



School Health Services Compliance

Amina DeLeon MPH, PA
Medical Director Consultant
Mount Vernon City School District
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Adeleon1@mtvernoncsd.org

Laws Impacting School Health Services



Federal Laws

FERPA – Family Educational Rights and Privacy Act [USDOE Family Compliance Office](#)

HIPAA- Health Insurance Portability and Accountability Act
[USHHS- Health Privacy Information](#)

IDEA-Individuals with Disabilities Act
[USDOE- IDEA](#)

ADA-Americans with Disabilities Act, Section 504 [USDOE- Civil Rights](#)

State Laws

Education Law Article 19

Education Law Articles 139 , 137, and 131

Public Health Law Section 2164

Public Health Law Section 3000

School Health Services



include but are not limited to:

- Medical examinations
- Scoliosis screening
- Vision screening and audiometer tests
- Inform parents or other persons in parental relation to the student, pupils and teachers of the individual student's health condition subject to Federal and State confidentiality laws
- Guide parents, students and teachers in procedures for preventing and correcting defects and diseases
- Instruct the school personnel in procedures to take in case of accident or illness
- Survey and make necessary recommendations concerning the health and safety aspects of school facilities and the provision of health information

Education Law Article 19

- Section 902 requires all public schools to employ a medical director (also known as the director of health services or medical officer.)
- Section 902 defines a school nurse as a registered professional nurse. Any other health professionals employed may only perform duties that are within their scope of practice



Education Law Article 19



- Section 902 defines a school nurse as a registered professional nurse. Any other health professionals employed may only perform duties that are within their scope of practice

Education Law Article 19



Section 903 requires students to have a physical examination in certain grades. required within 6 months of school entry and in **Pre-K or K, 1, 3, 5, 7, 9, & 11** (8NYCRR §136.3) on a required state form.

Students are encouraged to have this completed by their primary medical provider (aka: a health certificate.) If one is not provided within 30 days, the principal is to inform the parent/guardian in writing that if one is not received in 30 days the school will have the medical director complete one (health appraisal).

Education Law Article 19



Education Law § 903 refers to a health examination performed by a private healthcare provider as a health certificate. In contrast, Education Law §904 refers to a health examination performed by the school medical director as a health appraisal. Each health certificate or health appraisal must be signed by a duly licensed physician, physician assistant, or nurse practitioner, who is authorized by law to practice in the state of New York (NYS)

Article 19 also requires schools to request a dental certificate at the same time a physical exam is required. The certificate is not required for school attendance. Upon request of a parent/guardian the school must furnish a list of reduced fee dentists.

Education Law Article 19



- Section 66-1.3 - Requirements for school admission | New York Codes, Rules and Regulations
- Section 66-1.4 - Requirements for continued school attendance | New York Codes, Rules and Regulations
- https://www.health.ny.gov/publications/2370_2026.pdf
- Recommended Child and Adolescent Immunization Schedule for ages 18 years or younger; 2025 U.S.

Immunization Requirements

- Section 914 Requires all NYS schools to comply with the immunization requirements of PHL 2164, including submitting the annual immunization survey.



8 NYCRR 136.3



Commissioner's Regulations require schools to perform screenings if not documented on the health exam form:

- vision at entry and in grades Pre-K or K, 1, 3, 5, 7, & 11;
- hearing at entry and in grades Pre-K or K, 1, 3, 5, 7, & 11; and
- scoliosis in grades 5 & 7 for girls, and in grade 9 for boys (8 NYCRR §136.3).

NYS & NYC Screening & Health Exam Overview

NYS (Excluding NYC): Required Optional

NYC: Required Optional

NYS and NYC Screening Guideline Overview

	New Entrant	Pre K or K*	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 9	Grade 10	Grade 11	Grade 12
Pure Tone Hearing Screening	X	X	X		X		X		X			X		
Scoliosis Screening							X	X	X	X	X			
Vision Screening Color Perception	X													
	X													
Fusion		X	X											
Near Vision	X													
	X	X	X		X		X							
Distance Acuity	X	X	X	X	X		X		X			X		
	X	X	X		X		X							
Hyperopia	X													

*Determine if your Kindergarten or Pre K students are your district's new entrants..

Health Examination Overview

	New Entrant	Pre K or K	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 9	Grade 10	Grade 11	Grade 12
Health Examination	X	X		X		X			X			X		
	X													
Dental Certificate	X	X		X		X			X			X		

Health Examinations may be either a **Health Appraisal** (health exam performed by the School Medical Director) or **Health Certificate** (health exam performed by the student's primary medical provider). They must be dated no more than 12 months prior to the start of the school year in which they are required - or the date of entrance to the school for new entrants.

8 NYCRR 135.4



Requires the medical director to approve students to participate in interscholastic athletics, and return to play after illness or injury.

