

School Health Services Laws and Rules

This is a list of Minnesota laws and administrative rules, federal laws and regulations, and some resources that further explain these statutes and rules. The laws and administrative rules provided may not be an exhaustive list; however, it best represents the most common laws and rules related to school nursing practice, school health services.

This list offers a foundation upon which to develop and maintain individual local school policies.

This resource is not a substitute for and does not constitute legal advice. Legal questions should be directed to your local school administrator and legal advice obtained from your school attorney.

Current as of 12-22-2022

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School Nursing: Licensure

Nurse Practice Act

- [Minnesota Statute 148.171-285 DEFINITIONS; TITLE \(Minnesota Nurse Practice Act\)](https://www.revisor.mn.gov/statutes/cite/148.171)
(<https://www.revisor.mn.gov/statutes/cite/148.171>)
 - [RESOURCE: Minnesota Board of Nursing](https://mn.gov/boards/nursing/) (<https://mn.gov/boards/nursing/>)
 - [RESOURCE: Minnesota Board of Nursing— Nurse Practice Act Scope of Practice](https://mn.gov/boards/assets/NPA_2013_Combined_Def_12-2020_tcm21-37252.pdf)
(https://mn.gov/boards/assets/NPA_2013_Combined_Def_12-2020_tcm21-37252.pdf)

School Nurse Licensure

- [Minnesota Statute 122A.15 TEACHERS, SUPERVISORY AND SUPPORT PERSONNEL, DEFINITIONS, LICENSURE](https://www.revisor.mn.gov/statutes/cite/122A.15) (<https://www.revisor.mn.gov/statutes/cite/122A.15>)
 - [Minnesota Administrative Rule 8710.6100 SCHOOL NURSE](https://www.revisor.mn.gov/rules/8710.6100/)
(<https://www.revisor.mn.gov/rules/8710.6100/>)

Continuing Education Rules

Nurse:

- [Minnesota Administrative Rule 6310.2800 REGISTRATION RENEWAL REQUIREMENTS](https://www.revisor.mn.gov/rules/6310.2800/)
(<https://www.revisor.mn.gov/rules/6310.2800/>)
 - [RESOURCE: Minnesota Board of Nursing – License Renewal](https://mn.gov/boards/nursing/licensure/license-renewal/)
(<https://mn.gov/boards/nursing/licensure/license-renewal/>)

School Nurse License:

- [Minnesota Administrative Rule 8710.7000 DUTY OF LICENSEE TO RENEW](https://www.revisor.mn.gov/rules/8710.7000/)
(<https://www.revisor.mn.gov/rules/8710.7000/>)
- [Minnesota Administrative Rule 8710.7100 RENEWAL OF TIER 3 OR 4 TEACHING LICENSES](https://www.revisor.mn.gov/rules/8710.7100/)
(<https://www.revisor.mn.gov/rules/8710.7100/>)
- [Minnesota Administrative Rule 8710.7200 CLOCK HOURS; REQUIREMENTS FOR RENEWAL OF PROFESSIONAL LICENSES](https://www.revisor.mn.gov/rules/8710.7200/) (<https://www.revisor.mn.gov/rules/8710.7200/>)
 - [RESOURCE: Minnesota Professional Educator Licensing and Standards Board— Renew My License](https://mn.gov/pelsb/current-educators/renew/) (<https://mn.gov/pelsb/current-educators/renew/>)

Credential and Identification of Health Care Provider on Badge

- [Minnesota Statute 144.6585 IDENTIFICATION OF HEALTH CARE PROVIDERS](https://www.revisor.mn.gov/statutes/cite/144.6585)
(<https://www.revisor.mn.gov/statutes/cite/144.6585>)

