

**POMONA UNIFIED SCHOOL DISTRICT**  
**Health Services and Programs**

**LEGAL RULINGS; STATE EDUCATIONAL CODES; DISTRICT POLICIES and**  
**DEPARTMENT STANDARDS OF CARE**

**A. LEGAL RULINGS AND CALIFORNIA EDUCATION CODES**

The following sampling of references is meant as a guide for implementation of school nursing activities and mandates.

For a complete listing and the most current rulings, you may consult the following:

California Department of Education @ [www.cde.ca.gov](http://www.cde.ca.gov)  
California Department of Health Services @ [www.dhs.ca.gov](http://www.dhs.ca.gov)  
California School Nurses Organization @ [www.csno.org](http://www.csno.org)  
California Law website @ [www.leginfo.ca.gov](http://www.leginfo.ca.gov)

Citations come from the following resources:

CEC	California Education Code
H & SC	California Health and Safety Code
CCR	California Code of Regulations (Title 5, 17, 22)
PC	California Penal Code

**ATHLETICS/PHYSICAL EDUCATION:**

CEC 51241 Temporary exemption from PE if pupil is ill or injured and a modified program cannot be provided.

CCR Title 5, 3051.5 Adaptive PE is for students with exceptional needs who require developmental or corrective instruction not available in the regular or modified PE program. APE must be provided by an individual with the appropriate credential.

**ATTENDANCE:**

CEC 46010.1 Notification annually to all parents and to students in grades 7-12, that students may be excused from school for the purpose of obtaining confidential medical services without parental consent. [See: Rights of Minors]

CEC 48211 Students may be excluded due to filthy or vicious habits and if they have a contagious or infectious disease.

CCR Title 5, 202 A pupil while infected with any contagious or infectious disease may not remain in any public school.

CEC 48216 Any pupil who has not received proper immunization shall be excluded after the parent has received written notification allowing two weeks (10 school days) to obtain needed immunizations.

CCR Title 5, 302 A pupil coming to school, who has not paid proper attention to personal cleanliness or neatness of dress, may be sent home to properly prepare or requested to prepare themselves at school to enter the classroom.

**CHDP:**

H & SC 12345 Physical or medical examinations of children cannot be compulsory.

H & SC 124085 Within 90 days of entrance into 1<sup>st</sup> grade, a parent must provide either a certificate if physical examination within the previous 18 months or a parental waiver for H& SC321.2 said examination.

H & SC 124105 Any student in 1<sup>st</sup> grade who has not provided either a certificate of, or waiver for, a physical examination by the 90<sup>th</sup> day shall be excluded for up to five days. Exclusion will commence on the 91<sup>st</sup> day if school is in session. Otherwise, exclusion will begin on the next school day.

**HOME & HOSPITAL:**

CEC 48206.3 A pupil with a temporary disability which makes attendance in the regular day classes or alternative education program in which the pupil is enrolled impossible or inadvisable shall receive individual instruction provided by the district in which the pupil is deemed to reside. "Individual instruction" means instruction provided to an individual pupil in the pupil's home, in a hospital or other residential health facility, excluding state hospitals, or under other circumstances prescribed by regulations adopted for that purpose by the State Board of Education.

**ORAL ASSESSMENT:**

49452.8 A pupil, while enrolled in kindergarten in a public school, or while enrolled in first grade in a public school if the pupil was not previously enrolled in kindergarten in a public school, no later than May 31 of the school year, shall present proof of having received an oral health assessment by a licensed dentist, or other licensed or registered dental health professional operating within his or her scope of practice, that was performed no earlier than 12 months prior to the date of the initial enrollment of the pupil. The parent or legal guardian of a pupil may be excused from complying with subdivision by indicating on the form described in subdivision that the oral health assessment could not be completed because of one or more of the reasons stated in section 49452.8

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**CHILD ABUSE AND NEGLECT:**

