



STATE OF LOUISIANA  
DEPARTMENT OF EDUCATION  
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March 8, 2001

MEMORANDUM

TO: Superintendents of Local Education Agencies  
State Director of SSD # 1 and 2  
Superintendents of BESE Schools  
Administrators of Type 2 Charter Schools

FROM: Cecil J. Picard  
State Superintendent of Education

RE: Requirements for Medical/School Health Services

It has come to my attention that some of you are experiencing problems with medical/school health services for your students with disabilities. Specifically, I understand that some students are being sent to school without the physician's orders and/or parental authorizations necessary for you to administer appropriate health services. These health services may be on a scheduled basis, or may be for anticipated periodic emergencies. I offer the following suggestions.

Louisiana's statute on compulsory school attendance, R.S. 17:221, requires children between the ages of seven and seventeen to attend school. On the other hand, the Louisiana legislature has enacted statutes which limit the circumstances under which a school may administer health services. R.S. 17:435 addresses catheterizations, and prohibits a school employee from performing a catheterization "unless prescribed in writing by a licensed medical physician." R.S. 17:436 addresses the circumstances under which a school employee may perform other noncomplex health procedures. That statute plainly prohibits school employees or school nurses from performing any noncomplex health procedures, except screenings and activities of daily living such as toileting/diapering, oral/dental hygiene, and oral feeding, unless prescribed in writing by a licensed physician. Of course, no medication may be administered to any student without an order from a licensed physician or dentist and a written request and authorization from the student's parent or guardian. The medication must be provided to the school in a container that meets acceptable pharmaceutical standards. R.S. 17:436.1.

The compulsory school attendance law is often at odds with these strict limitations on health services. This natural tension arises when a parent sends a child with serious health needs to school without the necessary medical authorizations. While Title 17 of the Louisiana Revised Statutes does not address this particular situation, the two competing interests can be reconciled. First, I suggest that you send notice to the parent, in writing, stating exactly what paperwork the parent must provide before you can accept

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the student into a school setting. In this interim period, however, you should consider placing the student on "hospital/homebound," so that the student may receive educational services from the school board, but also receive health services from his family.

Hopefully, this interim period would be a brief time in which the student's parents would obtain the documentation required pursuant to R.S. 17:435 and R.S. 17:436. If this situation persists, however, you should consider reassessing the level of assistance a family needs. Just as students come with varying levels of abilities, so do their families. Some parents are more capable than others to deal with complicated medical and administrative paperwork. If a family seems to be unable to complete the process in a manner that would allow the student to attend school in a reasonable period of time, I suggest that you consider referring the family to the Office of Community Services, Department of Social Services. As a family in need of services, a social worker could be assigned to work with the family to assist them in obtaining the documentation, as well as to assist the family in other areas of need.

You should also keep in mind that, once you have received this necessary documentation, Louisiana law requires you to make certain arrangements before the student is permitted to attend school. These requirements include not only writing a plan of care for school personnel to follow but also training unlicensed personnel to perform procedures, among others. These requirements should be completed without delay to ensure compliance with the "least restrictive environment" mandates of the IDEA.

I realize the difficult job you have in your responsibility for children with a wide array of health needs. I hope that these suggestions are helpful to you.

CJP:VCB:ss

- c Directors/Supervisors of Special Education  
Supervisors of School Nurses