

STATE BOARD OF EDUCATION
STATE DEPARTMENT OF EDUCATION
ADMINISTRATIVE CODE

CHAPTER 290-4-5
STUDENT HEALTH SERVICES

TABLE OF CONTENTS

| | |
|-------------|---|
| 290-4-5-.01 | Individual Health Plans |
| 290-4-5-.02 | Definitions |
| 290-4-5-.03 | Requirements For Palliative And End Of Life Individual Health Plans |
| 290-4-5-.04 | Training For Palliative And End Of Life Individual Health Plans |
| 290-4-5-.05 | Requirements For Seizure Management And Treatment Plan |
| 290-4-5-.06 | Requirements For Seizure Management And Treatment Plans Training |
| 290-4-5-.07 | Limitation To Seizure Management, Treatment, And Training |
| 290-4-5-.08 | Mental Health Service Coordinator Program |

290-4-5-.01 Individual Health Plans.

In accordance with the mission of promoting student health in public schools of Alabama, school nurses employed by local boards should follow these educational guidelines as described herein.

Author: Dr. Eric G. Mackey

Statutory Authority: Code of Ala. 1975, §§16-30B-3.

History: New Rule: Filed July 9, 2019; effective August 23, 2019. **Repealed and New Rule:** Published May 31, 2022; effective July 15, 2022.

290-4-5-.02 Definitions.

(1) **INDIVIDUAL HEALTH PLAN:** A document that outlines health care to be provided to a student in the school setting, developed by the school nurse in conjunction with the student's parents or guardians and may contain the orders from the physician, certified registered nurse practitioner operating under a valid collaborative agreement, or physician assistant operating with a valid supervisory agreement.

(2) **PALLIATIVE AND END OF LIFE INDIVIDUAL HEALTH PLAN:** A document that outlines activities in which a qualified minor may participate in the school setting or in selected school situations

as prescribed in the plan. A plan shall be developed by the school nurse in conjunction with the qualified representatives of the qualified minor, as provided under this chapter, and shall outline the health care to be provided, including an Order for Pediatric Palliative and End of Life Care, as defined in Code of Ala. 1975, §22-8A-3, to a qualified minor in a school setting. The contents of the plan shall include the medical needs of the student. The execution of the plan shall be determined by the crisis team specified in the PPEL-IHP. Termination of the plan shall be when the student is no longer enrolled in the local education agency (LEA).

(3) **SCHOOL:** A primary or secondary public school located in the state.

(4) **SCHOOL SETTING:** Preschool through twelfth grade in a public school.

(5) **SCHOOL EMPLOYEE:** An individual employed by a public school system located in the state.

(6) **SCHOOL NURSE:** A nurse licensed by the Alabama Board of Nursing and employed as a school nurse by a public school system located in the state. Pursuant to Rule 610-X-7-.02(1), the school nurse is accountable and responsible for the nursing care delivered to students under the nurse's jurisdiction.

(7) **SEIZURE ACTION PLAN:** Contains the essential information school staff may need to know in order to help a student who has seizures. It includes information on first aid, parent and health care provider contacts, and medications specially for that child.

(8) **SEIZURE INDIVIDUAL HEALTH PLAN:** (seizure -IHP) The Seizure Individual Health Plan shall be developed by the school nurse, in consultation with the parent or guardian and contain the seizure management plan and valid health care orders by an authorized prescriber.

(9) **SEIZURE MANAGEMENT AND TREATMENT PLAN:** A document identifying the health care services and prescribed medications a student may receive at school or while participating in a school sponsored activity.

(10) **LEAD NURSE:** A Registered Nurse designated by the local school superintendent whose responsibilities shall include annually providing a full and comprehensive assessment of all student health needs within the local education agency. Based on the assessment findings, the designated nurse shall make recommendations to the local school superintendent concerning the implementation and coordination of student health needs.

(11) **PHYSICIAN:** An individual licensed to practice medicine in the state of Alabama selected by or assigned to the patient who has primary responsibility for the treatment and care of the patient.

(12) **COMPETENT ADULT:** An adult who is alert, capable of understanding a lay description of medical procedures and able to appreciate the consequences of providing, withholding, or withdrawing medical procedures.

(13) **HEALTH CARE PROXY:** Any person designated to act on behalf of an individual pursuant to Code of Ala. 1975, §22-8A-4.

