

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b) (14 Del.C. §122(b))
14 DE Admin. Code 811

PROPOSED

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

811 School Health Record Keeping Requirements

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 811 School Health Record Keeping Requirements. This regulation is being amended to clarify procedures and purpose of school health record keeping documents.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before November 5, 2015 to Tina Shockley, Education Associate, Department of Education, Regulatory Review, at 401 Federal Street, Suite 2, Dover, Delaware 19901. A copy of this regulation may be viewed or obtained at the Department of Education, Finance Office located at the address listed above.

C. Impact Criteria

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation is intended to assist student achievement by supporting their health so that they can be in school and fully participate. It is not measured against state achievement standards.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation is intended to continue to help ensure all students receive an equitable education.

3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? The amendments address students' health and safety.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation continues to help ensure that all students' legal rights are respected.

5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The amended regulation does not change the 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 any unnecessary reporting or administrative requirements on decision makers.

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

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 amendment is consistent with and not 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 is no expected additional cost to implementing this amended regulation.

811 School Health Record Keeping Requirements

1.0 Definitions

"Delaware School Health Record Form" means an ~~form~~ electronic document containing ~~documentation of an information about a~~ student's health information, which includes but is not limited to ~~identifying information, health history, the student's name, gender, birthdate,~~ immunizations, results of mandated testing and screenings, medical diagnoses, ~~long term~~ issued medications and treatments, and referrals.

"Department" means the Delaware Department of Education.

“Emergency/Nursing Treatment Card” means a ~~card~~ form containing contact information and general school emergency procedures for the care of a student who becomes sick or injured at school. The card contains the following information: the student's name, birth date, school district, school, grade, ~~home room or teacher or class assignment~~, home address, ~~home~~ and telephone number; the name, place of employment and work telephone number of the parent, guardian or Relative Caregiver; two other names, addresses, and telephone numbers of individuals who can be contacted at times when the parent, guardian or Relative Caregiver ~~can not~~ cannot be reached; the name and telephone number of the ~~family physician~~ primary health care provider and family dentist; any medical conditions or allergies the student has; and the student's medical insurance.

“Student Accident Report Form” means a form developed by the Department that is used by the district or charter to review school accidents resulting in medical evaluation or referral.

“Student Health History Update” means a form developed by the Department that is used to obtain current student health information from the parent, guardian, or Relative Caregiver or the student if 18 years or older or an unaccompanied homeless youth.

“Summary of School Health Services” means an annual report created by the Department on school health services that have been provided and electronically documented by school nurses.

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

2.0 Emergency/Nursing Treatment Card

- 2.1 An Emergency/Nursing Treatment Card for each public school student shall be on file in the office of the school nurse.
 - 2.1.1 The information on the Emergency/Nursing Treatment Card shall be shared only on a need to know basis as related to the education and health needs of the student and consistent with state and federal laws.
 - 2.1.2 The parent, guardian or Relative Caregiver or the student if 18 years or older, or an unaccompanied homeless youth (as defined by 42 U.S.C. 11434(a)) shall sign the Emergency/Nursing Treatment Card to assure they understand the purpose of the form and acknowledge the accuracy of the information.
 - 2.1.3 The Emergency/Nursing Treatment Card is used to update the student’s medical information on the Delaware School Health Record and student’s contact information in the district or charter electronic pupil accountability system.
 - 2.1.4 The contact information on the Emergency/Nursing Treatment Card shall be used by the school nurse to contact the parent regarding any health-related matter and to identify a person to pick up or provide consultation regarding the student’s acute illness or injury.

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

3.0 Delaware School Health Record Form

- 3.1 The Delaware School Health Record ~~Form~~ shall be current and shall be part of the student’s health record within the Cumulative Record File (14 **DE Admin. Code** 252) which accompanies the student when he or she moves to another school.
- 3.2 The Delaware School Health Record ~~Form~~ shall be maintained for the duration of the student's schooling and the school nurse shall use the Student Health History Update ~~Form~~ to keep health records current. ~~The Delaware School Health Record Form shall remain in the nurse's file during the student's attendance in school.~~
 - 3.2.1 The Delaware School Health Record ~~Form~~ may ~~shall~~ be maintained in ~~hard copy~~ or within an electronic documentation program and transferred electronically with the student. If the Delaware School Health Record cannot be transferred electronically, a hard copy shall be created and transferred to the receiving school. Beginning with the 2008-2009 school year, all Delaware School Health Records Forms shall be in an electronic format.
- 3.3 Documentation received on the student’s health, including parent medication permission slips and immunization records, shall be recorded in his or her electronic Delaware School Health Record. Hard copies of the documents shall be maintained in an individual school health folder.

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

NON REGULATORY NOTE: also see 14 **DE Admin. Code** 251 and 252 and the Delaware Public Archives Document Delaware School Districts General Records Retention Schedule.

4.0 Other Required Documentation

- 4.1 The school nurse shall document in the state, district, or charter electronic health record system for individual student health data any nursing care provided including the school name, a three point date, the person's (student, staff or visitor) first and last name, the time of arrival and departure, the presenting complaint, the

nurse's assessment intervention and the outcome, including the disposition of the situation, the parent or other contact, if appropriate, and the nurse's complete signature or initials.

- 4.1.1 The school nurse shall document the care given at the time of a school based accident by completing the Student Accident Report Form if the student missed more than one half day because of the accident or if the school nurse has referred the student for a medical evaluation regardless of whether the parent, guardian or Relative Caregiver or student if 18 years or older, or an unaccompanied homeless youth (as defined by 42 U.S.C. 11434(a)) followed through on that request.

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

5.0 Submission of Records

- 5.1 ~~All local school districts and charter schools shall submit the Summary of School Health Services Form, to the Delaware Department of Education by August 31st of each year. The form shall include all of the school health services provided in all schools during the fiscal year including summer programs. The Department will annually create the Summary of School Health Services provided by districts and charters. Data from the previous school year shall be collected from the state's pupil accountability system after August 15th. Any district or charter using an alternative electronic health record shall submit an electronic version of the Summary of School Health Services report to the Department by August 31st of each year.~~

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

19 DE Reg. 234 (10/01/15) (Prop.)