals](#)

### Section 504

Section 504 provides individuals with potential or actual mental or physical impairment that substantially limits the individual in one or more major life activities to have access to a free, appropriate public education [FAPE] and provides individuals rights to programs and accommodations for inclusion in any activity or program receiving federal financial assistance. School districts and schools who receive federal assistance are responsible to provide appropriate educational programming and address physical accessibility to school facilities. [29 USC § 794](#); [34 CFR Part 104](#). The Americans with Disability Act Amendment Act in broadens coverage of



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individuals to the maximum extent permitted to guarantee equal opportunities for individuals with disabilities. The school district maintains fidelity in the process of program design for an appropriate education to meet the educational needs of individuals with disabilities as adequately as the needs of nondisabled students are met. [34 CFR 104.33\(b\)\(1\)\(i\)](#).

**Iowa Department of Education Resource:** [Section 504](#)

### Special Education

Individuals with Disabilities Education Improvement Act [IDEA] mandates that school districts and schools make available special education and related service programming to all children with disabilities that require them. [20 USC Ch. 33](#); [29 USC § 794](#); [34 CFR Part 104](#); [Iowa Code § 280.8, 273.5](#); ([Iowa Code ch. 256B](#))([281 Chapter 41](#))([Iowa Code 273.5](#)). There are federal funds available to help state and local governments establish and maintain special education programs for students with disabilities as well as provide the related health services students need to benefit from special education, to include, but not limited to school health services and school nurse services ([281 IAC 41.34\(3\)](#)), qualified individuals ([281 IAC 41.405\(1\)](#)), special education nurse ([281 IAC 41.402\(3\)](#)), and authorized special education paraprofessional ([281 IAC 41.403\(2\)](#)).

**Iowa Department of Education Resource:** [Special Education](#)

### Statewide Voluntary Preschool Health Requirements

The Statewide Voluntary Preschool Program for four year old learners was established in May, 2007. [Iowa Code chapter 256C](#). Programs that receive funding from the Iowa Department of Education follow Iowa Quality Preschool Program Standards [IQPPS] to meet Program Standard 5.1-Health pursuant to the Department of Human Services [DHS]. [441 IAC ch.109](#). Requirements for the Program Standard 5.1 Health can be located on the Iowa Department of Education Website under IQPPS Guidance, page 12.

**Iowa Department of Education Resource:** [Statewide Voluntary Preschool Program for Four Year old Children](#)

### School Education Records and Retention

“Education records” means the type of records covered under the definition of “education records” in 34 CFR Part 99 (the regulations implementing the Family Educational Rights and Privacy Act [FERPA] of 1974, 20 USC 1232g). Each board shall require its administration staff to establish and maintain a system to include a school’s permanent office record and a cumulative record. [281 IAC 12.3\(4\)](#). Records documenting the student’s completion of curriculum shall be maintained for 2 years following the student’s graduation date. The student’s immunization record shall be kept for 3 years unless provisions have been made pursuant to [641 IAC 7.8\(b\)\(1\)](#).

#### School permanent office records

The permanent record serves as a historical record of official information concerning the enrolled student’s education listed under the student’s legal name to include, but not limited to: evidence of

# Iowa School Health Legal Reference Summary

attendance, educational progress, serve as an official transcript, other data used in planning to meet student's needs, and the provision of data for official and school district reports. [281 IAC 12.3\(4\)](#).

## School cumulative records

The cumulative record provides a continuous and current record of the student's progress and growth. The cumulative record should reflect at a minimum, but not limited to: courses taken, scholastic progress, attendance, physical and health records, experiences, interests, aptitudes, abilities, honors, extracurricular activities, part time employment, and future plans. The cumulative record is the "working record" used by professional staff in understanding the student's needs. At the request of a receiving school or district, a copy of the cumulative record shall be sent to officials of the school when a student transfers. [281 IAC 12.3\(4\)](#). Both cumulative and permanent office records are subject to the federal [Family and Education Rights and Privacy Act of 1974](#) and [Iowa Code Chapter 22](#).

## School health records

School health records, or any record created by the school nurse for any health service provided during the school day to the student is considered a cumulative or "working education record." [281 IAC 12.3](#). The school health record or any record created by the school nurse for any specific health service provided during to the school day to a student for which the school district is claiming Medicaid reimbursement for is considered a clinical record and shall be maintained for a minimum of five years from the date of the charge for reimbursement was made to the program. [441 IAC 79.3](#).

## School nurse "memory jogger":

A record created by a school nurse that is kept in the sole possession of the maker of the record and is not accessible or revealed to any other person except as a temporary substitute for the maker of the records serves as a "memory jogger" and is exempt from the federal Family and Education Rights and Privacy Act FERPA (e.g. a school nurse has taken notes regarding a phone conversation or face to face conversation). If the school nurse discloses to any party other than a temporary substitute for the maker of the records, then those records become "educational records" and are subject to FERPA. [US Department of Education Family Policy Compliance Office](#).