Abuse, Neglect, & Harassment Reporting

Reporting of Abuse and Neglect Concerns

Abuse and neglect concerns must be reported to local county social services

- [RESOURCE: MN COUNTY SOCIAL SERVICES \(https://mn.gov/dhs/people-we-serve/children-and-families/services/child-protection/contact-us/\)](https://mn.gov/dhs/people-we-serve/children-and-families/services/child-protection/contact-us/)
- [Minnesota Statutes, Chapter 260E. REPORTING OF MALTREATMENT OF MINORS \(https://www.revisor.mn.gov/statutes/cite/260E\)](https://www.revisor.mn.gov/statutes/cite/260E)
- [Minnesota Statute 260E.06 MALTREATMENT REPORTING \(https://www.revisor.mn.gov/statutes/cite/260E.06\)](https://www.revisor.mn.gov/statutes/cite/260E.06) – Requirement to report neglect and/or maltreatment
- [Minnesota Statute 260E.065 TRAINING FOR REPORTERS \(https://www.revisor.mn.gov/statutes/cite/260E.065\)](https://www.revisor.mn.gov/statutes/cite/260E.065) – Local welfare agency must provide maltreatment reporting training
- [Minnesota Statute 260E.08 CRIMINAL PENALTIES FOR FAILURE TO REPORT; CIVIL PENALTY FOR MAKING FALSE REPORT \(https://www.revisor.mn.gov/statutes/cite/260E.08\)](https://www.revisor.mn.gov/statutes/cite/260E.08) – Penalty for not reporting or for making a false report of maltreatment or abuse
- [Minnesota Statute 260E.09 REPORTING REQUIREMENTS \(https://www.revisor.mn.gov/statutes/cite/260E.09\)](https://www.revisor.mn.gov/statutes/cite/260E.09) – Defines how to report and required timeline for reporting
 - [RESOURCE: Minnesota Department of Human Services—Resource Guide for Mandated Reporters of Child Maltreatment Concerns \(https://edocs.dhs.state.mn.us/lfserver/Public/DHS-2917-ENG\)](https://edocs.dhs.state.mn.us/lfserver/Public/DHS-2917-ENG)

Reporting of Student Maltreatment Within A School Setting

[Minnesota Statute 260E.28 CONDUCTING INVESTIGATION IN FACILITY OR SCHOOL \(https://www.revisor.mn.gov/statutes/cite/260E.28\)](https://www.revisor.mn.gov/statutes/cite/260E.28) – Requirements regarding investigation of maltreatment or abuse that has occurred within a school setting

[Minnesota Statute 260E.29 NOTIFICATION REQUIREMENTS FOR SCHOOLS AND FACILITIES \(https://www.revisor.mn.gov/statutes/cite/260E.29\)](https://www.revisor.mn.gov/statutes/cite/260E.29) – A school must notify the parent or guardian of any abuse that has happened at school

- [RESOURCE: Minnesota Department of Education—Student Maltreatment \(https://education.mn.gov/mde/dse/mal/\)](https://education.mn.gov/mde/dse/mal/)

Sexual, Religious, and Racial Harassment and Violence Policy

School Nurses and other staff are responsible to report harassment and bullying of a student. Students are protected from harassment based on “perceived” or “actual” identity characteristics specified in law including race, gender, religion, national origin, sexual orientation, gender identity, physical or cognitive disabilities.

- [Minnesota Statute 121A.03 MODEL POLICY](https://www.revisor.mn.gov/statutes/cite/121A.03) (<https://www.revisor.mn.gov/statutes/cite/121A.03>) – Schools must have a policy on harassment and violence in school to include reporting procedures and indicate disciplinary actions that will be taken for violation of this policy
 - [RESOURCE: Minnesota Department of Education –Model Policies](https://education.mn.gov/MDE/dse/safe/res/mod/) (<https://education.mn.gov/MDE/dse/safe/res/mod/>)

Student Bullying

- [Minnesota Statute 121A.031 SCHOOL STUDENT BULLYING POLICY](https://www.revisor.mn.gov/statutes/cite/121A.031) (<https://www.revisor.mn.gov/statutes/cite/121A.031>)
 - [RESOURCE: Minnesota Department of Education –Safe and Supportive Schools Act](https://education.mn.gov/MDE/dse/safe/act/MDE059149) (<https://education.mn.gov/MDE/dse/safe/act/MDE059149>)
 - [RESOURCE: Minnesota Department of Education –Model Policies](https://education.mn.gov/MDE/dse/safe/res/mod/) (<https://education.mn.gov/MDE/dse/safe/res/mod/>)

Adolescent Rights

Consent Rights of Minors

- [Minnesota Statute 144.343 PREGNANCY, VENEREAL DISEASE, ALCOHOL OR DRUG ABUSE, ABORTION](https://www.revisor.mn.gov/statutes/cite/144.343) (<https://www.revisor.mn.gov/statutes/cite/144.343>) – Minors may consent to medical, mental health, pregnancy, sexually transmitted infections, and alcohol, tobacco, and other drug services.
 - [RESOURCE: Adolescent & Young Adult Health Care in Minnesota: A Guide to Understanding Consent & Confidentiality Laws](https://nahic.ucsf.edu/wp-content/uploads/2019/01/Minnesota-AYAH-Confidentiality-Guide_Final.pdf) (https://nahic.ucsf.edu/wp-content/uploads/2019/01/Minnesota-AYAH-Confidentiality-Guide_Final.pdf)
- [Minnesota Statute 144.341 LIVING APART FROM PARENTS AND MANAGING FINANCIAL AFFAIRS](https://www.revisor.mn.gov/statutes/cite/144.341) (<https://www.revisor.mn.gov/statutes/cite/144.341>) – Authorized to provide consent

Data and Data Privacy

Family Educational Rights and Privacy Act (FERPA)

Federal law that protects the privacy of **student education records**. FERPA allows for data sharing with educational personnel who have a 'legitimate educational interest'. These rights transfer to the student when the student reaches the age of eighteen or attends a school beyond the high school level. FERPA applies to all school records including health records.

