

**Laws Pertaining to School Health Services in Vermont: State and Federal****STATEMENT OF PURPOSE**

School nurses/associate school nurses need to seek information and learn about local, state, and federal laws relating to student health and school nursing practice in Vermont.

**ATHORIZATION/LEGAL REFERENCE: All links are accurate as of 6/26/17 but are subject to change as websites, laws, or evidence-based recommendations are updated.**

*Asthma and Allergies*

- See Special Health Conditions below

*Child Protection*

- 33 V.S.A. § 4912: Child Protection  
<http://legislature.vermont.gov/statutes/chapter/33/049>
- 13 V.S.A. - Chapter 72 § 3252
  - <http://legislature.vermont.gov/statutes/chapter/13/072>
  - Age of Consent: <http://dcf.vermont.gov/sites/dcf/files/Prevention/docs/STEPUP-Parent-Guide.pdf> (pg. 26)
- [16 V.S.A. §131](#) Act 1 Sexual Violence Prevention in Vermont  
<http://legislature.vermont.gov/statutes/section/16/001/00131>

*Civil Rights*

- Every Student Succeeds Act
  - Vermont: <http://education.vermont.gov/vermont-schools/education-laws/essa>
  - United States: <http://www2.ed.gov/about/offices/list/oii/nonpublic/eseareauth.pdf>
  - [Federal Programs Under ESSA](#)
    - [Consolidated Federal Programs](#)
      - Title I Part A - Improving Academic Achievement of the Disadvantaged
      - Title II, Part A - Supporting Effective Instruction
    - [After-School and Summer Programs](#)
    - [Homeless Education](#)
    - [Migrant Education](#)
    - [English Learners](#)
- Americans with Disabilities Act (ADA) [Federal] – see *Special Education*
- Individuals with Disabilities Education Improvement Act (IDEIA) [Federal] – see *Special Education*
- [Section 504 of the Rehabilitation Act of 1973](#), [Federal] 34 CFR Part 104 prohibits discrimination based on disability in any program or activity receiving federal financial assistance.
- [Agency of Education 504 Guide](#) (Vermont)

*Concussions*

- See Special Health Conditions below

*Confidentiality*

- Drug and Alcohol Patient Records Confidentiality Law (42 CFR) is administered by the Substance Abuse and Mental Health Services Administration of the U.S. Department of Health and Human Services.
  - [Substance Abuse Confidentiality Regulations: FAQs](#)
- FERPA: Family Education Rights and Privacy Act

<https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

- HIPAA: Health Information Portability and Accountability Act  
[https://nces.ed.gov/pubs2006/stu\\_privacy/healthrecords.asp](https://nces.ed.gov/pubs2006/stu_privacy/healthrecords.asp)

*Controlled Drugs, e.g. Medications for ADHD, Medical Marijuana*

- See FDA and Public Health

*Delegation*

- 26 V.S.A. 26 §1572 Definitions  
<http://legislature.vermont.gov/statutes/chapter/26/028>
- Vermont Board of Nursing Position Statement on Delegation  
<https://www.sec.state.vt.us/professional-regulation/list-of-professions/nursing/position-statements.aspx>

*FDA: U.S. Food and Drug Administration*

- [Over the Counter Medications](#)
- Controlled Substances
  - Schedules of Controlled Substances  
<https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcr/cfrsearch.cfm?cfrpart=1308>

*[Green] Cleaning Products in Schools: 18 V.S.A. § 1781* <http://legislature.vermont.gov/statutes/chapter/18/039>

*Health Education*

- 16 V.S.A. § 135  
<http://legislature.vermont.gov/statutes/section/16/001/00135>
- 16 V.S.A. § 131: Comprehensive Health Education, CPR Instruction, and recognition of child abuse  
<http://www.leg.state.vt.us/docs/2012/Acts/ACT151.pdf>

*HIV/AIDS*

- Placement of School Children With Acquired Immune Deficiency Syndrome (AIDS)  
<https://www2.ed.gov/about/offices/list/ocr/docs/hq53e9.html>

