

MEDICALLY NECESSARY TREATMENT IN SCHOOL

- 1.0 **Introduction.** The District is committed to honoring families' private medical decisions while providing a learning environment to students free of disruption. The provision of medically necessary treatment to students in school by private health care specialists must be in accordance with this policy.
- 2.0 **Definitions.**
 - 2.1 "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.
 - 2.2 "Private health care specialist" means a health care provider who is:
 - 2.2.1 Licensed, certified, or otherwise authorized to provide health care services in Colorado, including pediatric behavioral health treatment providers who provide treatment pursuant to the state medical assistance program, C.R.S. title 25.5, articles 4, 5 and 6, and autism services providers who provide treatment pursuant to C.R.S. 10-16-104(1.4);
 - 2.2.2 Not employed by the District; and
 - 2.2.3 Not a parent/guardian of the student to whom medically necessary treatment is being provided at school.
- 3.0 **Notice of Rights.**
 - 3.1 Section 504 of the Rehabilitation Act of 1973 (Section 504) 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 the student's health or safety due to the student's disabling medical condition.
 - 3.2 State law provides specific rights for students and families to:
 - 3.2.1 Access medically necessary treatment in the school setting. A student's parent/guardian may authorize access by a private health care specialist to District property to provide medically necessary treatment to the student, in accordance with this policy, applicable law, and other applicable District Policies, such as visitors to schools.
 - 3.2.2 Access the school setting to observe the student and/or collaborate with school staff. A student's parent/guardian may authorize access by a private health care specialist to District property to observe the student in the school setting and/or to collaborate with school personnel regarding the student, without providing medically necessary treatment, in accordance with this policy, applicable law, and other applicable District Policies, such as visitors to schools.
 - 3.3 Such rights may be limited or revoked as to specific individuals who violate the District's requirements or otherwise disrupt the learning environment.
 - 3.4 Nothing in this policy shall be construed to require the District to permit a third party to determine or provide special education or related services in the school setting in a way that interferes or conflicts with the District's obligations and authority under federal law.

- 4.0 **Process to Request Medically Necessary Treatment in the School Setting.** A request for the student to receive medically necessary treatment on District property will be considered only after the District determines that the student's parent/guardian has met the following requirements:
- 4.1 Completes and submits the District's form requesting medically necessary treatment in the school setting;
 - 4.2 Submits a copy of the student's prescription, recommendation or order for medically necessary treatment from a qualified health care provider;
 - 4.3 Provides a release authorizing the District to confer with the qualified health care provider to obtain follow-up information about the student's medical needs and the medically necessary treatment; and
 - 4.4 Signs the District's agreement, acknowledging the parent/guardian's sole financial responsibility for the medically necessary treatment and waiving the District's liability for any supervision of or misconduct by the private health care specialist.
- 5.0 **Consideration of Request as Part of Section 504 or IEP Process.** If either the student's parent/guardian or the District believe that the medically necessary treatment could or should be provided by the District through an Individualized Education Program (IEP) or Section 504 plan, then the District will convene the appropriate team to consider the request.
- 6.0 **Development of Plan.** If it's determined that the request for medically necessary treatment in the school setting falls outside of the Section 504 or IEP process, the building principal or designee, in consultation with the District's 504 Coordinator or the responsible Student Support Services Coordinator, may consider and approve the provision of medically necessary treatment to a student at school under this policy. Upon such approval, the District will prepare, with the input of the student's parent(s)/guardian(s), the student's qualified health care provider, and the student's private health care specialist, a written plan that identifies the form of medically necessary treatment, designated location(s), schedule, treatment plan, and any additional protocol regarding the administration of medically necessary treatment to the student at school. The written plan must be signed by a school administrator, the private health care specialist, and the student's parent/guardian.
- 6.1 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 providers' ability to complete their job duties and responsibilities.
 - 6.2 By accessing medically necessary treatment at school, the student's parent(s)/guardian(s) acknowledge and agree that the student may miss classroom instruction, special education and related services, and/or school activities while receiving medically necessary treatment at school.

7.0 Relationship between the District and the Private Health Care Specialist.

- 7.1 The private health care specialist is an independent contractor who is responsible for the provision of medically necessary treatment to the student at school as delineated in the student's plan developed in accordance with this policy.
- 7.2 As independent contractors hired by a student's parent/guardian, private health care specialists are expected to abide by all District and school policies.
- 7.3 The District has no responsibility whatsoever to pay for any medically necessary treatment provided by a private health care specialist to the student at school.
- 7.4 The District does not exercise any control over the private health care specialist's actions and, except in a medical emergency, will not furnish any tools, equipment or material to the private health care specialist.
- 7.5 The District and District staff will avoid any actions that could be construed as instructing or supervising the private health care specialist.

8.0 Private Health Care Specialist.

- 8.1 The private health care specialist is an independent contractor employed by the student's parent/guardian to provide medically necessary treatment to an individual student at school and shall not be asked to act as a liaison between the school and the student's parent/guardian on education issues.
- 8.2 The private health care specialist shall make every attempt to ensure that the medically necessary treatment provided to the student at school shall be as non-disruptive and non-intrusive as possible for the student, other students and staff.
- 8.3 The private health care specialist understands and agrees that the District has no obligation to provide the private health care specialist with a working space at school.
- 8.4 Prior to providing medically necessary treatment to a student at school, the private health care specialist must:
 - 8.4.1 Provide proof of licensure, certification or authorization to provide the medically necessary treatment;
 - 8.4.2 Provide a certificate(s) of professional liability insurance coverage that meets the limits applicable to other agencies and individuals who provide services in the District;
 - 8.4.3 Submit to a background check that corresponds to the provision of medically necessary treatment and/or consultation in the student's written plan, which must include a fingerprinted background check in accordance with C.R.S. 22-32-122, if applicable. The private health care specialist may be disqualified from providing medically necessary treatment on District property if the background check does not meet District standards for employment in the sole discretion of the District's Human Resources Office;
 - 8.4.4 Sign the District's agreement, 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 student for whom the private health care specialist is serving and

waiving all claims against the District for any injury sustained in delivering medically necessary treatment to the student at school.

8.5 The private health care specialist may be requested to attend the student’s IEP or Section 504 meetings to provide relevant information.

9.0 **Role of Teachers and Other School Staff.**

9.1 Teachers and other school staff shall not expect or request the private health care specialist to assist with any tasks for any other students besides the student for whom the private health care specialist is serving.

9.2 Teachers and other school staff shall not share the student’s educational information with the private health care specialist except as authorized by the student’s parent/guardian.

10.0 **Appeal.**

10.1 Students and their parents/guardians have a right to appeal the building principal’s decision concerning access to medically necessary treatment by a private health care specialist in the school setting. An appeal shall be submitted in writing to the District’s Nondiscrimination Coordinator within ten (10) school days of a decision by the principal.

10.2 The District’s Nondiscrimination Coordinator shall conduct a preliminary inquiry to determine whether to proceed with an investigation under District Policy 8400, Nondiscrimination. If it’s determined that District Policy 8400 is not implicated, the appeal shall be assigned to the Executive Director of Student Support Services. The Executive Director’s response should be within 20 school days of assignment, absent extenuating circumstances. The decision of the Executive Director of Student Support Services or designee shall be final.

LEGAL REFERENCE:

- 20 U.S.C. 1401 *et seq.*
- 29 U.S.C. 794
- 42 U.S.C. 12101 *et seq.*
- C.R.S. 22-20-121
- C.R.S. 22-32-122

CROSS REFERENCE:

- Policy 1200
- Policy 1210
- Policy 5420
- Policy 5425
- Policy 8400