- [Federal Law: 20 U.S.C. 1232g –Family Educational and Privacy Rights \(https://www.govinfo.gov/content/pkg/USCODE-2020-title20/pdf/USCODE-2020-title20-chap31-subchapIII-part4-sec1232g.pdf\)](https://www.govinfo.gov/content/pkg/USCODE-2020-title20/pdf/USCODE-2020-title20-chap31-subchapIII-part4-sec1232g.pdf)
 - [Federal Regulations: 34 CFR Part 99 Family Educational Rights and Privacy Act \(FERPA\) \(https://www.ecfr.gov/current/title-34/subtitle-A/part-99\)](https://www.ecfr.gov/current/title-34/subtitle-A/part-99)
 - [RESOURCE: United States Department of Education—Family Educational Rights and Privacy Act \(https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html\)](https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html)
 - [RESOURCE: Minnesota House of Representatives Research Department—Information Brief: Federal and State Laws Governing Access to Student Records \(https://www.house.leg.state.mn.us/hrd/pubs/studrec.pdf\)](https://www.house.leg.state.mn.us/hrd/pubs/studrec.pdf)
 - [RESOURCE: United States Department of Health & Human Services—Joint Guidance of the Application of the Family Educational Rights and Privacy Act \(FERPA\) and the Health Insurance Portability and Accountability Act of 1996 \(HIPAA\) to Student Health Records \(https://studentprivacy.ed.gov/sites/default/files/resource_document/file/2019%20HIPAA%20FERPA%20Joint%20Guidance%20508.pdf\)](https://studentprivacy.ed.gov/sites/default/files/resource_document/file/2019%20HIPAA%20FERPA%20Joint%20Guidance%20508.pdf)
 - [RESOURCE: Centers for Disease Control and Prevention – Health Information & Privacy: FERPA and HIPAA \[See FERPA vs HIPAA Infographic\] \(https://www.cdc.gov/php/publications/topic/healthinformationprivacy.html?s_cid=cstlts-php-flex-10-2022-ferpa-hipaa\)](https://www.cdc.gov/php/publications/topic/healthinformationprivacy.html?s_cid=cstlts-php-flex-10-2022-ferpa-hipaa)

Health Insurance Portability and Accountability Act (HIPAA)

Federal HIPAA has a broad range of provisions related to data privacy and record sharing in **medical settings**. HIPAA applies to student health information is shared with insurers when requesting payment – third party reimbursement for health services.

Information related to the health of school employees is covered by HIPAA and is most often handled by the personnel or human resources office. Student health information is covered by FERPA. Healthcare delivered by School Based Health Centers must abide by HIPAA.

- [Federal Law: Public Law 104-191 Health Insurance Portability and Accountability Act \(HIPAA\) of 1996 \(https://www.govinfo.gov/content/pkg/PLAW-104publ191/pdf/PLAW-104publ191.pdf\)](https://www.govinfo.gov/content/pkg/PLAW-104publ191/pdf/PLAW-104publ191.pdf)

- [Federal Regulations: 45 CFR Parts 160, 162, and 164 HIPAA Administrative Simplification \(https://www.hhs.gov/sites/default/files/hipaa-simplification-201303.pdf\)](https://www.hhs.gov/sites/default/files/hipaa-simplification-201303.pdf)
- [RESOURCE: United States Department of Health & Human Services – HIPAA for Professionals \(https://www.hhs.gov/hipaa/for-professionals/index.html\)](https://www.hhs.gov/hipaa/for-professionals/index.html)

Informed Consent

- [Minnesota Statute 13.04 RIGHTS OF SUBJECTS OF DATA \(https://www.revisor.mn.gov/statutes/cite/13.04\)](https://www.revisor.mn.gov/statutes/cite/13.04) (Known as the Tennessen Warning) – When collecting private information, state the purpose and use of the data; subject may have a record of information.
 - [RESOURCE: Informed Consent; Connection Between Informed Consent and Tennessen Warning \(https://mn.gov/admin/data-practices/data/warnings/consent/\)](https://mn.gov/admin/data-practices/data/warnings/consent/)
 - [RESOURCE: Minnesota Department of Administration— Minnesota Data Practices clearinghouse \(https://mn.gov/admin/data-practices/data/\)](https://mn.gov/admin/data-practices/data/)

Record Retention Schedule

- [Minnesota Statute 138.17 GOVERNMENT RECORDS; ADMINISTRATION \(https://www.revisor.mn.gov/statutes/cite/138.17\)](https://www.revisor.mn.gov/statutes/cite/138.17)
 - [RESOURCE: Minnesota Department of Education—Q&A: Record Retention and Record Retention Schedules \(https://education.mn.gov/mdeprod/groups/educ/documents/basic/mdaw/mdu1/~edisp/055464.pdf\)](https://education.mn.gov/mdeprod/groups/educ/documents/basic/mdaw/mdu1/~edisp/055464.pdf)

