

# 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

### PUBLIC NOTICE

#### 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

Pursuant to 14 Del.C. §122(b), the Secretary of Education intends to amend 14 DE Admin. Code 811 School Health Record Keeping Requirements. The Department is amending this regulation in order to comply with 29 Del.C. §10407 which requires regulations to be reviewed on a recurring basis every four years. The regulation is being amended to grammatically correct the title of the regulation, add a purpose statement, update the title of the Delaware Emergency Treatment Card, and to correct grammatical errors in order to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/delaware-education-laws-and-regulations/provide-public-comment/> by the close of business (4:30 p.m. EST) on or before February 3, 2023. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

##### C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation does not specifically address the improvement of student achievement as measured against state achievement standards.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation will 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 amended regulation will help ensure all students' health and safety are adequately protected.

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 or mandates 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 amended regulation does not change the decision making authority and accountability for addressing the subject to be regulated.

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 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 no less burdensome method for addressing the purpose of the amended regulation.

10. What is the cost to the State and to the local school boards of compliance with the regulation? There are no material costs to implementing this amended regulation.

#### 811 School Health Record Keeping Recordkeeping Requirements

## **1.0 Purpose**

The purpose of this regulation is to outline the required school health record documents and forms, and recordkeeping responsibilities, including entry into eSchool, in order to ensure student safety in schools.

## **4.0 2.0 Definitions**

The following words and terms, when used in this regulation, have the following meaning:

**"Delaware School Health Record"** means an electronic document containing information about a student's health, which includes but is not limited to the student's name, gender, birthdate, immunizations, results of testing and screenings, medical diagnoses, issued or prescribed medications and treatments, student athlete health records compiled in compliance with DIAA regulations and referrals.

**"Department"** means the Delaware Department of Education.

**"Emergency/Nursing Delaware Emergency Treatment Card"** means a 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 or class assignment, home address, 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 cannot be reached; the name and telephone number of the primary health care provider and family dentist; any medical conditions or allergies the student has; and the student's medical insurance. **NON REGULATORY NOTE: 14 DE Admin. Code 252 contains the same definition for "Delaware Emergency Treatment Card."**

**"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 ~~Caregiver~~, or the student if 18 years or ~~elder~~ 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)**

**19 DE Reg. 490 (12/01/15)**

## **2.0 3.0 Emergency/Nursing Delaware Emergency Treatment Card**

~~2.4~~ **3.1** An ~~Emergency/Nursing A Delaware Emergency~~ Treatment Card for each public school student shall be on file in the ~~office of the school nurse~~ electronic student health record.

~~2.1.4~~ **3.1.1** The information on the ~~Emergency/Nursing Delaware Emergency~~ 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~~ **3.1.2** 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 Delaware Emergency~~ Treatment Card to assure they understand the purpose of the form and acknowledge the accuracy of the information.

~~2.1.3~~ **3.1.3** The ~~Emergency/Nursing Delaware Emergency~~ 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~~ **3.1.4** The contact information on the ~~Emergency/Nursing Delaware Emergency~~ Treatment Card shall be used by the school nurse to contact the parent, guardian or Relative Caregiver 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)**

**19 DE Reg. 490 (12/01/15)**

## **3.0 4.0 Delaware School Health Record**

~~3.1~~ **4.1** The Delaware School Health Record 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~~ the student moves to another school.

~~3.2~~ **4.2** The Delaware School Health Record shall be maintained for the duration of the student's schooling and the school nurse shall use the Student Health History Update to keep health records current.

~~3.2.4~~ 4.2.1 The Delaware School Health Record shall be maintained within an electronic documentation program and transferred electronically with the student.

4.2.2 If the Delaware School Health Record cannot be transferred electronically, a hard copy shall be created and transferred to the receiving school.

~~3.3~~ 4.3 Documentation received on the student's health, including parent medication permission slips and immunization records, shall be recorded in ~~his or her~~ the student's electronic Delaware School Health Record. Hard copies of the documents shall be maintained in ~~an individual~~ the student's school health folder.

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

**19 DE Reg. 490 (12/01/15)**

**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** 5.0 Other Required Documentation

~~4.1~~ 5.1 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.

~~4.1.4~~ 5.2 The school nurse shall document the care given at the time of a ~~school-based~~ school-based accident by completing the Student Accident Report Form if the student missed more than ~~one-half~~ 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)**

**19 DE Reg. 490 (12/01/15)**

#### **5.0** 6.0 Submission of Records

The Department will annually create the Summary of School Health Services report 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. 490 (12/01/15)**

**26 DE Reg. 518 (01/01/23) (Prop.)**