

Access to Medically Necessary Treatment at School

The provision of medically necessary treatment to students by private healthcare specialists must be done in accordance with this policy. If medically necessary treatment requires the administration of prescription and/or nonprescription medications to students, such administration must be in accordance with applicable law and the Board's policy concerning the administration of medications to students.

The Mapleton Public Schools Board of Education is committed to honoring families' private medical decisions while providing a learning environment free of disruption.

Rights to Access

Colorado law provides specific rights for students and families to:

1. *Access to provide medically necessary treatment.* A private health-care specialist may be granted access to school or district property to provide medically necessary treatment in accordance with the determination of the student's IEP team or 504 team, and/or subject to the Board's policy and/or procedures concerning visitors to schools and all other applicable policies, and subject to the provisions of regulation JLCDC-R.
2. *Access to solely observe students or collaborate with school personnel.* A private health-care specialist may be granted access to school or district property to observe the student in the school setting or collaborate with school personnel regarding the student, without providing direct treatment to the student, in accordance with the determination of the student's IEP team or 504 team, and/or subject to the Board's policy and/or procedures concerning visitors to schools and all other applicable policies.

As specified by the Colorado Legislature, these rights are intended to place no greater financial burden on the state's public schools, so the school district is not responsible for payment for, or the supervision or provision of these private services. This policy does not create a right for any student, their parent/guardian, or their private health care specialist to demand access to any general or particular school district location or to demand collaboration with school district personnel outside of IDEA or Section 504 processes. Nothing in this policy will be construed to require the school district to permit a third party to determine or provide special education or related services in the school setting in a way

that interferes with the school district's obligations and/or authority under state or federal law.

Such rights may be limited or revoked as to specific individuals who violate the school district's requirements or otherwise disrupt the learning environment.

Definitions

For purposes of this policy, the following definitions shall apply:

1. "Medically necessary treatment" means treatment recommended or ordered by a Colorado licensed health care provider acting within the scope of the health care provider's license.
2. "Private health care specialist" means a health care provider not employed by the school district who is licensed, certified, or otherwise authorized to provide health care services in Colorado, including, but not limited to pediatric behavioral health treatment providers pursuant to the State Medical Assistance Program, autism service providers who provide treatment pursuant to C.R.S. § 10-16-104(1.4), and private duty nurse providers.
3. "Qualified health care provider" means a Colorado licensed health care provider acting within the scope of the health care provider's license.

Process For Medically Necessary Treatment in The School Setting

Medically necessary treatment may take place on school district property only after all the following steps have been completed:

1. Student's parent/guardian provides to the school principal:
 - a request and consent for the medical treatment to be provided, with the name of the private health care specialist who will be providing the medically necessary treatment, describing the proposed treatment plan to take place in the school setting, and other pertinent information;
 - an acknowledgment of the parent/guardians' sole financial responsibility for the services and waiver of liability of the school district for any supervision of and misconduct by the private health care specialist;
 - a copy of the student's prescription, recommendation, or order from a qualified health care provider; and,
 - a medical release authorizing the school district to confer with the qualified healthcare provider to obtain follow-up information about the student's medical needs and the medically necessary treatment.

2. If either the parent or school district believes that the services could or should be provided by the school district through an IEP or Section 504 plan, then the school district will convene the appropriate team to consider the request. For private medically necessary treatment to be delivered at school under this policy, the school district will prepare, with the input of the parent(s)/guardian(s) and the private health care specialist, a written plan that identifies the form of treatment, designated location(s), schedule, treatment plan, and any additional protocol regarding the administration of medically necessary treatment to the student. The written plan must be signed by a school administrator or health care provider, a private health care specialist, and the student's parent/guardian.
3. Any plan developed will be prepared with consideration for the student's access to general and special education. The rights to access shall not be interpreted to require changes to the school or school providers' master schedule or to interfere with educational operations or school district providers' ability to complete their job duties and responsibilities. By accessing these services, the parent(s)/guardian(s) acknowledge and agree that the student may miss classroom instruction, special education, related services, and/or school activities while receiving medically necessary treatment.
4. Private healthcare specialists must:
 - provide proof of licensure, certification, or authorization to provide services;
 - provide a certificate(s) of liability and insurance coverage, including sexual misconduct, malpractice, and workers' compensation coverage that meets the limits applicable to other agencies and individuals who provide services in the school district;
 - submit to a background check that corresponds to the expected presence in the school, including a fingerprinted background check. The individual may be disqualified from providing services on school district property if the background check does not meet school district standards for employment in the sole discretion of the District's Human Resources Office;
 - sign a Confidentiality Affidavit certifying compliance with the Family Educational Rights and Privacy Act (FERPA) and agreement not to intentionally acquire or share information pertaining to any student other than the qualifying student; and
 - sign an Assumption of Risk form waiving any and all claims against the school district and its employees for any injury sustained in delivering private medically necessary treatment to students.

Notice and Appeal

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and Title II of the Americans with Disabilities Act provide rights and protections to students to access medically necessary treatment required by the student to have meaningful access to the benefits of a public education, or to attend school without risks to students' health or safety due to the student's disabling medical condition.

Students have a right to appeal the decision of a District school concerning access to medically necessary treatment in the school setting to the Superintendent or designee. An appeal shall be submitted in writing within ten (10) school days of a decision by a District school. The decision of the Superintendent or designee will be final.

Adopted October 24, 2023, by the Board of Education for Mapleton Public Schools.

LEGAL REFS.: 20 U.S.C. §§ 1401-1415 (Individuals with Disabilities Education Act)

29 U.S.C. § 794 (Rehabilitation Act of 1973)

42 U.S.C. §1396 (requiring Colorado's Medicaid program to cover medically necessary treatment)

42 U.S.C. § 12101 (Americans with Disabilities Act)

C.R.S. § 22-20-121 (medically necessary treatment in school)

C.R.S. § 24-10-106.3 (Claire Davis School Safety Act)

CROSS REFS: JLCD, Administering Medications to Students

JLCDB*, Administration of Medical Marijuana to Qualified Students

JLCE, First Aid and Emergency Medical Care

KI, Visitors to Schools

KI-R, Visitors to Schools