- PC 11165.6 Definition of “child abuse” is a physical injury that is inflicted by other than accidental means on a child by another person. It includes sexual abuse, willful cruelty and unjustifiable punishment, and unlawful corporal punishment or injury.
- It does not mean a mutual altercation between minors. It does not include an injury caused by reasonable and necessary force used by a peace officer in the line of duty
- PC 11165.2 Definition of “neglect” is the negligent treatment or the maltreatment of a child by a person responsible for the child’s welfare under circumstances indicating harm or threatened harm to the child’s health or welfare. The term includes both acts and omissions on the part of the responsible person.
- PC 11166 (a) Duty to report suspected child abuse or neglect by all mandated reporters as soon as possible by telephone and in writing within 36 hours. (h) No supervisor or administrator may impede or inhibit the reporting duties and there will be no sanctions placed on the reporter.
- PC 11172 (a) No mandated reporter who reports a known or suspected case of child abuse shall be civilly or criminally liable for any report required by law. (e) Any person who fails to report an instance of child abuse which is known or reasonably should have been known to exist is guilty of a misdemeanor and punishable by confinement in county jail for up to six months and/or by a fine of not more than \$1000.
- PC 270 If a parent of a minor child willfully omits, without lawful excuse to furnish necessary clothing, food, shelter, or medical attention or other remedial care for their child, they are guilty of a misdemeanor punishable by a fine of not more than \$2000 and/or by imprisonment in a county jail for up to one year.

**COMMUNICABLE DISEASE:**

- CCR Title 5, 202 A pupil while infected with any contagious or infectious disease may not remain in any public school.
- CCR Title 17, 2508 It shall be the duty of anyone in charge of a public or private school to report at once to the local health officer the presence, or suspected presence, of any of the communicable diseases.
- CCR Title 22, 41301 Pupils shall be tested for TB upon first California school entry.
- H & SC 120875 Annually, the State Department of Education will provide current information regarding AIDS, AIDS-related conditions and Hepatitis B. This information shall include basic facts on the diseases, methods for school employees to prevent exposure to AIDS and Hepatitis B, and that there is an available vaccine to prevent Hepatitis B that will be provided through district health benefits.

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H & SC 120880 School districts shall inform their employees annually, or if there is new information, more frequently, of the information compiled pursuant to Section 120875.

**CONFIDENTIALITY:**

H & SC 124110 All information and results of a health screening and evaluation of each child shall be confidential and shall not be released without the informed consent of a parent or guardian of the child. The results of the health screening and evaluation shall not be released to any public or private agency, even with the consent of a parent or guardian, unless accompanied by a professional interpretation of what the results mean.

CCR, Title 17, 6874 (a) All information and results of the health assessments of each person shall be confidential and shall not be released without the informed consent of the person, parent or guardian.

H & SC 121025 AIDS Confidentiality No information may be disclosed regarding a patient with AIDS or HIV unless permission is granted IN WRITING.

**HEALTH EDUCATION:**

CEC 51913 The plan for a comprehensive health education program shall include a statement setting forth the district's educational program for health education on a district basis.

CEC 48980 At the beginning of each new school year, the board of education shall notify parents and guardians of minor students that they may present in writing that their student be excused from health instruction, family life and sex education through the school year.

CEC 51550 No governing board of a public elementary or secondary school district may require pupils to attend any class in which human reproductive organs and their functions and processes are described, illustrated or discussed. This includes if the lesson is part of a course designated 'sex education' or 'family life education' or by some similar term or is part of any other course which pupils are required to attend.

If any class/lesson described in 51550 is to be presented, the parent or guardian of each pupil enrolled in the class shall first be notified in writing of the class and an opportunity shall be provided for them to request in writing that their child not attend the class.

Any audio, visual or written materials to be used during a class involving human reproductive organs, functions or processes will be made available for parent and guardian inspection and review prior to the presentation to students. The parent

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will be notified of the time and place of the preview in writing. This section shall not apply to materials that are part of an adopted textbook for a district-approved curriculum.

CEC 49426 School nurses may perform, if authorized by the local school board the following services: (h) consult with, conduct in –service training to, and serve as a resource person to teachers and administrators, and act as a participant in implementing any section or sections of a comprehensive health instruction curriculum for students by providing current scientific information regarding nutrition, preventive dentistry, mental health, genetics, prevention of communicable diseases, self-health care, consumer education and other areas of health.

