

DEPARTMENT OF EDUCATION
OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(d) (14 **Del.C.** §122(d))
14 **DE Admin. Code** 815

PROPOSED

Education Impact Analysis Pursuant To 14 Del.C. Section 122(d)

815 Physical Examinations and Screening

A. TYPE OF REGULATORY ACTION REQUIRED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

The Secretary of Education intends to amend 14 **DE Admin. Code** 815 Physical Examinations and Screening to require a second physical examination or evaluation for high school students. The new requirement provides that students entering grade 9 shall have a physical examination or evaluation within 2 years of entry into grade 9. The requirement would begin with the 2012-2013 school year. The regulation also provides what is acceptable as the physical examination or evaluation form. The changes are being proposed based on input and conversations between the Department of Public Health and Department.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before November 2, 2011 to Susan Haberstroh, Education Associate, Regulation Review, Department of Education, at 401 Federal Street, Suite 2, Dover, Delaware 19901. A copy of this regulation is available from the above address or may be viewed at the Department of Education business office.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation is related to physical examinations and not specifically related to state achievement standards.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation is related to physical examinations and not specifically related to students receiving an equitable education.

3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? The amended is intended to ensure all students' health and safety are adequately protected. Currently students are only required to have a physical examination upon entry into a Delaware public school. This typically occurs at kindergarten, or age 5. The second physical examination will ensure the child, as an adolescent, is assess by a healthcare provider during this critical developmental stage.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation is related to physical examinations and not specifically related to students' legal rights.

5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The amended regulation maintains the necessary authority and flexibility of decision making at the local board and school level.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels.

7. Will the decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? Decision making authority and accountability for addressing the subject does not change because of the amendments.

8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts and social studies? The amended regulation is related to physical examinations and would not be considered an impediment to the implementation of other state educational policies.

9. Is there a less burdensome method for addressing the purpose of the regulation? There is not a less burdensome method for addressing the purpose of the regulation.

10. What is the cost to the State and to the local school boards of compliance with the regulation? There are no additional educational costs to the State or local school boards for compliance. There may be some additional costs to parents and guardians for the second physical. Additionally, there may be some costs to state Medicaid for students covered under that program.

815 Physical Examinations and Screening

1.0 Definitions

"Delaware School Physical Examination Form" means the age appropriate form developed by the Delaware Department of Education for documenting information from the parent, guardian or Relative Caregiver and healthcare provider on the student's health status.

"Delaware Interscholastic Athletic Association (DIAA) Pre-Participation Physical Evaluation" means the form approved by the DIAA.

"Healthcare Provider" means a currently licensed physician, advanced practice nurse, nurse practitioner, or physician's assistant.

"Physical Examination or Physical Evaluation" means the medical or nursing examination or evaluation and assessment of the body by a healthcare provider to determine health status and conditions.

4.2.0 Physical Examinations

~~42.1~~ All public school students shall have a two physical examinations that ~~has~~ have been administered by a ~~licensed medical physician, nurse practitioner or physician's assistant~~ healthcare provider. The first physical examination shall have been done within the two years prior to entry into school. Beginning in school year 2012-2013, the second physical examination shall be required for entering grade 9 students and shall be done within the two years prior to entry into grade 9. Within ~~fourteen~~ thirty calendar days after ~~notification of the requirement for a physical examination entry,~~ new enterers and grade 9 students who have not complied with the second physical examination requirement shall have received a the physical examination or shall have a documented appointment with a licensed health care provider for a the physical examination. For purposes of this regulation only, students entering grades 10, 11 or 12 in the 2012 - 2013 school year shall not be required to have the second physical examination or evaluation.

~~42.1.1~~ The requirement for the physical examination may be waived for students whose parent, guardian or Relative Caregiver, or the student if 18 years or older, or an unaccompanied homeless youth (as defined by 42 USC 11434a) presents a written declaration acknowledged before a notary public, that because of individual religious beliefs, they reject the concept of physical examinations.

~~2.1.2~~ Notwithstanding the above, a second physical examination shall not be required if the first physical examination is within two years of entering Grade 9.

~~2.1.3~~ The Delaware School Physical Examination Form or the DIAA Pre-Participation Physical Evaluation form may be used as documentation of the physical examination. In addition, a district or charter school may accept a physical examination or evaluation documentation on a form which includes, at a minimum, health history, immunizations, results on medical testings and screenings, medical diagnoses, prescribed medications and treatments, and healthcare plans.

~~4.1.2~~ 2.1.4 The school nurse shall record all findings on the Delaware School Health Record Form within the student's electronic medical record (see 14 DE Admin. Code 811) and maintain the original copy in the child's medical file.

10 DE Reg. 1807 (06/01/07)

Non regulatory note: See 14 DE Admin. Code 1008.3 and 14 DE Admin. Code 1009.3 for physical examination requirements associated with participation in sports.

23.0 Screening

~~23.1~~ Vision and Hearing Screening

~~23.1.1~~ Each public school student in kindergarten and in grades 2, 4, 7 and grades 9 or 10 shall receive a vision and a hearing screening by January 15th of each school year.

~~23.1.1.1~~ In addition to the screening requirements in 2.1.1, screening shall also be provided to new enterers, students referred by a teacher or an administrator, and students considered for special education.

~~23.1.1.1.1~~ Driver education students shall have a vision screening within a year prior to their in car driving hours.

~~23.1.2~~ The school nurse shall record the results on the Delaware School Health Record Form within the student's electronic medical record and shall notify the parent, guardian or Relative Caregiver or the student if 18

years or older, or an unaccompanied homeless youth (as defined by 42 USC 11434a) if the student has a suspected problem.

23.2 Postural and Gait Screening

23.2.1 Each public school student in grades 5 through 9 shall receive a postural and gait screening by December 15th.

23.2.2 The school nurse shall record the findings ~~on the Delaware School Health Record Form~~ within the student's electronic medical record (see 14 **DE Admin. Code** 811) and shall notify the parents, guardian or Relative Caregiver, or the student if 18 years or older, or an unaccompanied homeless youth (as defined by 42 USC 11434a) if a suspected deviation has been detected.

23.2.2.1 If a suspected deviation is detected, the school nurse shall refer the student for further evaluation through an on site follow up evaluation or a referral to the student's health care provider.

23.3 Lead Screening

23.3.1 Children who enter school at kindergarten or at age 5 or prior, shall be required to provide documentation of lead screening as per 16 **Del.C.** Ch. 26.

23.3.1.1 For children enrolling in kindergarten, documentation of lead screening shall be provided within sixty (60) calendar days of the date of enrollment. Failure to provide the required documentation shall result in the child's exclusion from school until the documentation is provided.

23.3.1.2 Exemption from this requirement may be granted for religious exemptions, per 16 **Del.C.** §2603.

23.3.1.3 The Childhood Lead Poisoning Prevention Act, 16 **Del.C.**, Ch. 26, requires all health care providers to order lead screening for children at or around the age of 12 months of age.

23.3.2 The school nurse shall document the lead screening ~~on the Delaware School Health Record Form~~ within the student's electronic medical record. See 14 **DE Admin. Code** 811.

7 DE Reg. 68 (07/01/03)

10 DE Reg. 1807 (06/01/07)

15 DE Reg. 432 (10/01/11) (Prop.)