

**GOVERNOR'S ADVISORY COUNCIL FOR EXCEPTIONAL CITIZENS**

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October 15, 2015

Tina Shockley
Education Associate – Policy Advisor
Department of Education
401 Federal Street, Suite 2
Dover, DE 19901

RE: 19 DE Reg. 234/14 DE Admin. Code 811 [DOE Proposed School Health Record Keeping Regulation (October 1, 2015)]

Dear Ms. Shockley:

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed the Department of Education (DOE) proposal to adopt revisions to its standards covering school health records. Council would like to share the following observations.

First, in §1.0, definition of "Delaware School Health Record", the reference to "issued medications" is unclear. Does this refer only to medications administered or provided to the student by a school nurse? Alternatively, does it refer to "prescribed" and "non-prescribed" medications? It would make sense to at least include a list of prescribed medications in the record regardless of whether the nurse is "issuing" the medication. For example, a student may present with side-effects of a drug or the nurse might otherwise consider giving the student a medication (e.g. Advil; Aspirin) which may be "contraindicated" in conjunction with a prescribed drug.

Second, in §1.0, definition of "Delaware School Health Record", the term "mandated testing and screenings" apparently covers those encompassed by 14 DE Admin Code 815. However, it is limiting since it would exclude testing and screenings which are not "mandatory". For example, if a nurse conducted an "extra" vision screening in a non-mandated grade [14 DE Admin Code 815.3.1], it would make sense to include such results in the health record. Council suggests the DOE consider the following alternative language: "results of mandated and discretionary testing and screenings" or "results of required and discretionary testing and screenings".

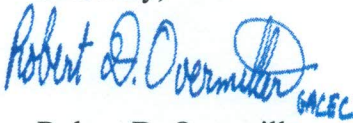
Third, the Delaware Interscholastic Athletic Association (DIAA) concussion regulations include an authorization for "school nurse" screening/clearance of a student to return to play. See 14 DE Admin Code 1008.3.1.6.2 and 14 DE Admin Code 1009.3.1.6.2. School nurses are authorized to perform "sidelines" duties. See 14 DE Admin Code 1008.3.3.1 and 14 DE Admin Code 1009.3.3.1. The DIAA regulations also contemplate submission of return-to-play authorizations to a school by other health providers. See, e.g., DIAA return-to-play form which envisions school nurse supervision of implementation of a Return to Play Plan. Other DIAA regulations require school acquisition of medical records on student athletes. See 14 DE Admin Code 1008.3.1 and 14 DE Admin Code 1009.3.1. It would be wise to specifically include a reference to such medical documents in the definition of "Delaware School Health Record". For example, the definition could at least include the following reference: "student athlete health records required by DIAA regulation" or "student athlete health records compiled in implementation of DIAA regulation".

Fourth, in §1.0, definition of "Emergency/Nursing Treatment Card", the DOE may wish to consider adding an email address for identified classes of individuals.

Fifth, in §2.1.4, the DOE may wish to refer to "parent, guardian, or Relative Caregiver" for consistency with other regulatory sections (§1.0, definitions of "Emergency/Nursing Treatment Card" and "Student Health History Update"; §2.1.2; §4.1.1).

Please contact me or Wendy Strauss at the GACEC office if you have any questions on our observations. Thank you for your consideration.

Sincerely,

Handwritten signature of Robert D. Overmiller in blue ink. The signature is cursive and includes the name "Robert D. Overmiller" and the acronym "GACEC" written below it.

Robert D. Overmiller
Chairperson

RDO:kpc

CC: The Honorable Dr. Steven H. Godowsky, Secretary of Education
Dr. Teri Quinn Gray, State Board of Education
Mr. Chris Kenton, Professional Standards Board
Mary Ann Mieczkowski, Department of Education
Matthew Korobkin, Department of Education
Kathleen Geiszler, Esq.
Terry Hickey, Esq.
Ilona Kirshon, Esq.