

Book	Board Policies
Section	J. Students
Title	Access to District Property for Medically Necessary Treatment
Code	JLCM
Status	Active
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The Board strives to comply with state law to honor families' private medical decisions while ensuring a learning environment free of disruption. To accomplish these goals, as a general rule, medical treatment that is not necessary to enable a student with a disability to receive a Free Appropriate Public Education ("FAPE") should be rendered at medical facilities and not on District premises.

In those circumstances when medically necessary treatment in the form of School Health Services or other Related Services is required during the school day on District premises, to the extent that District staff are qualified to deliver the required School Health Services or other Related Services, said services will be provided by qualified District staff. To the extent that medical treatment in the form of School Health Services or other Related Services is necessary to enable a student with a disability to receive FAPE under the Individuals with Disabilities Act ("IDEA"), said School Health Services or other Related Services shall be incorporated into a student's Individualized Education Plan ("IEP") and shall be provided by qualified District staff.

If the District lacks qualified staff to provide the necessary School Health Services or other Related Services to enable a student with a disability to access FAPE, the District may, at its election, contract with outside providers to deliver the necessary school health services.

In the limited circumstance where the District does not have qualified staff to deliver medically necessary treatment in the form of School Health Services or other Related Services to enable a student with a disability to access FAPE, and the District elects not to contract with outside providers to deliver said services, this policy sets forth the procedures for an outside Private Health Care Specialist to provide said services on District premises during the school day.

#### I. Definitions

For purposes of this policy, the following definitions shall apply:

1. "Private Health Care Specialist" means a health care provider:
  - a. who is licensed, certified, or otherwise authorized to provide health care services in Colorado, including, but not limited to, pediatric behavioral health treatment providers pursuant to the State Medical Assistance Program, autism service providers who provide treatment pursuant to C.R.S. § 10-16-104(1.4), and private duty nurse providers;
  - b. who is not employed by the District; and
  - c. who, to avoid inherent conflicts of interest, is not a parent/guardian of the student to whom medically necessary treatment is being rendered.
2. "Related Services" means developmental, corrective, and other supportive services designed to enable a student with a disability to receive FAPE, including, but not limited to speech language pathology, audiology service, interpreting services, psychological services, physical and occupational therapy, recreation, therapeutic recreation, early identification and assessment of children, counseling, orientation and mobility services, medical services for purposes of diagnostic or evaluation purposes, school health services, social work services, school nurse services, and parent counseling and training.
3. "School Health Services" means related services under the IDEA provided by a qualified District nurse or other qualified District staff member.
4. "Qualified Health Care Provider" means a Colorado licensed health care provider acting within the scope of the health care provider's license.

#### II. Procedures Establishing How a Student Receives Medically Necessary Treatment from a Private Health Care Specialist

Once the criteria above are met for the provision of medically necessary treatment by an outside Private Health Care Specialist, the following steps must be completed:

1. A copy of the student's prescription from a Qualified Health Care Provider must be provided to the District.
2. A medical release executed by the student's parent/guardian must be provided to the District authorizing the District to contact the Qualified Health Care Provider to obtain follow-up information about the prescription and scope of the proposed medically necessary treatment.
3. The student's parent/guardian must complete a form articulating the proposed medical treatment to be provided, identifying the name of the Private Health Care Specialist providing the proposed medically necessary treatment, and describing in detail the proposed treatment plan during the school day [JLCM – E-1].
4. Prior to rendering any medically necessary treatment on District premises, the Private Health Care Specialist must provide certificates of liability, malpractice, and workers' compensation insurance coverage to the District with minimum coverages of One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars (\$2,000,000) in the aggregate for liability coverage, including coverage for sexual misconduct, and One Million Dollars (\$1,000,000) in malpractice insurance coverage, and the statutorily required workers' compensation coverages. These insurance coverage limits may be modified upon written request to the District's risk management department.
5. Prior to rendering any medically necessary treatment on District premises, the Private Health Care Specialist must submit to a background check including fingerprinting through the District's Human Resources Office. A Private Health Care Specialist may be disqualified from providing services under this policy if the background check does not meet District standards for employment in the sole discretion of the District's Human Resources Office.
6. Prior to the Private Health Care Specialist rendering any medically necessary treatment, parent/guardian must execute a waiver of liability waiving any and all claims against the District for any negligence, intentional conduct, malpractice, or other misconduct on the part of the Private Health Care Specialist, including claims under the Claire Davis School Safety Act [C.R.S. § 24-10-106.3] and C.R.S. § 13-20-1201 et seq. (Actions for Sexual Misconduct Against Minors), and waiving any claims for FAPE under IDEA to the extent that the rendering of services by the Private Health Care Specialist interferes with or restricts any required educational or Related Services under the student's IEP [JLCM – E-2].
7. Prior to the Private Health Care Specialist rendering any medically necessary treatment, parent/guardian and the Private Health Care Specialist will meet with school staff, including, but not limited to a building administrator, the student's case manager, and the school nurse to development a written plan articulating when, how, and where medically necessary treatment will be delivered during the school day on District premises. The developed plan must ensure that the delivery of this medically necessary treatment does not interfere with or restrict any required educational or Related Services under the student's IEP. If needed, the plan should also include a process for the Private Health Care Specialist to observe the student in the school settings without interfering with or restricting educational operations, and a process for collaborating with instructional personnel. However, said collaboration must not interfere with or restrict District staff's ability to complete their job duties and responsibilities.
8. Any Private Health Care Specialist accessing District premises for purposes of this policy must comply with all District policies and procedures concerning visitors to schools including Board Policy KI, including checking in through the District's Raptor System.
9. This policy conveys no right to any student, their parent/guardian, or their Private Health Care Specialist to demand access to any general or particular location on school or District property to deliver the medically necessary treatment.
10. The District has no responsibility whatsoever to pay for any services provided by a Private Health Care Specialist to a District student.

### III. Required Notices

1. Section 504 of the Rehabilitation Act of 1973", 29 U.S.C. § 794, as amended and Title II of the "Americans with Disabilities Act of 1990" provides rights and protections to students to access medically necessary treatment to enjoy meaningful access to the benefits of a public education, or to attend school without risks to students' health, safety, or prognosis for a student's disabling medical condition.
2. Students have a right to appeal the decision of a District school concerning access to medically necessary treatment in the school setting to the Assistant Superintendent of Special Populations. Said appeals shall be submitted in writing within ten (10) school days of a decision by a District school. The decision of the Assistant Superintendent of Special Populations will be final.

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Legal  
 C.R.S. § 13-20-1201 et seq. (actions for sexual misconduct against minors)  
 C.R.S. § 24-10-106.3 (Claire Davis School Safety Act)  
 C.R.S. § 22-20-121 (medically necessary treatment in school setting)  
 34 C.F.R. § 300.34 (related services)  
 42 U.S.C. § 12101 et seq. (Americans with Disabilities Act)

29 U.S.C. § 794 (Rehabilitation Act of 1973)

20 U.S.C. § 1401(a)(26) (Individuals with Disabilities Education Act)

Cross References

KI-R – Visitors to Schools

KI – Visitors to Schools