

## INFORMATION AND LEGISLATION

### General Information

The California Department of Education supports the placement and maintenance of pupils in the regular education classroom provided that such placement does not adversely affect their educational performance or cause harm to the pupil's physical condition. California Education Code (CEC) 49423.5 now authorizes specialized physical health care services to be provided on the school site for physically and severely handicapped students.

Various public agencies at the state level, including the Bureau of Consumer Affairs, the State Department of Special Education, and the Office of Developmental Disabilities, have participated in the development and review of the policies related to the procedures contained in this publication and in the State Guidelines which will be published by the State Department of Education this year.

The following information is based on the legislation and codes listed in the Appendix.

### Purpose

1. Specialized Physical Health Care Services (SPHCS) are those services prescribed by the student's physician and must be characterized by all of the following:
  - a. are necessary during the school day to enable the child to attend school,
  - b. can be learned by the average person without requiring prior medical training,
  - c. do not require extensive amounts of time for their administration, and
  - d. do not require a physician to administer.

They include, but are not limited to, catheterization, gastrostomy feeding, suctioning, crede", ostomy care, postural drainage and tracheotomy care.

## Information and Legislation (Continued)

2. SPHCS procedures shall be developed by school nurses in collaboration with appropriate school administrators and physicians.
3. Providing required SPHCS by school personnel creates specific medical, legal, and administrative responsibilities which must be considered in determining pupil placement. A student requiring SPHCS shall not be enrolled until all legal requirements are met. Due to the nature of these requirements, the Individual Education Program (IEP) team shall include the school nurse.
4. The school nurse shall consider and report the following to the IEP team:
  - a. Current medical information from the physician responsible for medical management of the student.
  - b. Frequency and severity of episodes requiring SPHCS.
  - c. Complexity of SPHCS required.
  - d. Recommendations regarding training and supervision of qualified personnel required to administer SPHCS.
  - e. Safeguards required for the welfare of the pupil:
    - (1) Availability of Emergency Medical Services, i.e., paramedics and response time.
    - (2) Appropriate storage and maintenance of required equipment.
    - (3) Suitable environment for the safe administration of SPHCS.
    - (4) Safe transportation of the pupil.
      - (a) Stability of medical condition during transportation.
      - (b) Feasibility of administering SPHCS during transportation.
  - f. Amount of time required for qualified personnel to administer SPHCS.
  - g. Effects of pupil placement on the health and welfare of other pupils.
  - h. Communicable diseases which require the pupil to be excluded from school.
5. The authority to perform specialized physical health care services in the school setting comes from section 40422 and 49423.5 of the Education Code, not the school nurse's credential or license or that of the physician. Any designated school personnel who can demonstrate competency in basic CPR and is trained to perform the specific needed services does so under the supervision of a qualified school nurse, public health nurse, or a licensed physician and surgeon pursuant to section 41423.5 of the California Education Code.

## Information and Legislation (Continued)

### Definitions

Current terms used by professionals describing pupils with chronic health conditions are "chronically ill", "medically, fragile", "other health impaired", and "technology dependent."

**Chronically ill** is defined as having a condition that interferes with school functioning or is likely to do so.

**Medically Fragile** is a condition which may be life threatening and requires interpretation, intervention, and monitoring.

**Other Health Impaired** The pupil has limited strength, vitality or alertness, with fluctuating states of medical or health care needs which adversely affects educational performance and requires supervision to monitor, regulate, or intervene when appropriate. Such physical disabilities are not temporary in nature.

**Technology Dependent** is defined as one who needs both a mechanical device to compensate for the loss of a vital body function and substantial and ongoing nursing care to avert death or further disability.

### Qualified Personnel

- a. **Qualified persons** are those who possess an appropriate credential issued for school nurses or hold a valid certificate of public health nursing issued by the State Department of Health Services; or
- b. **Qualified designated school personnel** are those trained in the administration of specialized physical health care—provided they perform such services under the supervision of a school nurse, public health nurse, or licensed physician or surgeon.

Persons providing specialized physical health care services shall also demonstrate competence in basic cardiopulmonary resuscitation, and shall be knowledgeable of the emergency medical resources available in the community in which the services are performed.

**Supervision** means review, observation, and/or instruction of a designated school person's performance and of health care services (California Administrative Code, Title 5, Section 3051.12), but does not necessarily require the immediate presence of the supervisor at all times.

**Immediate supervision** means that the supervisor shall be physically present while the procedure is being administered.

## Information and Legislation (Continued)

**Direct supervision** means that the supervisor shall be present in the same building as the person being supervised and available for consultation and/or assistance.

**Indirect supervision** means that the supervisor shall be available to the qualified designated school person either in person or through electronic means to provide necessary instruction, consultation, and referral to appropriate care and services as needed.

**Supervision of a designated school person** shall include review on-site by a qualified school nurse, qualified public health nurse, or qualified licensed physician and surgeon. Supervision shall also include review of the competence of that individual in performing the specialized health care service, maintenance of appropriate records, physical environment, and equipment.

## APPENDIX

Several pertinent Codes and Statutes are listed in the appendix;

California Education Codes:    44885,5, Qualifications for Nurses  
                                     0,        Health and Physical Development  
                                     1,        Supervision  
                                     2,        Contracts  
                                     3,        Communicable Diseases  
                                     4,        Expenditure of District Funds  
                                     49407,    Liability for Treatment  
                                     49408,    Information for Use in Emergencies  
                                     49420,    Employment of Medical Personnel  
                                     49422,    Supervision of Health and Physical  
    Development of Pupils  
                                     0,        Administration of Prescribed Medication  
                                     49423.5, Specialized Physical Health Care Services  
                                     1,        School Psychologists; Services  
                                     49426,    School Nurses; Services

Statutes 1978, Chapter 1220

AB 3477, Special Education Pupils Health Services

PL 94-142

PL 99-457