Consideration: School nurses should check their local school policy on record retention. Best practice would be for schools to keep records from the cumulative file it needs to protect itself from future claims regarding students, including former students.

## Student Immunization Record

The school admitting official, unless otherwise requested by the applicant, parent, or guardian shall retain the student's Iowa Department of Public Health Certificate of Immunization, Certificate of immunization Exemption, or Provisional Certificate of Immunization for 3 years commencing the transfer or graduation so the student. The permanent school may choose to offer to provide the student the permanent immunization record at the time of graduation. If the school chooses to provide the student their permanent immunization record at graduation, the school should state in a letter that the certificate of immunization is an important document, may be required for college enrollment, may be required for employment, and should be permanently maintained. [641 IAC 7.8\(1\)\(b\)](#).



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## Student records for students participating in alternative programs

Records for students at risk of dropping out or who have dropped out of school that are participating in a program or seek to enroll shall be requested by the school officials of the public or nonpublic school and shall be provided to the sending school. A school official who receives the information regarding the student shall disclose only to those school officials and employees whose duties require them to be involved with the student. A school official or employee who discloses the student's information to others whose duty does not require them to be involved with the student shall be subject to disciplinary action, including but not limited to: reprimand, suspension, or termination.

[Iowa Code § 280.19A.](#)

## Student records for special education services:

Schools must notify the student's parents when personally identifiable information that is collected, maintained, or used under Part B of the Act information to provide educational services no longer required. [281 IAC 41.624\(1\)](#). The school must destroy personally identifiable information if the parent requests. [281 IAC 41.624\(2\)](#). A permanent record of a student's name, address, and telephone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation, unless a record is needed for accountability and audit purposes. The record must be retained for five years after completion of the activity for which funds were used. [281 IAC 41.624\(3\)](#). This permanent record must contain the information required pursuant to [281 IAC 12.3](#).

## Student records for Medicaid services

The maintenance of Medicaid records by the school, meaning fiscal(financial) and clinical (medical) records by provider (meaning the school) of services provided for each student shall be maintained for a minimum of five years from the date of the charge for reimbursement was made to the program. [441 IAC 79.3](#).

**Iowa Department of Education Resource:** [Student Records and Retention](#)

## Student Responsibility and Discipline Policy

The school board or authorities of the accredited nonpublic school shall adopt student responsibility and discipline policies. The board shall involve parents, students, instruction staff, non-instructional staff, and community members in the development and revision of this policy, The policy shall relate to educational purposes and include, but not be limited to: attendance; use of tobacco; the use or possession of alcoholic beverages or any controlled substance; harassment of or by students and staff as detailed in subrule [12.3\(13\)](#); violent, destructive, and seriously disruptive behavior; suspension, expulsion, emergency removal, weapons, and physical restraint; out-of-school behavior; participation in extracurricular activities; academic progress; and citizenship. The policy shall ensure due process rights and the board shall consider disparate impact of the policy in relationship to discrimination.

[281 IAC 12.3\(6\)](#).

**Iowa Department of Education Resource:** [School Discipline Guidance from USDE](#)

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## Substance Use

The school board or authorities in charge of a school may suspend or expel a student if found to be using tobacco and in the use or possession of alcoholic liquor, wine, or beer or any controlled substance. Iowa Code § [279.9](#). School boards and authorities in charge of schools shall prescribe procedures to report any use or possession of alcohol or any controlled substance on school premise to local law enforcement, if the use or possession is in violation of state law. Iowa Code § [280.24](#). Districts are required to develop and implement age appropriate, developmentally based drug and alcohol prevention programs for students in preschool thru 12<sup>th</sup> grade whom are in Drug Free School Zones (Safe and Drug Free Schools and Communities, [Title IV-21<sup>st</sup> Century Schools 20 USC 7101 et seq.](#)).

**Iowa Department of Education Resource:** [Title IV-Part A-Safe and Drug Free Schools](#)

## Tobacco Use and Smoke Free Air Act

The Iowa Smokefree Air Act prohibits smoking in any politic subdivision, meaning a school district or school, to include areas such as the school cafeterias [where which food is offered to the public, students, or employees], school grounds [including parking lots, athletic fields, playgrounds, tennis courts, inside any school vehicle] or any facility under the control of a public or private educational facility. [Iowa Code § 142D.3](#). Smoking means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other tobacco product in any manner or in any form. [Iowa Code § 142D.3](#). [No Child Left Behind Title IVC 4301 et seq.](#) prohibits indoor school facility smoking as well.

**Iowa Department of Education Resource:** [Title IV-Part A-Safe and Drug Free Schools](#)

## Transportation

Districts are permitted to provide transportation for resident students enrolled in public school, for programs that are part of an extracurricular activity, or regular activities approved and adopted by the local education boards. [281 IAC ch. 43](#). Regulations are provided that are specific to the student, the district, the bus driver, and the bus requirements. [281 IAC ch. 44](#).