(14) **ORDER FOR PEDIATRIC PALLIATIVE AND END OF LIFE CARE:** A directive that, once executed by the representative of a qualified minor and entered into the record by the attending physician of the qualified minor in accordance with Code of Ala. 1975, §22-8A-15, becomes the medical order for all health care providers with respect to the extent of emergency medical equipment and treatment, medication and any other technological or medical interventions available to provide palliative and supportive care to the qualified minor.

Author: Dr. Eric G. Mackey

Statutory Authority: Code of Ala. 1975, §§16-30B-3.

History: New Rule: Filed July 9, 2019; effective August 23, 2019. **Amended:** Published May 31, 2022; effective July 15, 2022.

290-4-5-.03 Requirements For Palliative And End Of Life Individual Health Plans.

A Palliative and End of Life Individual Health Plan (PPEL-IHP) shall be developed by the school nurse, in conjunction with the qualified representative of the qualified minor. A plan shall include an Order for Pediatric Palliative and End of Life Care, established pursuant to Chapter 8A of Title 22. The only individual in a school setting subject to the requirements or restrictions of an Order for Pediatric Palliative and End of Life Care is a school nurse. A school nurse shall be on site and available to students with a Palliative and End of Life Individual Health Plan.

Author: Dr. Eric G. Mackey

Statutory Authority: Code of Ala. 1975, §§16-30B-3.

History: New Rule: Filed July 9, 2019; effective August 23, 2019.

290-4-5-.04 Training For Palliative And End Of Life Individual Health Plans.

(1) The Department of Education, in consultation with the Alabama Board of Nursing and the Alabama Board of Medical Examiners, shall

develop guidelines for the training of school employees in the care needed for qualified minors who have an executed Palliative and End of Life Individual Health Plan in place.

(2) Training to care for students with palliative and end of life PPEL-IHP must occur before the school accepting a Pediatric Order for End of Life care (PPEL).

(3) The school nurse shall follow the training guidelines developed by the State Department of Education in consultation with the Alabama Board of Nursing:

(a) The Alabama State Department of Education Curriculum for Training School Nurses on Palliative and End of Life IHP in the School Setting. (PEL-IHP Care).

(b) Annual Training for PPEL-IHP Care to All Alabama School Nurses through "Train the Trainer" course for Palliative and End of life Care.

(4) The school Nurse shall be on site and available to all students with PPEL-IHP Care.

(5) The Lead nurse shall validate the competency of the all school nurses that render care to students with a PEL-IHP.

(6) The Lead Nurse shall follow the training guidelines developed by the State Department of Education in consultation with the Alabama Board of Nursing.

(7) An annual report of the number of PPEL Care orders and PPEL-IHP in each school shall be provided to the Alabama State Department of Education Nurse Administrator by the Lead Nurse of each school system.

Author: Dr. Eric G. Mackey

Statutory Authority: Code of Ala. 1975, §§16-30B-3.

History: New Rule: Filed July 9, 2019; effective August 23, 2019.

290-4-5-.05 Requirements For Seizure Management And Treatment Plan.

(1) In accordance with Chapter 30C of Title 16, Code of Ala. 1975, seizure management and treatment plan shall be submitted to and reviewed by the lead nurse employed by the local board of education at all of the following times:

(a) Before or at the beginning of the school year.

(b) Upon enrollment of the student, if the student enrolls in a school after the beginning of the school year.

(c) As soon as practicable following a diagnosis of a seizure disorder for the student.

(2) A seizure management and treatment plan shall include all of the following.

(a) A list of the health care services the student may receive at school or while participating in a school sponsored activity.

(b) A list of prescribed medications the student may receive including the name and purpose of the medication, the prescribed dosage, the route of administration, the frequency that the medication may be administered, and the circumstances under which the medication may be administered.

(c) An evaluation of the student's level of understanding and ability to manage his or her seizures.

(d) The signature of the student's parent or guardian.

(e) The name and address of the physician responsible for the student's seizure treatment.

Author: Eric G. Mackey

Statutory Authority: Code of Ala. 1975, §§16-30c-1; 16-3-12.

History: New Rule: Published May 31, 2022; effective July 15, 2022.

290-4-5-.06 Requirements For Seizure Management And Treatment Plans Training.

