

**DEPARTMENT OF EDUCATION
PROFESSIONAL STANDARDS BOARD**

Statutory Authority: 14 Delaware Code, Section 1205(b) (14 **Del.C.** §1205(b))
14 **DE Admin. Code** 1582

FINAL

REGULATORY IMPLEMENTING ORDER

1582 School Nurse

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, seeks the consent of the State Board of Education to amend regulation 14 **DE Admin. Code** 1582 School Nurse as the regulation requires some formatting changes to conform to other Standard Certificates and the updating of the certification requirements. The regulation concerns the requirements for certification of educational personnel, pursuant to 14 Del.C. §1220(a) and sets forth the requirements for a School Nurse.

Notice of the proposed amendment of the regulation was published in the *News Journal* and the *Delaware State News* on November 6, 2010 in the form hereto attached as Exhibit "A". The notice invited written comments. Written comments were received from the Governor's Advisory Council for Exceptional Citizens and the State Council for Persons with Disabilities. The Councils expressed concerns regarding the language in 6.1.4, 4.1.2, and 5.1.1 concerning a nursing license and suggested that the Professional Standards Board consult with the Board of Nursing regarding whether more specific language was warranted. The Professional Standards Board confirmed that the language is appropriate. The Councils also suggested inserting R.N. before the word license 6.1.4 to conform to section 4.1.2. The Professional Standards Board took the comments under consideration and determined that the change was not necessary. The Councils also suggested a grammatical change in 6.1 and the Standards Board has incorporated the suggested change.

II. FINDINGS OF FACTS

The Professional Standards Board and the State Board of Education find that it is appropriate to amend the regulation to update the format and certification requirements.

III. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Professional Standards Board and the State Board of Education conclude that it is appropriate to amend the regulation. Therefore, pursuant to 14 **Del.C.** §1205(b), the regulation attached hereto as Exhibit "B" is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), the regulation hereby amended shall be in effect for a period of five years from the effective date of this order as set forth in Section V. below.

IV. TEXT AND CITATION

The text of the regulation amended shall be in the form attached hereto as Exhibit "B", and said regulation shall be cited as 14 **DE Admin. Code** 1582 of the Administrative Code of Regulations of the Department of Education.

V. EFFECTIVE DATE OF ORDER

The effective date of this Order shall be ten (10) days from the date this Order is published in the *Delaware Register of Regulations*.

APPROVED BY THE PROFESSIONAL STANDARDS BOARD THE 3rd DAY OF MARCH, 2011

Kathleen Thomas, Chair	Lori Hudson
Michael Casson	Chris Kenton
Joanne Christian	David Kohan
Samtra Devard	Jill Lewandowski
Stephanie DeWitt	Wendy Murray
Marilyn Dollard	Whitney Price
Karen Gordon	Shelley Rouser
Cristy Greaves	Jacque Wisnauskas

IT IS SO ORDERED the 7th day of April, 2011.

Department of Education

Lillian M. Lowery, Ed.D., Secretary of Education

Approved this 21st day of April, 2011

State Board of Education

Teri Quinn Gray, Ph.D., President	Gregory Coverdale
Jorge L. Melendez, Vice President	Terry M. Whittaker, Ed.D.
G. Patrick Heffernan	James L. Wilson, Ed.D.
Barbara B. Rutt	

1582 School Nurse

1.0 Content

~~This regulation shall apply to the requirements for a Standard Certificate for School Nurses, pursuant to 14 **Del.C.** §1220(a).~~

1.1 This regulation shall apply to the issuance of a Standard Certificate, pursuant to 14 **Del.C.** §1220(a), for School Nurse. This certification is required for all School Nurses providing services to children within the Delaware public school system.

1.2 Except as otherwise provided, the requirements set forth in 14 **DE Admin. Code** 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.

2.0 Definitions

The following words and terms, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:

"Department" means the Delaware Department of Education.

"Educator" means a public school employee who holds a license issued under the provisions of 14 **Del.C.** c.12, and includes teachers and administrators, and as otherwise defined by the Standards Board and the State Board pursuant to 14 **Del.C.** §1203, but does not include substitute teachers. For the purposes of this regulation, school nurses are considered educators.

"License" means a credential which authorizes the holder to engage in the practice for which the license is issued.

"Standard Certificate" means a credential issued to certify that an educator has the prescribed knowledge, skill or education to practice in a particular area, teach a particular subject, or teach a category of students.

~~"Standards Board" means the Professional Standards Board established pursuant to 14 Del.C. §1201.~~

~~"State Board" means the State Board of Education of the State pursuant to 14 Del.C. §104.~~

The definitions set forth in 14 DE Admin. Code 1505 Standard Certificate, including any subsequent amendment or revision thereto, are incorporated herein by reference.