### **IMMUNIZATIONS:**

H & SC 120335 The board of education shall not unconditionally admit any person as a pupil of a public school system unless prior to their first admission they have been fully immunized for Diphtheria; Haemophilus influenzae type b (those children under four years six months); Measles; Mumps (those under seven years); Pertussis (those under seven years); Poliomyelitis; Rubella; Tetanus; and Hepatitis B (kindergarten and 7<sup>th</sup> grade entry); Varicella (Kindergarten and out-of-state enrollees).

H & SC 120340 A person who has not been fully immunized against one or more of the diseases (listed in 120335) may be admitted on condition that within time periods designated by regulation of the state department, they present documentation that required immunizations have been received.

CCR Title 17, 6040 A pupil who has already been admitted who is subsequently discovered not to have received all required immunizations or who has not complied with the requirements for conditional admission shall continue in attendance only if all vaccine doses currently due are received within 10 school days after the parent or guardian has been notified in writing. Notifications must specify the date that immunizations must be completed.

H & SC 120380 Immunizing agents may be administered by registered nurses in school immunization programs under the direction of a supervising physician and surgeon as provided in Section 11704 of the Education Code.

### **RIGHTS OF MINORS:**

CEC 46010.1 The board of education shall each academic year notify pupils in grades 7-12 and the parents or guardians of all pupils enrolled in the district that school authorities may excuse a pupil from the school for the purpose of obtaining confidential medical services without the consent of the pupil's parent or guardian.

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## **PARENTS RIGHTS:**

- CEC 49069 Parents of currently enrolled or former pupils have an absolute right to access any and all pupil records related to their children that are maintained by school districts. The editing or withholding of such records is prohibited.
- CEC 49407 “Notwithstanding any provision of any law, no school district, officer of any school district, school principal, physician; or hospital treating any child enrolled in any school in any district shall be held liable for the reasonable treatment of a child without the consent of a parent or guardian of the child when the child is ill or injured during regular school hours, requires reasonable medical treatment, and the parent or guardian cannot be reached unless the parent or guardian has previously filed with the school district a written objection to any medical treatment other than first aid.”
- CEC 49451 A parent or guardian may file in writing on an annual basis that they do not consent to any physical examination of their child. The child is then exempt from any physical examination. In an instance where it is suspected that the child may be suffering from a recognized contagious or infectious disease, they shall be sent home and shall not be permitted to return until the school authorities are satisfied that any contagious or infectious disease does not exist.
- CEC 49456 When a defect has been noted by the supervisor of health or an assistant, a report shall be made to the parent or guardian of the child asking them to take appropriate action to cure or correct the defect. Such report, if made in writing, shall not include any recommendation suggesting or directing that care be sought from a designated individual. The supervisor of health may recommend that the child be taken to a public clinic or diagnostic and treatment center operated by a public hospital or by the state, county, or city department of public health.
- CEC 51240 “When ever any part of the instruction in health, family life education, and sex education conflicts with the religious training and beliefs of the parent or guardian of any pupil, the pupil, on written request of the parent or guardian, shall be excused from the part of the training which conflicts with such religious training and beliefs. As used in this section, ‘religious training and beliefs’ includes personal moral convictions.”
- CEC 48906 School personnel will notify parents or guardians if a child has been released to a peace officer unless there is suspected child abuse then it is the duty of the peace officer to notify the parent/guardian that they have taken the child from school.

## **PUPIL RECORDS:**

- CCR Title 5, 430 Definitions “(d) ‘Pupil Record’ means information relative to the individual pupil gathered within or without the school system and maintained within the school system, regardless of the physical form in which it is maintained. Essential in this definition is the idea that any information which is maintained for the purpose of second party review is considered a pupil record.”

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## **SCOLIOSIS:**

- CEC 49451 Parents may refuse consent.
- CEC 49452.5 Screening Standards (including grades, gender, re-screening, referral, parent notification, and confidentiality of results)
- CEC 49456 Written Report to Parents (see description under Parent's Rights)

