



GUIDANCE DOCUMENT:

Agency Nurses in the School Setting

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As the numbers of medically fragile children in Maine schools increases, agency nurses assigned to those children on a 1:1 basis are becoming increasingly present in the school setting. This guidance document is intended for an IEP or 504 Team to use when they have determined that these 1:1 nursing services are necessary. If nursing services are required in order for the student to attend school and receive an education, then these services should be included in the Individualized Education Plan (IEP) or 504 Plan. If the services required are provided by the school nurse on staff, then the services must be listed out in the IEP. If the services required go beyond the capacity of the school nurse in skill or in time and a contracted agency provides the services, this is listed as an accommodation in the IEP or the 504. The following document can be used as guide to create a plan of care, emergency procedures, and contract or memorandum of understanding (MOU).

General Considerations

When allowing any outside agency or individuals to work with students in the school setting, it is necessary to follow all applicable requirements for background checks. As such, any agency staff providing care in the school must have a criminal history and background check (CHRC) completed in accordance Title 20-A MRS §6103. It is the duty of the agency to ensure proper licensing of individuals providing care, but a school may also request license verification.

All school staff and officials are responsible for the safety of the students in the building and therefore have the duty to report to the appropriate person if they observe or become aware of inappropriate or deficient care by the agency.

There must be a plan in place for when agency staff are absent. The plan should include a communication protocol from the agency to the school, including informing the school who will be providing nursing care, keeping in mind that agency staff must have their CHRC on file in order to provide care in the school setting. The school should also have a back-up plan.

Responsibilities of the Agency Nurse

The agency nurse performs all tasks according to the plan of care. This may include, but is not limited to: medication administration, toileting, transporting student to/from classes, performing treatments such as catheterization, tube feedings, suctioning, and positioning. Because this care is occurring in the school setting, it is necessary for any applicable school policies be followed such as the medication policy. This may take some planning for all involved, but is necessary to ensure the safety of all students in the school building. It should be noted that although in some settings, changes can easily be made to an individual's plan of care, in a school setting as part of an IEP or 504 plan, there must be involvement of the school team before any changes are made.

The agency nurse maintains all equipment used by the student. The agency nurse or agency supervisor informs appropriate school personnel of any changes in the student's health status or health plan.

Responsibilities of the School Nurse

The school nurse maintains health records, including medication and treatment orders, for the student and ensures that the student meets all state and local requirements for school entry. The school nurse keeps current regarding the child's health status and communicates regularly with the agency, agency nurse, and parents/guardians. The school nurse initiates and develops the nursing care plan in collaboration with the agency nurse, the parent/guardian, and the health care provider.

Responsibilities of the School Administrator

It is critical that a school have a valid contract or memorandum of understanding (MOU) with the agency providing care in the school. This does not need to wait for the need to present itself. School administrators may consider having this conversation with agencies that provide this type of care ahead of having a student in dire need.

It is the duty of the administration to ensure all school policies are being followed. The process that is to occur between the agency and school in the case when the nurse is not available should be clearly articulated in the contract or MOU. The school must have a plan in place for times when an agency nurse is not available. This plan may include the use of substitute school nurses or home based tutors.

The contract or MOU should be thorough and address the following, though not limited to: service that is being provided, for example, nursing care as specified in the plan of care, primary contact person for both school and agency, relationship between the IEP or 504 team and the agency, no changes in plan of care can be made without consultation with the IEP team or school designee. In short, there should be enough detail, although not student specific, so that both the agency and the school know what to expect.

It should be noted that if a student has home based tutoring or any other change in programming for ten days, then an IEP team meeting would need to be convened.

Other Considerations

Transportation procedures should be defined clearly.

A list of medical equipment needed by and used by the student will be maintained.

Fire Drill and other emergency preparedness procedures should be defined.

Medical emergency protocol should be established for the student including parameters for notification of parent, medical provider, and when to call emergency services (911).

- What constitutes an emergency for this child?
- Who is to be notified?
- What interventions are to be performed at school?
- When should 911 be called?
- Special considerations

Resources

Title 20-A MRS §6103.

Maine Department of Education, Office of Special Services, Frequently Asked Questions.

<https://www.maine.gov/doe/learning/specialed/director>

Resha CA, Taliaferro VL, Patterson B. *Legal resource for school health services*. Chapter 39: Private Duty Nurse Care. SchoolNurse.com, 2017.

Schwab NC, Gelfman MHB, *Legal Issues in School Health Services: A resource for school administrators, school attorneys, school nurses*. Sunrise River Press, 2001.

Appendix 2

Sample Transportation Procedure

The student will be transported to and from school by: _____.

_____ will accompany the student in cases when life support procedures may be needed during transit.

If the student becomes ill during the school day, not related to his/her disability or education, and the school nurse or other designated school personnel determines that the student's day must be shortened, transportation will be provided by: _____.

If the agency nurse becomes ill during the course of the school day, the agency will arrange for proper coverage by a properly credentialed nurse.