



Title: Safe and Appropriate Health Care Service for Oregon School-Aged Children

Position: It is the position of the Oregon School Nurses Association that all students are entitled to a safe and healthy school environment and that management of special health care needs must be individualized and directed by a registered nurse knowledgeable in the practice of school nursing.

The Issue (s): Oregon students bring to school many health conditions, e.g. life-threatening allergies, asthma, diabetes and seizures as well as conditions relating to normal growth and development, e.g. illnesses and injuries. These conditions influence their well-being, growth and development and potential for successful learning.

An increasing number of Oregon students depend upon medical assistive devices and procedures during the school day, e.g. suctioning, oxygen administration, gastrostomy tube feeding, clean intermittent catheterization, postural drainage.¹

Federal legislation², Oregon Statutes³, and other case law⁴ determinations obligate schools to safely provide school health service which is required for student's access to free and appropriate education.

Without professional nursing assessment, development of individualized care plans and evaluation treatment outcomes, students' health needs are not safely managed.

Training assistive persons, though well-intentioned, to respond to individual disease conditions are an inadequate surrogate for a qualified registered nurse who has the knowledge and skills to respond to all health conditions.

Without nursing delegation and supervision, assistive persons delivering nursing services are practicing nursing without a license.

Rationale for Position: The Individuals with Disabilities Education Act (IDEA)^{2,5} and Sections 504² of the Rehabilitation Act provide the right to students needing health services to remain in school and to have their health needs met to enhance optimum learning.

The Supreme Court, in the Garret F Case⁴ supported school's financial responsibility for providing required nursing services.

The Oregon State Board of Nursing ruled on the obligation in the school setting to adhere to established standards of professional nursing practice.⁶

The Oregon Department of Justice determined the responsibility for delegation of nursing tasks in schools rest solely with the registered nurse.⁷

THEREFORE, it is the position of the Oregon School Nurses Association that a registered nurse knowledgeable in school nursing is essential to the planning and delivery of health service in schools and especially for students with special health needs and that minimally trained, non-medical and non-supervised personnel in schools lower the standard of care for students with special health needs and are not a safe or appropriate management system for Oregon's students.

References:

1. Oregon Department of Education, Office of Student Learning and Partnerships, Special Education Child Count (Data Group).
2. [Section 504] Rehabilitation Act of 1973, 29 U.S.C.ξ 794; Regulations at 34 C.F.R.ξ 104. <http://www.dol.gov/oasam/regs/statutes/sec504.htm>
3. Oregon Legislative Statutes: 059.3;343.146
4. Cedar Rapids Community School District v. Garret F, 119Sct.992,29 IDELR996 (U.S.199). <http://supct.law.cornell.edu/supct/html/96-1793.ZS.html>
5. Gelfman, M. 2001. Special Education Law in *Legal Issues in School Health Services*. Schwab, N., Gelfman, M. eds. Sunrise River Press: North Branch, MN.
6. Mitts Declaratory Ruling in *Legal Issues in School Health Services*, Schwab, N., Gelfman, M. eds. Sunrise River Press: North Branch, MN.
7. Department of Justice, General Counsel Division: DOJ File No. 581020-GEO111-05.

Adopted by General Membership – 10/06