Medication Administration



Guide to Determining Levels of Assistance in Medication Delivery

Levels of Assistance	The Student	The Staff
Nurse Dependent Student NYS RN/NP, Physician or PA must administer medications.	Cannot Demonstrate that they understand about their medication or can take it as described in the yellow box below.	School Staff May Not Assist Students With Medications An appropriate licensed medical professional authorized to administer medications in NYS must administer all medications to the student.
Supervised Student An RN or other appropriate licensed health professional is not needed for direct monitoring of student taking their own medication.	Can - State the name, amount, time and effect of taking/not taking the medication. - Recognize what the medication looks like and refuses to take it if it is the wrong medication or amount. - Swallow, inhale, apply, calculate and take the correct dose of their medication, or request/ direct an adult to assist them, if needed.	School Staff Trained By The School Nurse May Assist Students At The Request and Direction Of The Student <u>IF TOLD TO DO SO BY THE STUDENT:</u> Trained staff may open bottles; remove the requested number of tablets/pills or pour the requested amount of liquid for the student who needs help in doing so; assist with BG testing or perform BG testing for the student; verify math calculations or verify the numbers entered into insulin meters/devices by the student.
Independent Student Needs staff intervention or assistance only during emergencies.	Can Take (self-administer) their own medications without any assistance. Must Be permitted to carry take their rescue medications for respiratory conditions, allergies or diabetes if there is written parent consent and a provider's written order attesting the provider has determined the student can self-administer effectively.	No Assistance Is Needed From School Staff - The student either takes medication independently in the health office (after being handed the medication container by school staff) or carries and uses it with the required documentation. -If a student is carrying and taking their medication themselves, medication administration is not documented by the school and the parent/guardian assumes responsibility for ensuring their child is taking the medication as ordered. - Schools should have a written emergency action plan which instructs students how to obtain help from school personnel if needed.-Schools should have additional doses of medication in the health office in case the student who is carrying and using their medication(s) does not have access to their self-carried medication.

Nurse Dependent Students and Medications



Students, who cannot self-administer their own medication and cannot be considered in need of supervision according to the criteria for Supervised Students, are therefore dependent on another person administering the medication to them. Such Nurse Dependent Students must have their medication administered to them by an appropriate licensed health professional.

Supervised Students and Medications



Students who have been determined to need supervision (formerly known as self-directed) either by the school nurse or the student's provider, may be assisted by trained unlicensed personnel to self-administer their own medication. The assistance from unlicensed personnel is limited to assistance with tasks **only at the direction of the student.**

Supervised Students and Medications



A student may be considered to be supervised if he/she is consistently able to do all of the following:

- Administer the medication to him/herself via the correct route;
- Identify the correct medication (e.g. color, shape);
- Identify the purpose of the medication (e.g. improves attention);
- Identify the correct dosage is handed to them if they cannot pour own medication for dexterity issue (e.g. one tablet, 2 puffs, 3 units, etc.);
- Identify the time the medication is needed during the school day (e.g. lunch time, before/after recess, etc.);
- Know the parameters or condition(s) under which the medication is to be taken, and will refuse to take the medication if the parameters or condition(s) are not met (e.g. blood glucose or vital sign ranges that are acceptable to take medication, or taken only for headache, shortness of breath, etc.);
- Describe what will happen if medication is not taken (e.g., unable to complete school work, blood glucose will elevate, etc.); and
- Refuse to take medication if the student has any concerns about its appropriateness.

Independent Students and Medications



Students who can self-administer their own medications without any assistance are considered Independent Students. Generally, such students' medications are kept in the health office for the student to obtain and administer to themselves. This is due to the school's need to ensure the safety of students and to account for and document when the student takes their medication.

Independent Students and Medications



In some situations, Independent Students must be permitted to carry their medication with them because the medicine needs rapid administration. Students who **require rescue medications for respiratory conditions, allergies, or diabetes must be permitted to self-carry and self-administer their medications** if they have a provider order for such and written parent/guardian consent pursuant to Article 19 Sections 916, 916-a, 916-b of Education Law. The provider order must attest that the provider has determined the student is able to self-administer their own medication effectively. The school will also need written parent/guardian consent for the student to self-carry and self-administer that medication. Independent Students with other health conditions warranting rapid administration of their medications should also be permitted to self-carry and self-administer their medication to prevent negative health outcomes.

A graphic of a stethoscope is positioned in the top right corner of the slide. The background of the slide features a light blue, wavy, cloud-like pattern on a darker blue background.

NYSED Guidelines

Guidelines are available to assist schools in implementing these requirements. Currently guidelines are available for:

- Medications
- Immunizations
- Health Examinations
- Vision, Hearing, and Scoliosis Screening
- Concussion Management
- Allergies and Anaphylaxis
- Athletic Placement Process

Updates to School Health

Updates to school health are disseminated to the field via The NYS Center for School Health center's website list serve available at www.schoolhealthny.com

All school health personnel are encouraged to register



Resources



**NYS Education Department, Office of Student Support Services-
School Health Services**

<http://www.p12.nysed.gov/ssss/schoolhealth/schoolhealthservices/>

518-486-6090

NYS Center for School Health

www.schoolhealthny.com

585-617-2380

NYS Department of Health- Bureau of Immunization

[Vaccines and Immunization](#)

518-473-4437