Sharing Health Information with a Parent if Minor’s Health Would be Jeopardized

- [Minnesota Statute 144.346 INFORMATION TO PARENTS \(https://www.revisor.mn.gov/statutes/cite/144.346\)](https://www.revisor.mn.gov/statutes/cite/144.346)

Student Health Record Requirement for Schools

- [Minnesota Statute 144.29 HEALTH RECORDS; CHILDREN OF SCHOOL AGE \(https://www.revisor.mn.gov/statutes/cite/144.29\)](https://www.revisor.mn.gov/statutes/cite/144.29)

Transferring Students – Request Records in 30 Days; Report Missing Children

- [Minnesota Statute 123B.08 FLAG SCHOOL RECORDS OF MISSING CHILDREN \(https://www.revisor.mn.gov/statutes/cite/123B.08\)](https://www.revisor.mn.gov/statutes/cite/123B.08)

Early Childhood Screening

Early Childhood Screening Components

Schools must provide health and developmental screening to children once before school entrance, preferably at age 3.

- Minnesota Statute 121A.16 EARLY CHILDHOOD HEALTH AND DEVELOPMENT SCREENING; PURPOSE (<https://www.revisor.mn.gov/statutes/cite/121A.16>)
- Minnesota Statute 121A.17 SCHOOL BOARD RESPONSIBILITIES (<https://www.revisor.mn.gov/statutes/cite/121A.17>)
- Minnesota Statute 121A.18 DATA USE (<https://www.revisor.mn.gov/statutes/cite/121A.18>)
 - RESOURCE: Minnesota Department of Education –Early Childhood Screening (<https://education.mn.gov/MDE/fam/elsprog/screen/>)

General School Health Services

AED Requirements

- Minnesota Statute 403.51 AUTOMATIC EXTERNAL DEFIBRILLATION; REGISTRATION (<https://www.revisor.mn.gov/statutes/cite/403.51>)

Educational Guidance for Specified Health Topics

- Minnesota Statute 120B.236 CARDIOPULMONARY RESUSCITATION AND AUTOMATATIC EXTERNAL DEFIBRILLATOR INSTRUCTION (<https://www.revisor.mn.gov/statutes/2014/cite/120B.236>)
- Minnesota Statute 120B.21 MENTAL HEALTH EDUCATION (<https://www.revisor.mn.gov/statutes/2014/cite/120B.21>)
- Minnesota Statute 121A.23 PROGRAMS TO PREVENT AND REDUCE THE RISKS OF SEXUALLY TRANSMITTED INFECTIONS AND DISEASES (<https://www.revisor.mn.gov/statutes/cite/121A.23>)

Emergency Treatment – Care to May Be Provided to Minors Without Consent

- Minnesota Statute 144.344 EMERGENCY TREATMENT (of Minors) (<https://www.revisor.mn.gov/statutes/cite/144.344>)

Nonpublic Schools Health Services

- [Minnesota Statute 123B.44 PROVISION OF PUPIL SUPPORT SERVICES](https://www.revisor.mn.gov/statutes/cite/123b.44)
(<https://www.revisor.mn.gov/statutes/cite/123b.44>)

Schools: Promote Health of Students – Employ Licensed School Nurse

- [Minnesota Statute 121A.21 SCHOOL HEALTH SERVICES](https://www.revisor.mn.gov/statutes/cite/121A.21)
(<https://www.revisor.mn.gov/statutes/cite/121A.21>)

Student Health and Safety – District Responsibilities

- [Minnesota Statutes 121A. STUDENT RIGHTS, RESPONSIBILITIES, AND BEHAVIOR](https://www.revisor.mn.gov/statutes/cite/121A)
(<https://www.revisor.mn.gov/statutes/cite/121A>) – Link to entire chapter of health-related laws

Wellness Policy

Requires all local educational agencies that participate in the National School Lunch and School Breakfast Programs to meet expanded local school wellness policy requirements and conduct triennial assessments.

