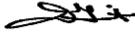




State of Rhode Island and Providence Plantations
DEPARTMENT OF EDUCATION
Shepard Building
255 Westminster Street
Providence, Rhode Island 02903-3400

Enclosure 8b
January 13, 2014

Deborah A. Gist
Commissioner

TO: Members of the RI Board of Education
FROM: Deborah A. Gist, Commissioner 
RE: School Health Regulations – Request for Public Hearing

The *Rules and Regulations for School Health Programs* have undergone annual review by program and legal staff from the Departments of Education and Health. A number of changes were necessary to ensure alignment with current statutes, to promote best practices, to address emerging issues, and to update references and numbering. Staff provided opportunities for stakeholder groups to provide input and feedback regarding the revisions. The following is a summary of three (3) major proposed changes:

- Section 37.1.1; 37.2; 37.2.1; 37.3; 37.4; and 37.5: (pgs. 56-60) includes regulatory language to align with new laws relating to school safety plans and assessments, school safety teams, and school crisis response teams, including policy, procedure, and guidance requirements.
- Section 37.7: (pgs. 61-63) includes regulatory language to align with new bullying and cyber-bullying laws, including definitions and policy requirements;
- Section 9.1.2: (pg. 20) As recommended by HEALTH to align with the *Rules and Regulations Pertaining to Immunization and Testing for Communicable Diseases (R23-1-IMM)* immunization requirements – Effective August 1, 2015, a third general health examination and health clearance will be required upon entry to 12th grade and health examination shall be performed after the student turns 16 years of age, and no later than 6 months after the student enters the 12th grade.

RECOMMENDATION: THAT, the Rhode Island Board of Education authorizes the proposed *Rules and Regulations for School Health Programs* for public hearing, as presented

Summary of all key proposed changes:

Part I - Definitions and General Requirements

- Section 1.3: (pg. 1) related to *at school* -aligned with RIGL 16-21-33 statutory language;
- Section 1.6: (pg. 1) related to bullying and cyber-bullying - aligned with RIGL 16-21-33 statutory language (replaces 1.22 Harassment, intimidation or bullying);
- Section 1.36: (pg. 5) related to medication and any FDA-approved
- Section 1.46: (pg. 6) related to medication self-administration to include parental authorization for over-the-counter (OTC) medications.

Part III - Health Services

- Section 7.2.2: (pg. 16) Moved to Section 20.2.1 - ensuring that all prescription medications are administered in accordance with written orders from a licensed health care prescriber and that all OTC medication are administered with parent authorization;
- Section 7.3.1: (pg. 16) ensuring that individualized and emergency health care plans are required as necessary and/or appropriate to ensure health and safety;
- Section 9.1.2: (pg. 20) As recommended by HEALTH to align with the *Rules and Regulations Pertaining to Immunization and Testing for Communicable Diseases (R23-1-IMM)* immunization requirements - requires a third general health examination and health clearance upon entry to 12th grade and health examination shall be performed after the student turns 16 years of age, and no later than 6 months after the student enters the 12th grade.
- Section 11.6: (p. 26) ensuring that equipment used in hearing screenings meets the standards described in national audiologic screening guidelines;
- Section 14.3: (pg. 29) updates the dental screening protocols and referral criteria;
- Section 14.5.1: (pg. 30) requires the results of dental screenings to be documented in writing using a standardized form provided by the RI Department of Health; and requires the submission of the results to the RI Department of Health for selected grade levels, for the purposes of monitoring and tracking state oral health outcomes;
- Section 14.6: (pg. 30) ensuring that parents are notified in writing using the standardized form when a dental screening has revealed a problem that requires follow-up care;
- Section 15.3: (pg. 32) related to the transfer of health records both in and out of Rhode Island, to include electronic records;

- Section 18.7.2: (pg. 35) related to treatment of anaphylaxis and communication of required medical information from parent to appropriate school personnel, including certified school-nurse teacher, teachers, food service workers, and school bus drivers and bus monitors.
- Section 18.16.6: (pg. 38) includes authorized OTC medications on emergency information documents;
- Section 18.18: (pg. 38) related to concussions and head injuries in competitive and/or recreational sports, to align with the current statute RIGL 16-91-3;
- Section 19.2.5: (pg. 39) related to diabetes management to ensure the accompaniment of a symptomatic child to a health area by an adult, unless such action puts the child at increased health risk;
- Section 19.4.2: (pg. 39) related to reasonable provisions for the safekeeping and security of glucagon;
- Section 19.4.3.1: (pg. 39) related to glucagon administration for diabetic students to ensure that only properly trained staff assist in emergency administration;
- Section 20.10.1: (pg. 41) to clarify protocols for student self-administration of prescription medications;
- Section 20.13 and 20.16: (pg. 42; pg. 43) related to statutory immunities for school personnel, ensuring that those immunities are limited to those allowable by statute. *After legal review by RIDE and HEALTH, it was determined that there is no statutory authority to include this statement under the prescription medication section of these regulations.*
- Section 21.1.1: (pg. 43) related to evidence of meeting standards for immunization and communicable disease testing of students upon initial entry to any school, upon entry into kindergarten, 7th, and 12th grade, in accordance with Department of Health.
- Section 21.3: (pg. 43) related to annual immunization assessment of students that shall be conducted as determined by the Department of Health.

Part IV – Healthful School Environment

- Section 23.1.5: (pg. 45) ensuring that all school construction or modifications are subject to the RIDE School Construction Regulations;
- Section 30.3.3.2 and 30.3.3.3: (pg. 51) related to symptoms and signs that indicate exclusion or restriction from the food service area for food service employees;

- Section 30.8: (pg. 52) clarifying when the sale of beverages and snacks that do not comply with the “healthier beverages and snacks” definition is allowable for fundraising purposes;
- Section 32.1.1: (pg. 53) related to hand washing facilities, to include the use of alcohol-based personal hand washing stations for students and teachers;
- Section 37.1.1; 37.2; 37.2.1; 37.3; 37.4; and 37.5: (pgs. 56-60) includes regulatory language to align with new laws relating to school safety plans and assessments, school safety teams, and school crisis response teams, including policy, procedure, and guidance requirements.
- Section 37.7: (pgs. 61-63) includes regulatory language to align with new bullying and cyber-bullying laws, including definitions and policy requirements;
- Section 41.1.5: (pg. 65) Updated reference to the Basic Education Program Regulations to align with the current version, effective July 1, 2010.
- Section 41.5: (pg. 65) Change to align with updated OSHA Hazard Communication Standard [29 CFR 1910.1200] for consistency with the *Globally Harmonized System of Classification and Labeling of Chemicals* (GHS).