



Legal Issues Regarding Student Health

Christy Ballard
General Counsel

MOST ASKED QUESTION!

HEAD LICE??????

- **Rule 1200-14-01-.24 Exclusion from School for Special Diseases was amended**
- **(1) School authorities for any public, private, or church-related school and day care or Head Start authorities shall exclude from their facilities any child who is infected with or suspected of having the following diseases: measles, rubella, mumps, chickenpox and other illnesses designated by the local health officer as requiring exclusion.**

HEAD LICE CONTINUED

- **(2) School authorities for any public, private, or church-related school and day care or Head Start authorities shall follow the guidelines promulgated by the U. S. Centers for Disease Control and Prevention with respect to any child who is infested with or suspected of being infested with pediculosis or scabies**
- **CDC DOES NOT RECOMMEND EXCLUSION!**

Head Lice Continued

- **CDC – Students do not need to be sent home early**
- **They can return to class after treatment has begun (nits may remain but crawlers should be gone)**
- **Does not spread disease and is not a personal hygiene issue**
- **American Association of Pediatrics & National Association of School Nurses advocate discontinuing “no-nit” policies**

Administration of Medications

- **Tenn. Code Ann. §49-5-415**
- **Assistance in self administration**
- **Guidelines developed by DOE, DOH & approved by board of nursing**
- **Most health care procedures, including administration of medications must be performed by licensed health care professionals**

Exceptions allowing non-health care professionals to volunteer

- **Glucagon (under no duress)**
- **Care of students with diabetes (excluding insulin administration)**
 - **Glucose monitoring (for scheduling meals & snacks), keytone checking & recording results**
 - **Students may possess diabetes supplies including sharps**
 - **Students may not be assigned out of zone based on diabetes**
- **Cartridge injectors for anaphylaxis (epi pens)**

Anti-Seizure Meds

- **Tenn. Code Ann. §49-5-415(g)**
 - **Allows volunteer school personnel with proper training to administer diazepam gel to students in emergencies in accordance with student's individual health plan.**
 - **Law was not implemented until guidelines were developed because training of volunteers was required to be based on guidelines**
 - **Students may not be assigned out of zone based on seizure disorder**

Other Issues

- **Asthma - Students must be permitted to carry inhalers**
- **Physical activity (Tenn. Code Ann. §49-6-1021)**
 - **Integrate 90 minutes per week**
 - **Elementary & secondary**

Automated external defibrillators (AED)

Tenn. Code Ann. §49-2-122 (2008)

LEAs are encouraged to place them in schools

- + If LEA does, then must comply with title 68, chapter 140, part 7 relative to training, written plan, notification, maintenance and testing of AEDs**
- + No liability for use if all requirements of title 68 have been met**

Automated External Defibrillators (AED)

- **Tenn. Code Ann. §49-2-122**
Placement of AED shall be supervised and endorsed by a physician with an unrestricted license to practice medicine or osteopathy in this state.
- **First AED shall be placed in location that may be accessed readily from any area of the school, which may include areas for PE or physical activity**
- **Subsequently, AEDs shall be placed in locations that are accessible during emergency situations.**
- **AEDS shall not be placed in locked offices or where not accessible**

CPR - Tenn. Code Ann. § 49-5-414

- **Encourages every school to have employed or as a volunteer at least one person certified as qualified to administer emergency first aid and cardiopulmonary resuscitation (CPR).**
- **LEAs are authorized to allocate up to six and one half (6.5) hours a year of in-service days established pursuant to § 49-6-3004 to conduct training programs for teachers and other personnel who have expressed an interest in becoming qualified to administer emergency first aid and CPR.**

Inspection and evaluation program for indoor air quality in schools

- **Tenn. Code Ann. § 49-2-121**

Each LEA is encouraged to conduct an inspection and evaluation program, such as the environmental protection agency's indoor air quality tools for schools program, for its facilities. Such program may include, but shall not be limited to, the following measures:

- (1) Ensuring that an adequate amount of outdoor air is being supplied;**
- (2) Testing for radon;**
- (3) Separating students and staff from construction and renovation areas;**
- (4) Reducing use of products, such as adhesives, floor-care products and pesticides that require ventilation during use; and**
- (5) Maintaining relative humidity to an appropriate level during hot and humid summers.**

HAZING

- **Tenn. Code Ann. § 49-2-120**

Definition: "Hazing" means any intentional or reckless act in this state, on or off LEA property, by one (1) student acting alone or with others, that is directed against any other student, that endangers the mental or physical health or safety of that student or that induces or coerces a student to endanger that student's mental or physical health or safety. "Hazing" does not include customary athletic events or similar contests or competitions and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.

- **Each LEA shall adopt a written policy prohibiting hazing by any student or organization operating under the sanction of the LEA. The policy shall be distributed or made available to each student at the beginning of each school year. During the first month of each new school year, time shall be set aside to specifically discuss the policy and its ramifications as a criminal offense and the penalties that may be imposed by the LEA.**

Harassment, Intimidation, Bullying, or Cyber-Bullying

- **Title 49, Chapter 6, Part 10 requires safe and civil environment for students to learn**
- **Defines terms**
- **Requires policies**
- **Law requires training for teachers & annual reporting**

New legislation

- **Chapter 294 of the Public Acts of 2013**
 - **Adds new subdivision to 49-5-415(f) about treating allergic reactions in students**
 - **Applies to public & private schools**
 - **Schools are authorized to keep extra epi pens**
 - **Physicians may write prescriptions in the name of schools**



christy.ballard@tn.gov