

STUDENTS WITH SPECIAL HEALTHCARE NEEDS

It is the policy of the Ledyard Board of Education to ensure that students who have special healthcare needs due to chronic and acute health conditions receive support and services necessary to remain safe and, to the extent possible, maintain their baseline health status during school.

"Students with Special Healthcare Needs" refers to those students who have a medically diagnosed chronic health condition; such as, but not limited to, asthma, diabetes, life threatening food or insect allergies, seizures, cardiac abnormalities, juvenile arthritis, celiac disease, migraine headache, chronic infectious disease, acquired disability, mental health conditions, or a significant acute illness or injury requiring treatment and a recovery period, such as concussion, mononucleosis, Lyme disease, or a fractured arm or leg. The term "special healthcare needs" is broader than and not synonymous with either "disability" or "illness".

The District shall follow the guidelines developed and promulgated by the Connecticut Department of Public Health and Department of Education for students with life-threatening food allergies and glycogen storage disease.

Healthcare Plans

For Students with Special Healthcare Needs, access to education may require:

- Assessment and periodic reassessment of the child's health status and level of functioning to determine what special services or program modifications he or she may need;
- Close collaboration with families and a student's healthcare provider;
- Development of an individualized healthcare plan (IHCP) and/or school health plan (SHP), and/or emergency care plan (ECP) to address health and safety needs for school attendance;
- Related services necessary to ensure successful functioning in educational settings;
- Enhanced communication with staff health and social service providers in the school and community; and
- Education of school personnel.

A parent, guardian or school personnel may make a referral for a determination whether a Student with Special Healthcare Needs is entitled to services or accommodations under Section 504 of the "Federal Rehabilitation Act" ("Section 504") or under the "Individuals with Disabilities Education Act" (IDEA). If such a referral is made, the 504 Team or Planning and Placement Team, as applicable, shall convene, and determine eligibility as well as whether the student is entitled to accommodations or services under either statute. Students with Special Healthcare Needs, who are not identified as special education students under the IDEA or are not identified as requiring accommodations or modifications under Section 504, may be provided with an IHCP and/or SHP and/or ECP as appropriate and necessary.

STUDENTS WITH SPECIAL HEALTHCARE NEEDS**District Food Allergy Management Plan**

The focus of a District-wide Food Allergy Management Plan shall be prevention, education, awareness, communication and emergency response. The management plan shall strike a balance between the health, social normalcy and safety needs of the individual student with life threatening food allergies and the education, health and safety needs of all students. The District Food Allergy Management Plan shall be the basis for the development of the procedural guidelines that will be implemented at the school level and provide for consistency across all schools within the District.

It is the Board's expectation that specific building-based guidelines/actions shall take into account the health needs and well-being of all children without discrimination or isolation of any child. It is the Board's belief that education and open and informative communication are vital for the creation of an environment with reduced risks for all students and their families. To assist children with life-threatening allergies to assume more individual responsibility for maintaining their safety as they grow, it is the policy of the Board that guidelines will shift as children advance through the primary grades and through secondary school.

The District's plan for managing students with life-threatening food allergies shall be posted on the District's website, and building-specific plans will be posted on the website of each school within the District.

Legal References:

Connecticut General Statutes (last amended by Public Act (PA)):

- 10-15b. Access of parent or guardian to student's records. Inspection and subpoena of school or student records. (PA 17-68)
- 10-154a. Professional communications between teacher or nurse and student... (PA 04-189)
- 10-207. Duties of medical advisors. (PA 12-198)
- 10-209. Records not to be public. Provision of reports to schools. (PA 18-168)
- 10-212a. Administration of medications in schools, at athletic events and to children in school readiness programs. (PA 16-39)
- 10-212c. Life-threatening food allergies and glycogen storage disease: Guidelines; district plans. (PA 12-198).
- 10-212e. Immunity from actions relating to the provision of food or dietary supplements on school grounds by a parent, guardian or designee to a student with glycogen storage disease. (PA 13-31)
- 10-212g. Training program re emergency first aid to students who experience allergic reactions. (PA 14-176)
- 10-220i. Transportation of students carrying cartridge injectors. (PA 03-211)
- 10-220j. Blood glucose self-testing by children. Guidelines. (PA 16-39)
- 52-557b. "Good samaritan law". Immunity from liability for emergency medical assistance, first aid or medication by injection. School personnel not required to administer or render. Immunity from liability re automatic external defibrillators. (PA 16-163)

STUDENTS WITH SPECIAL HEALTHCARE NEEDS

Connecticut State Department of Education (CSDE) Regulations 10-212a-1 through 10-212a-10 – “Administration of Medication by School Personnel and Administration of Medication During Before- and After- School Programs and School Readiness Programs.”

CSDE’s “Guidelines for Managing Life-Threatening Food Allergies in Connecticut Schools.”

29 USC 794 – Nondiscrimination under Federal grants and programs.

20 USC 1400, et seq. – “Individuals with Disabilities Education Act.”

42 USC Chapter 126 – Equal Opportunity For Individuals With Disabilities.

20 USC 1232g – “Federal Family Educational Rights and Privacy Act (FERPA).”

34 CFR 99 – Family Educational Rights and Privacy.

42 USC 1320d to 1320d-9 – Implementation of Privacy Requirements of Section 264 of Public Law 104-191, “Health Insurance Portability and Accountability Act of 1996 (HIPAA).”

45 CFR Part 160 – General Administrative Requirements.

45 CFR Part 164, Subpart A – General Provisions.

45 CFR Part 164, Subpart E – Privacy of Individually Identifiable Health Information.

FNS Instruction 783-2, Rev. 2, “Meal Substitution for Medical or Other Special Dietary Reasons.”

Land v. Baptist Medical Center, 164 F3d 423 (8th Cir. 1999)

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