- [Federal Law: 42 U.S.C. 1758b - Local School Wellness Policy](https://www.govinfo.gov/content/pkg/USCODE-2011-title42/html/USCODE-2011-title42-chap13-sec1758b.htm)
(<https://www.govinfo.gov/content/pkg/USCODE-2011-title42/html/USCODE-2011-title42-chap13-sec1758b.htm>) –Enacted by Congress as [Section 204 of Public Law 111-296 Healthy, Hunger-Free Kids Act of 2010](https://www.govinfo.gov/content/pkg/PLAW-111publ296/pdf/PLAW-111publ296.pdf) (<https://www.govinfo.gov/content/pkg/PLAW-111publ296/pdf/PLAW-111publ296.pdf>)
- [Federal Regulations: 7 CFR Parts 210 and 220 Local School Wellness Policy Implementation Under the Healthy, Hunger-Free Kids Act of 2010](https://www.govinfo.gov/content/pkg/FR-2016-07-29/pdf/2016-17230.pdf)
(<https://www.govinfo.gov/content/pkg/FR-2016-07-29/pdf/2016-17230.pdf>)
 - [RESOURCE: United States Department of Agriculture Food and Nutrition Service— Local School Wellness Policy Implementation Tools and Resources](https://www.fns.usda.gov/tn/local-school-wellness-policy-implementation-tools-resources)
(<https://www.fns.usda.gov/tn/local-school-wellness-policy-implementation-tools-resources>)
 - [RESOURCE: Centers for Disease Control & Prevention—Local School Wellness Policy, CDC Healthy Schools](https://www.cdc.gov/healthyschools/nutrition/wellness.htm?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fhealthyschools%2Fnpao%2Fwellness.htm)
(https://www.cdc.gov/healthyschools/nutrition/wellness.htm?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fhealthyschools%2Fnpao%2Fwellness.htm)
- [Minnesota Statute 121A.215 LOCAL SCHOOL DISTRICT WELLNESS POLICIES](https://www.revisor.mn.gov/statutes/cite/121A.215)
(<https://www.revisor.mn.gov/statutes/cite/121A.215>)

Hazardous Substances and Infectious Agents

Communicable Diseases

- [Minnesota Administrative Rules Chapter 4605 COMMUNICABLE DISEASES \(https://www.revisor.mn.gov/rules/4605/\)](https://www.revisor.mn.gov/rules/4605/)
- [Minnesota Administrative Rule 4605.7040 DISEASE AND REPORTS; CLINICAL MATERIALS SUBMISSIONS \(https://www.revisor.mn.gov/rules/4605.7040/\)](https://www.revisor.mn.gov/rules/4605.7040/) – List of diseases to report to the Minnesota Department of Health
- [Minnesota Administrative Rule 4605.7050 UNUSUAL CASE INCIDENCE \(https://www.revisor.mn.gov/rules/4605.7050/\)](https://www.revisor.mn.gov/rules/4605.7050/) – Report suspected or confirmed food or waterborne disease, epidemic viral gastroenteritis, and any disease presumed to be transmitted by transfusion of blood or blood products
- [Minnesota Administrative Rule 4605.7070 OTHER REPORTS \(https://www.revisor.mn.gov/rules/4605.7070/\)](https://www.revisor.mn.gov/rules/4605.7070/) – Includes schools as required reporters of communicable diseases
 - [RESOURCE: Hennepin County—Infectious Disease in Childcare and Schools Manual \(https://www.hennepin.us/childcaremanual\)](https://www.hennepin.us/childcaremanual)
 - [RESOURCE: Minnesota Department of Health –Infectious Disease Reporting \(https://www.health.state.mn.us/diseases/reportable/index.html\)](https://www.health.state.mn.us/diseases/reportable/index.html)
 - [RESOURCE: Minnesota Department of Health –School Health Personnel Influenza Information \(https://www.health.state.mn.us/diseases/flu/school/index.html\)](https://www.health.state.mn.us/diseases/flu/school/index.html)
 - [RESOURCE: Minnesota Department of Health—2021-2022 Norovirus Information for Schools Toolkit \(https://www.health.state.mn.us/diseases/foodborne/outbreak/facility/schooltoolkit2122.pdf\)](https://www.health.state.mn.us/diseases/foodborne/outbreak/facility/schooltoolkit2122.pdf)

Occupational Safety and Health Administration (OSHA)

The Occupational Safety and Health Act of 1970 (OSH Act) was passed to prevent workers from being killed or otherwise harmed at work.

- [Federal Law: Public Law 91-596 Occupational Safety and Health Act of 1970 \(https://www.osha.gov/laws-regs/oshact/completeoshact\)](https://www.osha.gov/laws-regs/oshact/completeoshact)
 - [RESOURCE: OSHA Worker’s Rights \(https://www.osha.gov/sites/default/files/publications/osha3021.pdf\)](https://www.osha.gov/sites/default/files/publications/osha3021.pdf)
- [Federal Regulation: 29 CFR 1910.1030\(d\)\(1\) OSHA Bloodborne Pathogen Standard \(https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.1030\)](https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.1030) – OSHA requires that ‘universal precautions’ be observed to prevent contact with blood or other potentially infectious materials