## **SCHOOL ENVIRONMENT:**

- CEC 32040 A first aid kit shall be provided for every field trip taken under supervision or direction of the school.
- CEC 49076 "...(b) School districts may release information from pupil records to the following: (1) Appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of a student or other persons...."
- CEC 49408 "For the protection of a pupil's health and welfare, the governing board of a school district may require the parent or legal guardian of a pupil to keep current at the pupil's school of attendance, emergency information including the home address and telephone number, business address and telephone number of the parents or guardian, and the name, address and telephone number of a relative or friend who is authorized to care for the pupil in an emergency situation if the parent or legal guardian cannot be reached."
- CEC 49400 "The governing board of any school district shall give diligent care to the health and physical development of pupils, and may employ properly certified persons for the work."
- CCR Title 5, 306 "A pupil who goes to school without proper attention having been given to personal cleanliness or neatness of dress, may be sent home to be properly prepared for school, or shall be required to prepare himself for the school room before entering."
- CEC 35350 "No governing board of a school district shall require any student or pupil to be transported for any purpose or for any reason without the written permission of the parent or guardian. This section shall not apply to the transportation of a student in an emergency arising from illness or injury to the student or pupil."
- CEC 49407 Liability for Treatment (see Parent's Rights)
- CEC 49423 "Notwithstanding the provisions of Section 49422, any pupil who is required to take, during the regular school day, medication prescribed for him by a physician, may be assisted by the school nurse or other designated school personnel if the

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school district received (1) a written statement from such physician detailing the method, amount and time schedules by which such medication is to be taken and (2) a written statement from the parent or guardian of the pupil indicating the desire that the school district assist the pupil in the matter set forth in the physician's statement."

CEC 49480

"The parent or legal guardian of any public school pupil on a continuing medication regimen for a non-episodic condition shall inform the school nurse or other designated certificated school employee of the medication being taken, the current dosage, and the name of the supervision physician. With consent of the parent or legal guardian of the pupil, the school nurse may communicate with the physician and may counsel with school personnel regarding the possible effects of the drug on the child's physical, intellectual, and social behavior as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose. The superintendent of each school district shall be responsible for informing parents of all pupils of the requirements of this section."

CEC49423.1

Any pupil who is required to take, during the regular school day, medication prescribed for him or her by a physician or surgeon, may be assisted by the school nurse or other designated school personnel or may carry and self-administer prescription auto-injectable epinephrine or self-administer inhaled asthma medication if the school district receives the appropriate written statements. The school district shall obtain both a written statement from the physician or surgeon detailing the name of the medication, method, amount, and time schedules by which the medication is to be taken, and confirming that the pupil is able to self-administer auto-injectable epinephrine or inhaled asthma medication, and a written statement from the parent, foster parent, or guardian of the pupil consenting to the self-administration, providing a release for the school nurse or other designated school personnel to consult with the health care provider of the pupil regarding any questions that may arise with regard to the medication, and releasing the school district and school personnel from civil liability if the self-administering pupil suffers an adverse reaction by taking medication pursuant to this section. The written statements specified in this subdivision shall be provided at least annually and more frequently if the medication, dosage, frequency of administration, or reason for administration changes. A pupil may be subject to disciplinary action pursuant to Section 48900 if that pupil uses auto-injectable epinephrine or inhaled asthma medication in a manner other than as prescribed.

CEC 49423.5

Specialized Physical Health Care Services may be provided by qualified persons holding an appropriate credential or certificates of public health nursing or qualified designated school personnel trained and supervised by a school nurse, public health nurse, or licensed physician and surgeon. SPHCS shall be provided pursuant to the procedures prescribed by Section 49423 dealing with medications. Persons providing SPHCS shall demonstrate competence in CPR and be knowledgeable about emergency services and procedures. Regulations necessary to implement SPHCS shall be jointly developed by the CDE and State Department of Health Services and adopted by the State Board of Education. (Currently known as the Green Book)

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**SPECIAL EDUCATION:** (Please review the PUSD Special Education Handbook)

CEC 56001 Provisions - “(l) Psychological and health services for individuals with exceptional needs shall be available to each school site.”

CEC 56324 “...(b) Any health assessment of pupils shall be made in accordance with Section 56320 and shall be conducted by a credentialed school nurse or physician who is trained and prepared to assess cultural and ethnic factors appropriate to the pupil being assessed.”

CCR Title 5, 3027 All pupils being assessed for initial and three-year review for special education services shall have had a hearing and vision screening, unless parental permission was denied.

CCR Title 5, 3030 Eligibility Criteria  
“.... degree of impairment requires special education and related services which cannot be provided with modification of the regular school program .....”

