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.

AUTHORIZATION/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](http://legislature.vermont.gov/statutes/chapter/33/049)
- 13 V.S.A. - Chapter 72 § 3252
  - [http://legislature.vermont.gov/statutes/chapter/13/072](http://legislature.vermont.gov/statutes/chapter/13/072)
- [16 V.S.A. §131](http://legislature.vermont.gov/statutes/section/16/001/00131) Act 1 Sexual Violence Prevention in Vermont
  [http://legislature.vermont.gov/statutes/chapter/16/001/00131](http://legislature.vermont.gov/statutes/chapter/16/001/00131)

Civil Rights
- Every Student Succeeds Act
  - United States: [http://www2.ed.gov/about/offices/list/oii/nonpublic/eseareauth.pdf](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](http://www.ed.gov/about/offices/list/oii/nonpublic/eseareauth.pdf) – see Special Education
- [Individuals with Disabilities Education Improvement Act (IDEIA) [Federal](http://www.ed.gov/about/offices/list/oii/nonpublic/eseareauth.pdf) – see Special Education
- [Section 504 of the Rehabilitation Act of 1973, [Federal](http://www.ed.gov/about/offices/list/oii/nonpublic/eseareauth.pdf) 34 CFR Part 104 prohibits discrimination based on disability in any program or activity receiving federal financial assistance.
- [Agency of Education 504 Guide](http://www.ed.gov/about/offices/list/oii/nonpublic/eseareauth.pdf) (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
Vermont and Federal Laws Pertaining to School Health Services

This document may not be altered in any way.


HIPAA: Health Information Portability and Accountability Act

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
  o Schedules of Controlled Substances

[Green] Cleaning Products in Schools: 18 V.S.A. § 178
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
  o Administrative Rules (2015)
  o 26 V.S.A. 26 §1572 Definitions
  o http://legislature.vermont.gov/statutes/chapter/26/028

- Naturopathic Physicians, and others: Office of Professional Regulation
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](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](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](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

- Regulated Drug Rule
  - 18 V.S.A. §§ 4201 and 4202: [http://legislature.vermont.gov/statutes/chapter/18/084](http://legislature.vermont.gov/statutes/chapter/18/084)

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)

School Wellness Policy Guidelines


Special Education

Vermont Standards of Practice: School Health Services

- Individuals with Disabilities Education Improvement Act (2004) (IDEIA)
- 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

**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**


**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
  o National Association of School Nurses
  o American Nurses Association
  o Vermont State School Nurses Association
  o 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
   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