- RESOURCE: United States Department of Labor Occupational Safety and Health Administration—Letter of Interpretation (<https://www.osha.gov/laws-regs/standardinterpretations/2009-02-27>)
- Minnesota Statute 182.653 RIGHTS AND DUTIES OF EMPLOYERS (<https://www.revisor.mn.gov/statutes/cite/182.653>)
 - Minnesota Administrative Rules, Chapter 5206 HAZARDOUS SUBSTANCES; EMPLOYEE RIGHT-TO-KNOW (<https://www.revisor.mn.gov/rules/5206/>)
 - Minnesota Administrative Rule 5206.0600 INFECTIOUS AGENTS (<https://www.revisor.mn.gov/rules/5206.0600/>) –List of infectious agents that will be updated by the commissioner every two years
 - Minnesota Administrative Rule 5206.0700 TRAINING (<https://www.revisor.mn.gov/rules/5206.0700/>) –Includes frequency of bloodborne pathogen training
 - RESOURCE: United States Occupational Health and Safety Administration – Hazardous Communication Sheets (<https://www.osha.gov/sites/default/files/publications/OsHA3514.pdf>)

Health Conditions

Anaphylaxis & Epinephrine Auto-injectors: Health Planning and Training

**Also referenced in the medication section of statutes*

- Minnesota Statute 121A.2205 POSSESSION AND USE OF EPINEPHRINE AUTO-INJECTORS; MODEL POLICY (<https://www.revisor.mn.gov/statutes/cite/121A.2205>)

Concussions & Return to Play

- Minnesota Statute 121A.38 CONCUSSION PROCEDURES (<https://www.revisor.mn.gov/statutes/cite/121A.38>)

Seizures: Requirements for Health Planning and Training

- Minnesota Statute 121A.24 SEIZURE TRAINING AND ACTION PLAN (<https://www.revisor.mn.gov/statutes/cite/121A.24>)

Immunizations

Immunization Standards & Sharing Data Without Consent

- Minnesota Statute 121A.15 HEALTH STANDARDS; IMMUNIZATIONS; SCHOOL CHILDREN (<https://www.revisor.mn.gov/statutes/cite/121A.15>)

- [Minnesota Statute 144.3351 IMMUNIZATION DATA](https://www.revisor.mn.gov/statutes/cite/144.3351)
(<https://www.revisor.mn.gov/statutes/cite/144.3351>)
 - [Minnesota Administrative Rules Chapter 4604 IMMUNIZATIONS](https://www.revisor.mn.gov/rules/4604/)
(<https://www.revisor.mn.gov/rules/4604/>)
 - [Minnesota Administrative Rule 4604.0300 SCHEDULE CHANGES](https://www.revisor.mn.gov/rules/4604.0300/)
(<https://www.revisor.mn.gov/rules/4604.0300/>) – Pending / in progress requirements
 - [Minnesota Administrative Rule 4604.0400 IMMUNIZATION DOCUMENTATION RECORD](https://www.revisor.mn.gov/rules/4604.0400/)
(<https://www.revisor.mn.gov/rules/4604.0400/>) – Requirements for forms related to immunization communication
 - [Minnesota Administrative Rule 4604.0410 REPORT](https://www.revisor.mn.gov/rules/4604.0410/)
(<https://www.revisor.mn.gov/rules/4604.0410/>) – Immunization compliance report due within 90 days of start of new school year
 - [RESOURCE: Minnesota Department of Health – School Health Personnel Immunization and Disease Reporting](https://www.health.state.mn.us/people/immunize/ed/school.html#cont)
(<https://www.health.state.mn.us/people/immunize/ed/school.html#cont>)

Homeless Students Exempt from School Immunization Requirements

- [Federal Law: 42 U.S.C. CHAPTER 119, SUBCHAPTER VI, Part B—Education for Homeless Children and Youths \(Previously named McKinney Vento Homeless Assistance Act\)](http://uscode.house.gov/view.xhtml?path=/prelim@title42/chapter119/subchapter6/partB&edition=prelim)
(<http://uscode.house.gov/view.xhtml?path=/prelim@title42/chapter119/subchapter6/partB&edition=prelim>)
 - [RESOURCE: National Center for Homeless Education – McKinney Vento Homeless Assistance Act](https://nche.ed.gov/legislation/mckinney-vento/) (<https://nche.ed.gov/legislation/mckinney-vento/>)
 - [RESOURCE: Minnesota Department of Education – Homeless McKinney Vento](https://education.mn.gov/MDE/dse/esea/home/index.htm)
(<https://education.mn.gov/MDE/dse/esea/home/index.htm>)

Medication Administration

Cannabis Use or Possession is Prohibited on School Property

- [Minnesota Statute 152.23 LIMITATIONS](https://www.revisor.mn.gov/statutes/2020/cite/152.23)
(<https://www.revisor.mn.gov/statutes/2020/cite/152.23>)