Whether the impairment is with vision, hearing, orthopedic or other health condition, in order for the student to qualify for special education and related services, the condition must be proven to adversely affect educational performance. Additionally, the condition may not be temporary in nature.

CCR Title 5, 3951.17 Students with chronic illness and/or health problems may receive specialized services that include individual consultation and home or hospital instruction.

CCR Title 5, 3051.12 (a) Health and nursing services may include:

- (1) Providing services by qualified personnel
- (2) Managing the individual’s health problems on the school site.
- (3) Consulting with pupils, parents, teachers, and other personnel.
- (4) Group or individual counseling regarding health problems.
- (5) Maintaining communication with health agencies providing care.

(b) Specialized physical health care may be provided as described in CEC 49423.5

CCR Title5, 3051.12 (1) Definitions.

Supervision (D) means review, observation and/or instruction of a designated school person’s performance and of physical health care services, but does not necessarily require the immediate presence of the supervisor at all times.

- (1) Immediate supervision means that the supervisor shall be physically present while a procedure is being administered.

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- (2) Direct supervision means that the supervisor shall be present in the same building as the person being supervised and available for consultation and/or assistance.
- (3) Indirect supervision means that the supervisor shall be available to the qualified designated school personnel either in person or through electronic means to provide necessary instruction, consultation, and referral to appropriate care and services as needed. Supervision of designated school personnel shall include review on-site by a qualified school nurse, qualified public health nurse, or qualified physician and surgeon.

Supervision shall also include review of the competence of that individual in performing the specialized health care services, maintenance of appropriate records, physical environment and equipment.

CEC 56363 Designated Instruction and Services will include (12) Health and nursing services as specified in the individualized education plan.

### **VISION AND HEARING SCREENING:**

CEC 49452 “shall provide for the testing of the sight and hearing of each pupil enrolled”

CCR Title 17, Division 1, Chapter 4, Subchapter 3, Group 2, Article 1, Section 2951  
Testing Standards (c) procedures:

- (2) Each pupil shall be given a hearing screening test in K or first grade and in second, fifth, eighth, tenth or eleventh and upon first entry into the California school system.

CEC 49455 Vision shall be appraised by the school nurse “upon first enrollment into California schools and at least every three years thereafter.....”

### **ED. CODE FOR VISION AND HEARING AB NO. 1840 AMENDED TO SECTION 49455**

#### **SEC. 1.5.**

Section 49455 of the Education Code is amended to read:

(a) (1) During the kindergarten year or upon first enrollment or entry in a California school district of a pupil at an elementary school, and in grades 2, 5, and 8, the pupil’s vision shall be appraised by the school nurse or other authorized person under Section 49452.

(2) A pupil whose first enrollment or entry occurs in grade 4 or 7 shall not be required to be appraised in the year immediately following the pupil’s first enrollment or entry.

(b) The appraisal shall include tests for visual acuity, including near vision, and color vision; however, color vision shall be appraised once and only on male pupils, and the results of the appraisal shall be entered in the health record of the pupil. Color vision appraisal need not begin until the male pupil has reached the first grade.

### **TYPE 2 DIABETES NOTIFICATION:**

CEC 49452.7 On and after July 1, 2010, the school district shall provide an information sheet regarding type 2 diabetes to the parent or guardian of incoming 7<sup>th</sup> grade pupils.

## **B.POMONA UNIFIED SCHOOL DISTRICT BOARD POLICIES**

The following citations are from Series 5000-6000 and are intended to support specific activities that are part of the Health Services Department.

BP Board Policy  
AR Administrative Regulation  
E Exhibit

BP/AR	5030	Student Wellness
BP/AR	5111(a)	Immunizations are requirement for school admission.
BP	5141.31	Conditional and unconditional IZ status; exclusion.
BP/AR	5112.2	Exclusion from attending (due to filthy or vicious habits; contagious or infectious diseases; lack of immunizations.)
BP/AR	5125	Confidentiality of student records.
BP/AR	5132	Student dress, grooming and appearance.
BP	5140	Student welfare; current emergency card information.
BP	5141.1	Accidents (care of student; notification of parents; reporting)
BP/AR	5141.21	Administration of medication
BP/AR	5141.22	Infectious disease (admission/exclusion/confidentiality)
BP/E	5141.23	Prevention procedures in handling blood and bodily fluids.
BP	5141.3	Periodic health examinations including mandates. Parents right to refuse.
BP/AR/E	5141.4	Child abuse and neglect reporting.
BP/AR	5142	Student safety while under school supervision.
BP/AR	6153	Field Trips with first aid kit.
BP/AR	6156	504 Identification and education.
BP/AR	6157	Student Study Teams.