(1) The school nurse shall follow the training guidelines developed by the State Department of Education in consultation with the Alabama Board of Nursing found in the Safe School Seizure Curriculum.

(2) Annual school nurse training for seizure management will be provided to all Alabama School Nurses. The nurse training program shall be developed by lead nurse at the local education agency to meet the needs of the students.

(3) The school nurse shall validate the competency of all unlicensed personal that render care to students with a seizure disorder as directed in the training.

(4) The ALSDE Seizure Safe School Curriculum provides for training levels in a Tier system that directly relates to the responsibility of school personnel who have students with seizure.

Training Tiers

(i) Tier I: All school personnel will receive approved training that provides a basic understanding of seizure recognition and management.

(ii) Tier II: Classroom teachers and all school personnel who have a "need to know" will received approved training for seizure recognition and management detailing their responsibility for students with seizures throughout the day. Training requires review of Seizure- IHP and signature of the staff receiving training.

(iii) Tier III: One or more volunteer school staff members(s) who receive training regarding seizure management and provides emergency rescue medication administration and care for students with seizure. Training requires competency to be validated by a registered nurse.

Author: Eric G. Mackey

Statutory Authority: Code of Ala. 1975, §§16-30c-1; 16-3-12.

History: New Rule: Published May 31, 2022; effective July 15, 2022.

290-4-5-.07 Limitation To Seizure Management, Treatment, And Training.

(1) The Alabama Board of Nursing shall retain the sole authority to adopt rules to permit delegation of limited nursing task by licensed nurses, to trained unlicensed assistive personnel and to implement this act.

(2) Under no circumstances shall rectal or vaginal suppositories be administered by anyone other than a licensed nurse.

(3) The school nurse or trained unlicensed seizure medical assistant, to the extent required by the student's Seizure-IHP shall be on site and available to provide care to students with a seizure disorder.

(4) Training to manage and administer medication to students by the unlicensed seizure medical assistant must occur prior to any delegation being established.

Author: Eric G. Mackey

Statutory Authority: Code of Ala. 1975, §§16-30c-1; 16-3-12.

History: New Rule: Published May 31, 2022; effective July 15, 2022.

290-4-5-.08 Mental Health Service Coordinator Program.

(1) Subject to appropriations by the Legislature, commencing with the 2023-2024 school year, each local board of education in the

state shall employ a mental health service coordinator. The coordinator shall be responsible for coordinating student mental health services throughout the local school system, subject to the provisions of Act 2022-422.

(2) An individual hired as a coordinator shall possess at least one of the following qualifications:

(a) Have a bachelor's degree in social work.

(b) Satisfy State Department of Education qualifications for a school counselor.

(c) Satisfy State Department of Education qualifications for a school nurse.

(c) Have professional mental health experience or have been licensed in a mental health occupation including, but not limited to, licensure as a licensed professional counselor or marriage and family therapist.

(d) Other qualifications as determined by the Alabama Department of Mental Health and the State Department of Education.

(3) Within one year after being hired as a mental health service coordinator, an individual shall earn a school-based mental health certificate by successfully completing a certification program developed by the Alabama Department of Mental Health.

(4) On or before the last day of each fiscal year, and as requested thereafter, each local board of education shall complete, and submit to the Alabama Department of Mental Health and State Department of Education, a needs assessment and resource map for the schools under the authority of the board. The assessment shall document the status of mental health for the entire school system and allow the local board of education to engage in a quality improvement process to improve the provision of mental health resources to students within the school system.

(5)(a) No student of a public K-12 school under the age of 14 may be allowed to participate in ongoing school counseling services including, but not limited to, mental health services, unless specific written instruction has been granted by the student's parent, unless there is an imminent threat to the health of the student or others. For the purposes of this section, this written permission is referred to as an opt-in.

(b) For the purposes of this section, "mental health services" includes services, treatment, surveys, or assessments relating to mental health, and "ongoing school counseling services" shall not include those school counseling services which are

split into domains not requiring a mental health therapist or other mental health therapeutic license.

(c) All local boards of education in this state shall adopt a policy concerning parent opt-in for mental health services in accordance with the provisions of subsection (h)(3) of Act 2022-442.

Author: Eric G. Mackey

Statutory Authority: Code of Ala. 1975, Act 2022-442.

History: New Rule: Published September 30, 2022; effective November 14, 2022.