3.0 Standard Certificate

~~In accordance with 14 Del.C. §1220(a), the Department shall issue a Standard Certificate as a School Nurse to a nurse who holds a valid Delaware Initial, Continuing, or Advanced License; or a Limited Standard, Standard or Professional Status Certificate issued by the Department prior to August 31, 2003 and who meets the following requirements:~~

- ~~3.1 Bachelor's degree in Nursing or School Nursing from an accredited college or university; and,~~
- ~~3.2 Current RN license, recognized by the DE Board of Nursing; and,~~
- ~~3.3 A minimum of three years clinical nursing experience; and~~
- ~~3.4 Valid and current certification in CPR.~~

3.1 In accordance with 14 Del.C. §1220(a), the Department shall issue a Standard Certificate as a School Nurse to an educator who has met the following:

- 3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License; or a Limited Standard, Standard or Professional Status Certificate issued by the Department prior to August 31, 2003; and,
- 3.1.2 Has met the requirements as set forth in 14 DE Admin. Code 1505, Standard Certificate including any subsequent amendment or revision thereto: and
- 3.1.3 Has satisfied the additional requirements in this regulation.

4.0 Induction Requirements

~~4.1 Pursuant to 14 Del.C. §1510, 4.2 and 14 Del.C. §1511, 3.0, during the term of the Initial License as an educator, a school nurse must complete 90 clock hours of training consisting of school nursing, health education, testing and screening, counseling and guidance, and introduction to exceptional children. Failure to meet this requirement will result in the denial of a Continuing License. (See 14 Del.C. §1511, 3.0).~~

4.0 Additional Requirements

4.1 An educator must also have met the following additional education and licensure requirements:

- 4.1.1 Holds a Bachelor's degree in Nursing (BSN) from a regionally accredited college or university; and,
- 4.1.2 Holds and maintains a current Registered Nurse license, recognized by the Delaware Board of Nursing; and,
- 4.1.3 Holds and maintains a valid and current certification in cardiopulmonary resuscitation (CPR) and in the use of an automatic external defibrillator (AED); and,
- 4.1.4 Completes within eighteen (18) months of hire, ninety (90) clock hours of training approved by the Department consisting of school nursing, health education, testing and screening, counseling and guidance, and introduction to exceptional children.

4.2 An educator must also have met the following experience requirement:

- 4.2.1 Has completed a minimum of three (3) years of supervised clinical nursing experience.

5.0 Revocation

~~5.1 A Standard Certificate; or a Limited Standard, Standard or Professional Status Certificate as a School Nurse issued prior to August 31, 2003 may be revoked in accordance with 14 Del.C. §1514 for:~~

- ~~5.1.1 Making a materially false or misleading statement in a certificate application; or~~
- ~~5.1.2 Revocation of a license issued under 14 Del.C. c.12; or~~

- 5.1.3 Failure to maintain a current license as a registered nurse in the State of Delaware; or
- 5.1.4 Failure to maintain valid and current certification in CPR.

5.0 Expiration

- 5.1 A Standard Certificate shall expire if the educator:
 - 5.1.1 Fails to maintain a current Registered Nurse license, recognized by the Delaware Board of Nursing; or
 - 5.1.2 Fails to maintain valid and current certification in cardiopulmonary resuscitation (CPR) and in the use of an automatic external defibrillator (AED), or
 - 5.1.3 Fails to complete within eighteen (18) months of hire, ninety (90) clock hours of training consisting of school nursing, health education, testing and screening, counseling and guidance, and introduction to exceptional children.

6.0 Verification of Eligibility and Reporting

- 6.1 An educator holding a School Nurse certificate shall do the following:
 - 6.1.1 Notify the Department immediately if they fail to meet the qualifications as a School Nurse.
 - 6.1.2 Annually notify the Department and affirm their continued eligibility for certification and if requested, provide documentation verifying their continued eligibility.
 - 6.1.3 If employed in the public school system, provide documentation to their employer of their current credentials including a valid nursing license, and CPR and AED certification.
 - 6.1.4 If not employed in the public school system, provide documentation to the Department of their current credentials including a valid nursing license, and CPR and AED certification.
- 6.2 Upon employment of a School Nurse, a district or charter school is responsible for verifying that the School Nurse continues to meet the requirements in Sections 4.1.1 through 4.1.3.
 - 6.2.1 The district or charter school must maintain documentation of the verification of initial credentials and maintain documentation of current credentials including a valid nursing license, and CPR and AED certification.
- 6.3 Districts and charter schools shall report information to the Department when they receive information that would result in the expiration of a School Nurse Standard Certificate.

7 DE Reg. 633 (11/1/03)

14 DE Reg. 1228 (05/01/11)

Renumbered effective 6/1/07 - see Conversion Table