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## **C. HEALTH SERVICES DEPARTMENT STANDARDS OF CARE**

### **Set 1 (5 Standards):**

#### **1. Health Office Environment:**

Age appropriate display of materials and posters  
Bulletin boards highlighting health-related topics  
Updated forms

#### **2. Student Health Concerns (School-wide or Grade Level List and Individual Teacher Memo):**

Confidential on student information system (Zangle)  
Updated when new students enroll  
Individual teacher notification on Zangle and as needed in writing

#### **3. Medication Issues:**

##### **a. Medication Book contents:**

Page in front listing student name, medication and time (for daily and prn)

Paperwork for each student to include:

Doctor's orders  
Medication Sign Off Sheet  
Daily Log/Recording Sheet  
Individual Health Services Plan (IHSP)

##### **b. Safety Issues including Storage and Locked Containers:**

Medication box locked when unattended by an adult  
Daily and prn medications stored separately  
Bottles and inhalers with pharmacy label plus student name on lids  
List of student/medication/time also included in medication box

#### **4. Referral Notebook includes current case-management / worksheets for:**

Vision, Hearing, Scoliosis, Dental, CHDP, Oral Assessment

#### **5. Student Success Team (SST):**

*Referral Form for Nursing Assessment* is included in every student referral packet. Nurse completes assessment prior to SST meeting and attends as appropriate.

(Implemented 2002-2003; Updated 2008-2009 & 2016-17)

## **Set 2 (6 Standards):**

### **1. First Aid and CPR Quality Control:**

Red Cross (or equivalent) Certification

New Health Services Assistants must have First Aid and CPR prior to assignment;

Provide annual training for all staff in CPR;

Training for classified in 1<sup>st</sup> Aid (end of three-year cycle);

Annual review/update for nursing staff in current first aid information.

### **2. Guidelines For School First Aid Procedures:**

*First Aid Flip Chart* from California School Nurses Organization posted in all health offices and used as standard of care.

School nurses will provide orientation to the CSNO flip chart

Monitor certification expiration dates and ensure appropriate staff training

### **3. Medication Issues:**

Training and Monitoring of Unlicensed Assistive Personnel (UAPs)

Use of California *Green Book* Protocols

Use of Board of Registered Nursing *Scope of Practice*

Use of California Department of Education Codes

Incident reporting

Notification of parents/guardians

### **4. Incident Reporting:**

Completion of Incident Form

### **5. Child Abuse Reporting:**

Staff Training (Certificated and Classified) – Human Resources

Forms

Disposition of copies

### **6. Special Ed Assessments and Reports Completed by IEP:**

Collaboration with team in meeting legal timelines

Central Office Support

Strategies for obtaining health information from parent

Utilize template for reports

**(Implemented 2001-02; Updated 2008-09 & 2016-17)**

### **Set 3 (5 Standards):**

#### **1. Health Education in the Classroom:**

Communicable Disease Prevention including handwashing

Dental Health

Second grade district-wide

Health and Hygiene (Fourth and/or fifth grade; all students)\*

\*As schedule permits

#### **2. School Nurse Conducted Staff Development for Employees:**

Prevention of communicable disease including flu prevention

Use the *CSNO Guidelines for Common Communicable Diseases* is the standard for communicable diseases

School nurse is consulted on all notifications and follow-up of communicable diseases

**(Implemented 2008-09; Updated 2016-17)**

#### **3. Medication and Specialized Health Care Procedures:**

Method of administration Training and Observation Sign-off Sheets

Tracking daily administration of student medications

Use of *Green Book* Protocols

#### **4. Student Field Trips:**

Assisting with pre-planning to ensure uninterrupted services

(Medications, transportation, specialized health care procedures)

#### **5. Documentation:**

Daily Log/Zangle

Case Management Logs (referral follow-up, i.e. vision, hearing, etc.)

Health Folders

**(Implemented 2002-2003; Updated 2008-2009 & 2016-17)**