When A Student Needs Continuous, One-on-One Care at School: Guidelines for School Nurses

Continuous, One-on-One "Private Duty" Care is a Related Service

When the U.S. Supreme Court ruled on the issue of whether or not "private duty" nursing services are Related Services under IDEA, (Cedar Rapids Community School District v. Garret, F. [119SCt.992] March 1999), the precedent became binding on all federal district courts in all states. The Court ruled that continuous, private duty care that can be given by a qualified nurse or other qualified person (other than a physician) is a related service and required by IDEIA.

Roles and Responsibilities

Initial Activities of the School Nurse with an Agency

The school nurse will make an assessment of the student's needs and make a recommendation to the student support team (see Chapter 2). When continuous care is needed, the team may decide to contract for those services with an outside agency. Frequently, the school nurse does not have direct supervisory responsibility for a private duty nurse or caregiver that is hired by an outside agency. However, the role of the school nurse may include orienting the agency staff to the school's policies and procedures, development of an emergency action plan (EAP), and establishing a backup plan in the event the agency staff is incapacitated or is unexpectedly absent. Regardless, the school nurse has a duty to assure the proper care of any student in the school and is the school district agent in this regard. A collaborative relationship with other health care professionals who provide care for the student is essential in order for that to occur.

If the school nurse suspects misconduct or incapacity of another nurse or has reasonable cause to suspect that any person is in violation of NC Board of Nursing regulations, the nurse is responsible for informing school administration and recommending communication with the Board. The reporting nurse is immune from resulting liability when making a report in good faith according to G.S. 90-171.47. In consultation with district administrators, the school nurse may also be directed to engage the nurse involved and the nurse's hiring agency. Additional school nurse responsibilities may include:

1. Assisting the IEP/504 team and school administration to secure the "private duty" caregiver through direct hiring, or by contracting through a community agency.

2. Developing or assisting in the development of the job duties of the caregiver and in completing a written agreement with the caregiver or hiring agency.

3. Directing the caregiver or the employing agency supervisor in documenting any required school records/forms for daily care. (Examples: daily medication administration forms, procedure logs).

4. Providing ongoing, periodic coordination and communication with the caregiver and/or agency to proactively anticipate changes in student needs.

The following responsibilities should be addressed when contracting for the services of an agency employed student caregivers.

School Principal/School Nurse Supervisor/or LEA Administrator

1. Ensure current local policy and/or procedures are in place for the use of contracted nurses or agency personnel.

2. Coordinate and manage a written contract agreement between one-on-one caregiver agency and school, (including financial reimbursements). Keep parents informed of contract agreement as needed. Meet with agency administrator as needed.

3. Support implementation of student healthcare plan during regular school hours, field trips, school-sponsored after-hours activities, and school bus transportation.

4. Inform parents and other school staff of school changes that occur that may affect student's care.

5. Assure all district school policies are followed and keep central office administrators informed as needed.

6. Assure any environmental safety improvements, handicapped accessibility, and building and classroom modifications that students require are addressed.

7. Assist in establishing a backup plan that covers absence of regularly assigned caregiver or substitute caregiver.

8. Assure that contract nurses may provide student service plan recommendations.

Parent(s)

1. Keep school nurse, school staff and one-on-one care provider informed of any revised health information or changes in doctor's orders.

2. Provide medical equipment, supplies and all medications for school use.

3. Be available to the school if student becomes sick, injured, or requires emergency care.

4. Complete all written information and records required at school.

5. Contribute to meetings and conferences at school regarding student's plan of care.

Daily Caregiver's Employing Agency and RN Supervisor

1. Ensure all credentialing documentation (i.e., licensure, CPR certification, insurance, background check, immunization status, etc.) is in place for the agency caregiver.

2. Provide contact information for the agency caregiver and the agency supervisor.

3. Collaborate with school nurses to assess student's overall school care needs by gathering information from attending physicians, health care specialists, parents, teachers, and any other significant providers.

4. With input from the school nurse, physician(s), and parent(s), develop and implement the individualized student healthcare plan and/or emergency action care plan, inclusive of the specific job duties for the one-on-one caregiver.

5. Maintain school specific documentation of all medications and procedures provided at school, including off-campus time such as bus transportation and field trips, and assure that a copy is accessible to related school staff.

6. Assure that the contracted caregiver functions in a manner consistent with both the Family Educational Right to Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act (HIPAA) and maintains student confidentiality according to both standards, with FERPA taking precedence.

7. Provide periodic on-site, direct supervision of the caregiver in accordance with NC Board of Nursing regulations to assure required safe and appropriate care.

8. Follow school and district policies.

9. Provide a substitute caregiver at school when the regularly assigned caregiver cannot be available. If the agency is unable to provide a substitute caregiver immediately, notify the appropriate school officials, school nurse and parents.

Supporting Activities of the School Nurse

1. Assist in securing the release of information documents from parents and contact medical providers as needed.

2. If appropriate, provide input to the agency RN supervisor and caregiver in developing the student's individualized healthcare plan and/or emergency action plan for use at school.

3. Help the classroom teacher to maintain a safe environment for the student including reporting any deficiencies to the principal, teacher, caregiver, caregiver's supervisor, and/or parent.

4. Monitor and maintain current knowledge of student's health condition and help to assure that health and safety needs at school are being met.

5. Help assure that school district policies and content of this agreement are being met. This may include orientation of the agency nurse to school policies and any applicable forms.

6. Assist in developing a backup for unexpected absence of the regularly assigned caregiver or substitute caregiver. This may include the school nurse temporarily stepping in to provide care until the replacement staff or parent arrives. In this case the school nurse must be knowledgeable about the student's care and competent to perform needed care in an emergency. Use of the school nurse as a planned substitute one-on-one caregiver is discouraged due to simultaneous responsibility to meet the needs of the regularly assigned student population and possible location elsewhere.