Epinephrine Auto-injector: Health Planning, Self-carry, Stock Supply and Training

**Also referenced in the Health Conditions section of statutes*

- [Minnesota Statute 121A.2205 POSSESSION AND USE OF EPINEPHRINE AUTO-INJECTORS; MODEL POLICY](https://www.revisor.mn.gov/statutes/cite/121A.2205) (<https://www.revisor.mn.gov/statutes/cite/121A.2205>)

- Minnesota Statute 121A.2207 LIFE-THREATENING ALLERGIES IN SCHOOLS; STOCK SUPPLY OF EPINEPHRINE AUTO-INJECTORS (<https://www.revisor.mn.gov/statutes/cite/121A.2207>)

Naloxone (Narcan) Information on Prescribing, Administration by Licensed School Nurse or Public Health Nurse Under School Protocol

- Minnesota Statute 151.37 LEGEND DRUGS; WHO MAY PRESCRIBE, POSSESS (<https://www.revisor.mn.gov/statutes/cite/151.37>)
- Minnesota Statute 604A.04 GOOD SAMARITAN OVERDOSE PREVENTION (<https://www.revisor.mn.gov/statutes/cite/604A.04>)

Medication Administration in Schools

- Minnesota Statute 121A.22 ADMINISTRATION OF DRUGS AND MEDICINE (<https://www.revisor.mn.gov/statutes/cite/121A.22>)
 - RESOURCE: Minnesota Guidelines for Medication Administration in Schools (<https://www.health.state.mn.us/docs/people/childreneyouth/schoolhealth/medadmin.pdf>)

Self-carry: Asthma Inhaler

- Minnesota Statute 121A.221 POSSESSION AND USE OF ASTHMA INHALERS BY ASTHMATIC STUDENTS (<https://www.revisor.mn.gov/statutes/cite/121A.221>)

Self-carry: Pain Relievers for Secondary Students

- Minnesota Statute 121A.222 POSSESSION AND USE OF NONPRESCRIPTION PAIN RELIEVERS BY SECONDARY STUDENTS (<https://www.revisor.mn.gov/statutes/cite/121A.222>)

Sunscreen Application Without a Licensed Prescriber's Order

- Minnesota Statute 121A.223 POSSESSION AND USE OF SUNSCREEN (<https://www.revisor.mn.gov/statutes/cite/121A.223>)

Section 504

A federal civil rights statute that assures individuals will not be discriminated against based on their disability. All school districts that receive federal funding are responsible for the implementation of this law.

- Federal Law: Section 504, Rehabilitation Act of 1973 (<https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/section-504-rehabilitation-act-of-1973>)

- [RESOURCE: United States Department of Education Office for Civil Rights –Protecting Students with Disabilities \(https://www2.ed.gov/about/offices/list/ocr/504faq.html\)](https://www2.ed.gov/about/offices/list/ocr/504faq.html)
- [RESOURCE: United States Department of Health and Human Services Fact Sheet – Your Rights Under Section 504 of the Rehabilitation Act \(https://www.hhs.gov/sites/default/files/ocr/civilrights/resources/factsheets/504.pdf\)](https://www.hhs.gov/sites/default/files/ocr/civilrights/resources/factsheets/504.pdf)

Special Education

For more information about Special Education and 504 Plan as it pertains to student health needs, please consult with Minnesota Department of Education.

Americans with Disabilities Act (ADA) of 1990, amended 2008

America’s most comprehensive piece of civil rights legislation that prohibits discrimination and guarantees that people with disabilities have the same opportunities as everyone else to participate in the mainstream American life.

- [Federal Law: 42 U.S.C. Chapter 126 - Equal Opportunity for Individuals with Disabilities \(https://www.ada.gov/pubs/adastatute08.htm\)](https://www.ada.gov/pubs/adastatute08.htm)
 - [RESOURCE: United States Department of Justice Civil Rights Division—Information and Technical Assistance on the Americans with Disabilities Act \(https://beta.ada.gov/\)](https://beta.ada.gov/)

Individuals with Disabilities Education Act (IDEA) 2004

Nation’s federal special education law that ensures public schools serve the educational needs of students with disabilities from birth through age 21. The law was first passed in 1975, last amended in 2004.