## School Bus Driver: Physical Certification

Bus Drivers authorization to operate a school bus, except those diagnosed with insulin dependent diabetes, includes a biennial physical examination by a certified medical examiner of the national registry and must submit the signed certificate to their employer pursuant to the Federal Motor Carrier Safety Administration [FMCSA] regulations. [49 CFR §§ 391.41-391.49](#); [281 IAC 43.15](#); [Iowa Code ch. 285](#).

## School Bus Driver: Drug and Alcohol Testing

School districts or schools utilize contracted clinical laboratories or school nurses, who have received certification in drug testing and as an alcohol screening test technician, to perform and maintain the chain of custody of Department of Transportation [DOT] Drug and Alcohol tests/records to meet the regulations passed in the Omnibus Transportation Employee Testing Act in 1991. With DOT, the Secretary's Office of Drug and Alcohol Policy and Compliance (ODAPC) published rules on how to

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conduct post-accident, random, and reasonable suspicion testing. [49 CFR Part 40](#). The Urine Specimen collected for DOT Drug testing analyzes for the following drugs/metabolites: Marijuana metabolites/THC, cocaine metabolites, amphetamines, opiates and phencyclidine. The alcohol test measures for alcohol concentration level according to the Federal Motor Carrier Safety Administration [FMCSA] regulations.

**Iowa Department of Education Resource:** [Transportation Guidance](#)

### Violence

Any student attending a persistently dangerous school as defined in [Iowa Administrative Code Chapter 11](#) is eligible to transfer to a different school within the district and must be in effect as long as the student's original school is identified as persistently dangerous. Any individual student who becomes victim of a violent criminal offense involving physical assault under Iowa Code chapter 708 or sexual assault under Iowa Code chapter 709 shall, to the extent feasible, be permitted to transfer to another school within the district, [281-11.4 \(PL107-110\)](#).

### Violence Prevention Program

The Department of Education shall develop a statewide violence prevention program based on law-related education, contract with a law-related education agency that serves the state and develops violence prevention curricula for grades kindergarten thru twelve, provide training to teachers and school administrators, and develop school-community partnerships for violence prevention. [Iowa Code § 280.9B](#).

### Vision Screening Requirement

Each public or accredited nonpublic school shall forward to the Iowa Department of Public Health evidence of a valid vision screening for each Kindergarten and Third Grade student enrolled that is performed no earlier than 1 year prior to enrollment and no more than 6 months after the date of the child's enrollment. The school nurse can collaborate with parent to return their child's screening form. Also, the school nurse can collaborate with community providers or conduct the screening themselves. School nurses may enter the screening results into the Immunization Registry Information System [IRIS] to provide proof that school officials are in compliance with [641 IAC ch. 52](#) or by email/faxing the vision screening forms to the Iowa Department of Public Health.

Additionally, schools are required to give all enrolling preschool and kindergarten students' parents or a legal guardian a student vision card provided by the Iowa optometric association and approved by the Department of Education to all registering preschool and kindergarten students pursuant to [Iowa Code section 280.7A](#).

School districts may encourage a student to receive an eye examination by a licensed ophthalmologist or optometrist prior to the student receiving special education, but the examination is not a requirement for a student to receive special education services. [Iowa Code § 280.7A\(3\)](#).

**Iowa Department of Education Resource:** [Student Health Requirements](#)

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## Vocational and Applied Technology Education Act (Perkins Act)

Authorized federal funds are available to support vocational education programs to improve access to underserved students or those students with greater than average educational needs. Students with disabilities shall have equal access to vocational education. [20 USC § 2301 & 34 CFR §§ 400-491](#).

**Iowa Department of Education Resource:** [Perkins](#)

## Volunteer

A volunteer is defined as an individual who, without compensation or remuneration, provides a supportive role and performs tasks under the direction, supervision, and control of the school or school staff. A volunteer cannot work as a substitute for or replace the functions and duties of a teacher. 281 [IAC 12.4\(16\)](#).

## Wellness Policy

Section 204 of the Healthy, Hunger-Free Kids Act of 2010 (Public Law 111-296) added section 9A to the Richard B. Russell national School Lunch Act ([42 USC § 1758b](#)), Local School policy Implementation. The Act requires each local educational agency participating in the Nation School Lunch Program or other federal Child Nutrition programs to establish local school wellness policies for all schools under its jurisdiction. At a minimum, a local school wellness policy must include goals for nutrition promotion and education, physical activity that promotes student wellness, include nutritional guidelines for all foods available in each school district, permit parents and other stakeholders to participate in the development, implementation, review and update of the local wellness policy, inform and update the public, and be measured periodically on the extent to which schools are in compliance with the local wellness policy to include progress made in attaining goals by making assessments available to the public. Schools should designate one or more local educational agency officials to ensure that each school complies with the local school wellness policy.

**Iowa Department of Education Resource:** [School Wellness](#)