*Licensing*

- Agency of Education:
  - SN/ASN Endorsement  
<http://education.vermont.gov/educator-quality/professional-standards/licensing-endorsement-areas>  
[Health Education Endorsement](#) pg. 89
- Vermont Board of Nursing:  
<https://www.sec.state.vt.us/professional-regulation/list-of-professions/nursing.aspx>
  - Administrative Rules (2015)
  - <https://www.sec.state.vt.us/media/656823/Adopted-Clean-Rules-Dec-23-2014.pdf>
  - 26 V.S.A. 26 §1572 Definitions
  - <http://legislature.vermont.gov/statutes/chapter/26/028>
- Naturopathic Physicians, and others: [Office of Professional Regulation](#)

<https://www.sec.state.vt.us/professional-regulation/list-of-professions/naturopathic-physicians.aspx>

#### *Over the Counter Medication*

- See FDA

*Pre-Kindergarten: see Student Support (below)*

#### *Public Health*

- Communicable Disease
  - 18 V.S.A. Chapter 21 – Communicable diseases
  - <http://legislature.vermont.gov/statutes/chapter/18/021>
  - Subchapter 1: General Provisions
  - Subchapter 2: Tuberculosis
  - Subchapter 3: Venereal Diseases
- Immunizations
  - 18 V.S.A. Chapter 21 – Communicable diseases
  - <http://legislature.vermont.gov/statutes/chapter/18/021>
  - Subchapter 4: Immunization
- Local or Town Health Officers
  - 18 V.S.A Chapter 11 Local Health Officials
  - <http://legislature.vermont.gov/statutes/chapter/18/011>
  - § 602a. Duties of local health officers
  - § 608. Inspection of schoolhouses and public buildings
- Vermont Marijuana Registry
  - 18 V.S.A. Chapter 86
  - <http://vcic.vermont.gov/marijuana-registry>
- Regulated Drug Rule
  - 18 V.S.A. §§ 4201 and 4202: <http://legislature.vermont.gov/statutes/chapter/18/084>
  - Regulated Drug Rule: [http://www.healthvermont.gov/sites/default/files/documents/2017/01/REG\\_regulated-drugs.pdf](http://www.healthvermont.gov/sites/default/files/documents/2017/01/REG_regulated-drugs.pdf)

#### *School Health Screening*

- 16 V.S.A. § 1422 [Periodic hearing and vision screening; guidelines: http://legislature.vermont.gov/statutes/chapter/16/031](http://legislature.vermont.gov/statutes/chapter/16/031)
- AOE/VDH Screening Memo [http://www.healthvermont.gov/sites/default/files/documents/2016/11/cyf\\_school\\_health\\_screenings\\_memo\\_201511.pdf](http://www.healthvermont.gov/sites/default/files/documents/2016/11/cyf_school_health_screenings_memo_201511.pdf)

#### *School Wellness Policy Guidelines*

- Whole School, Whole Community, Whole Child Model: <http://education.vermont.gov/documents/healthy-safe-schools-whole-school-community-child>
- Vermont School Wellness Policy Guidelines: <http://www.healthvermont.gov/wellness/physical-activity-nutrition/school-and-early-child-care>

#### *Special Education*

- Americans with Disabilities Act (ADA) 1990 [https://www.ada.gov/2010\\_regs.htm](https://www.ada.gov/2010_regs.htm)

- Individuals with Disabilities Education Improvement Act (2004) (IDEIA)  
<https://www.gpo.gov/fdsys/pkg/PLAW-108publ446/html/PLAW-108publ446.htm>
- Section 504: see Civil Rights above

### Special Health Conditions

- Asthma:
  - 16 V.S.A. §1387. Possession and self-administration of emergency medication  
<http://legislature.vermont.gov/statutes/section/16/031/01387>
- Allergies:
  - 16 V.S.A. §1386. Health services for children  
<http://legislature.vermont.gov/statutes/section/16/031/01386>
  - 16 V.S.A §1388. Stock supply and emergency administration of epinephrine auto-injectors  
<http://legislature.vermont.gov/statutes/section/16/031/01387>
- Concussions
  - 16 V.S.A. § 1431  
<http://legislature.vermont.gov/statutes/chapter/16/031>
  - Concussion Information: See also First Aid section of the Manual  
<http://education.vermont.gov/documents/healthy-safe-schools-concussion-guidelines>