- [Federal Law: 20 U.S.C. Chapter 33- Education of Individuals with Disabilities \(http://uscode.house.gov/view.xhtml?path=/prelim@title20/chapter33&edition=prelim](http://uscode.house.gov/view.xhtml?path=/prelim@title20/chapter33&edition=prelim) and
 - [Federal Regulations: 34 CFR Part 300 \(Part B\) and Part 303 \(Part C\) \(https://sites.ed.gov/idea/regs/\)](https://sites.ed.gov/idea/regs/)
 - [RESOURCE: U.S. Department of Education’s Individuals with Disabilities Education Act \(IDEA\) website \(https://sites.ed.gov/idea/\)](https://sites.ed.gov/idea/)
- [Federal Law 20 U.S.C. Chapter 33 SUBCHAPTER 1 SEC 1401—Definitions \(http://uscode.house.gov/view.xhtml?hl=false&edition=prelim&path=%2Fprelim%40title20%2Fchapter33&req=granuleid%3AUSC-prelim-title20-section1401&num=0&saved=L3ByZWxpbUB0aXRsZTIwL2NoYXB0ZXIzMw%3D%3D%7CZ3JhbNvsZWlkOlVTQy1wcmVsaW0tdGI0bGUyMC1jaGFwdGVyMzM%3D%7C%7C0%7Cfalse%7Cprelim\)](http://uscode.house.gov/view.xhtml?hl=false&edition=prelim&path=%2Fprelim%40title20%2Fchapter33&req=granuleid%3AUSC-prelim-title20-section1401&num=0&saved=L3ByZWxpbUB0aXRsZTIwL2NoYXB0ZXIzMw%3D%3D%7CZ3JhbNvsZWlkOlVTQy1wcmVsaW0tdGI0bGUyMC1jaGFwdGVyMzM%3D%7C%7C0%7Cfalse%7Cprelim) – (26) Related services include school nurse services

- [Federal Regulations: 34 CFR SEC 300.156 Personnel Qualifications](https://sites.ed.gov/idea/regs/b/b/300.156) (https://sites.ed.gov/idea/regs/b/b/300.156) – (b) qualifications for related services personnel (1) are consistent with any State-approved or State-recognized certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services
- [Federal Regulation 34 CFR 300.304 –Evaluation Procedures](https://sites.ed.gov/idea/regs/b/d/300.304) (https://sites.ed.gov/idea/regs/b/d/300.304) – Special Education Assessments: (c) Each public agency must ensure that— (1) Assessments and other evaluation materials used to assess a child under this part—(iv) Are administered by trained and knowledgeable personnel.
- [Federal Regulation 34 CFR 303.31 –Qualified Personnel](https://sites.ed.gov/idea/regs/c/a/303.31) (https://sites.ed.gov/idea/regs/c/a/303.31) – Qualified personnel are personnel who have met State approved or recognized certification, licensing, registration, or other comparable requirements that apply to the areas in which the individuals are conducting evaluations or assessments or providing early intervention services.

Special Education Services

- [Minnesota Statute 125A.02 CHILD WITH A DISABILITY DEFINED](https://www.revisor.mn.gov/statutes/cite/125A.02) (https://www.revisor.mn.gov/statutes/cite/125A.02)
 - [Minnesota Administrative Rules Chapter 3525 CHILDREN WITH A DISABILITY](https://www.revisor.mn.gov/rules/3525/) (https://www.revisor.mn.gov/rules/3525/)
 - [Minnesota Administrative Rule 3525.0210 DEFINITIONS](https://www.revisor.mn.gov/rules/3525.0210/) (https://www.revisor.mn.gov/rules/3525.0210/)
 - [Minnesota Administrative Rule 3525.2710 EVALUATIONS AND REEVALUATIONS](https://www.revisor.mn.gov/rules/3525.2710/) (https://www.revisor.mn.gov/rules/3525.2710/) –Determination of whether the child is a pupil with a disability is be made by a team of qualified professionals including parents.
 - [Minnesota Administrative Rule 3525.2810 DEVELOPMENT OF INDIVIDUALIZED EDUCATION PROGRAM PLAN](https://www.revisor.mn.gov/rules/3525.2810/) (https://www.revisor.mn.gov/rules/3525.2810/) – IEP team must include, at the discretion of the parent or the district, other individuals who have knowledge or special expertise regarding the pupil, including related services personnel, as appropriate.
 - [RESOURCE: Minnesota Department of Education – Special Education](https://education.mn.gov/mde/dse/sped/) (https://education.mn.gov/mde/dse/sped/)

Third Party Reimbursement in Education

Requires school districts to bill health insurance for special education health related services for Medical Assistance -eligible children. Also, procedures are in place to bill for health-related services not on IEPs for MA-eligible children.

- [Minnesota Statute 125A.21 THIRD-PARTY PAYMENT \(https://www.revisor.mn.gov/statutes/cite/125A.21\)](https://www.revisor.mn.gov/statutes/cite/125A.21)
 - [RESOURCE: Minnesota Department of Education Medicaid in Education webpage \(https://education.mn.gov/MDE/dse/sped/med/\)](https://education.mn.gov/MDE/dse/sped/med/)

12/22/2022

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health.school.health@state.mn.us
<https://www.health.state.mn.us/people/childrenyouth/schoolhealth/index.html>

To obtain this information in a different format, email health.school.health@state.mn.us

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