### Student Support Services -See Vermont Agency of Education: <http://education.vermont.gov/>

- **Student Support:** <http://education.vermont.gov/student-support>
  - [Adult Education](#)
  - [Early Education](#)
    - [Vermont Early Learning Standards](#)
    - [Universal Prekindergarten](#)
    - [Assessment](#)
    - [Early Childhood Special Education](#)
    - [Initiatives](#)
- [Act 117](#), Supporting Vermont students in the general education environment.
- [Act 157](#) A comprehensive educational support system (ESS)
- [Act 264](#): Provision and coordination of Care for Children and Adolescents with Severe Emotional Disturbances

### School Nurses/Associate School Nurses

- Vermont Agency of Education – VT Standards Board for Professional Educators 5440-65/65A School Nurse/ Associate School Nurse (April 12, 2017) <http://education.vermont.gov/documents/educator-quality-licensing-rules#page34>. Pg. 132-137.

### REQUIRED SCHOOL NURSE/ASSOCIATE SCHOOL NURSE ROLES

- Take responsibility for professional development and learning that is consistent with the [ANA/National Association of School Nurses Standards of Practice](#) as well as state and federal laws pertaining to student health and wellbeing in order to provide safe care and minimize liability risks.
- Take personal responsibility for professional development and learning that is consistent with the Vermont [Rules Governing the Licensing of Educators and the Preparation of Educational Professionals](#) using nursing judgment, clinical assessment skills, and the nursing process.
- Maintain current license as both a Registered Nurse with the [Vermont Board of Nursing](#) and the Vermont Agency of Education [School Nurse/Associate School Nurse license endorsement](#).
- Reach out to SN colleagues to support collaboration and professional development in this arena.

- Learn about the difference between law, rules, policy and protocols: [State Law and Regulation \[policy and procedure\] \(ANA, 2017\)](#)

### SUGGESTED SCHOOL NURSE/ASSOCIATE SCHOOL NURSE ROLES

- Advocate for accurate legislation and rules that comply with [V.S.A 26 § 28](#) Nursing
- Reach out to SN colleagues new to the practice of school nursing to mentor, educate, and advocate with and for school nurses according to state statute and rules.
- Join the state and or your national professional nursing and or school health organizations
  - National Association of School Nurses
  - American Nurses Association
  - Vermont State School Nurses Association
  - ANA-Vermont
- Promote leadership in school nursing by serving on the boards of professional nursing or school health organizations.

### RESOURCES

National Association of School Nurses <http://www.nasn.org/>

National Association of State School Nurse Consultants <http://www.schoolnurseconsultants.org/>

National Board Certification for School Nurses <http://www.nbcsn.org/>

National Counsel on State Boards of Nursing <https://www.ncsbn.org/index.htm>

Vermont Board of Nursing [Office of Professional Regulation: Nursing] <https://www.sec.state.vt.us/professional-regulation/list-of-professions/nursing.aspx>

Vermont Department of Health <http://healthvermont.gov/>

School Liaison Nurses [http://healthvermont.gov/local/district/district\\_office.aspx](http://healthvermont.gov/local/district/district_office.aspx)

State School Nurse Consultant <http://healthvermont.gov/local/school/SchoolHealth-SNC.aspx>

Standards of Practice: School Health Services Manual

<http://www.healthvermont.gov/family/school/standards-practice-school-health-services-manual>

Vermont General Assembly <http://legislature.vermont.gov/statutes/> (look up a law and its rules)

Vermont State School Nurses' Association <http://www.vssna.org/>

Vermont School Boards Association <http://www.vtvsba.org/>

### SAMPLE POLICIES, PROCEDURES, AND FORMS:

VERMONT SCHOOL BOARDS ASSOCIATION MODEL POLICY MANUAL <http://www.vtvsba.org/model-policy-manual>