

1 **Education and Workforce Development Cabinet**

2 **Kentucky Board of Education**

3 **Department of Education**

4 **(Amendment)**

5 **702 KAR 1:160. School health services.**

6 RELATES TO: KRS 156.160(1) [~~(g)~~] (h), (i), (j), 156.501, 156.502, 158.035, 158.160, 161.145,  
7 214.034, 214.036, 29 C.F.R. 1910.1030

8 STATUTORY AUTHORITY: KRS 156.070, 156.160(1)

9 NECESSITY, FUNCTION, AND CONFORMITY: ~~KRS 156.160(1)(g) requires the Kentucky~~  
10 ~~Board of Education to promulgate administrative regulations governing the sanitary and~~

11 ~~protective construction of public school buildings, toilets, physical equipment of school~~  
12 ~~grounds, and classrooms.~~ KRS 156.160(1)(h) [~~156.160(1)(g)~~] requires the Kentucky Board of

13 Education to promulgate administrative regulations governing medical inspection, physical and  
14 health education and recreation, and other administrative regulations deemed necessary or  
15 advisable for the protection of the physical welfare and safety of the public school children. KRS  
16 156.160(1)(i) and (j) [~~156.160(1)(h) and (i)~~] require the board to promulgate an administrative  
17 regulation governing a required vision examination and a dental screening or examination. This  
18 administrative regulation establishes [~~standards and~~] criteria for preventative student health care  
19 examinations at the local school district level.

20 Section 1. School Employee Medical Examinations. (1) Except as provided in subsection (2) of  
21 this section, a local board of education shall require a medical examination of each certified or  
22 classified employee, including each substitute teacher. The medical examination shall:

23 (a) Be conducted prior to initial employment; and

1 (b) Include a tuberculosis (TB) risk assessment.

2 1. If the individual is identified by that assessment as being at high risk for TB, the individual  
3 shall be required to undergo the administration of a tuberculin skin test (TST) **or a blood test for**  
4 **Mycobacterium tuberculosis (BAMT).**

5 2. The TB risk assessment shall be performed and reported by a physician, an advanced practice  
6 registered nurse, a physician's assistant, or a registered nurse.

7 (2) The medical examination requirement shall not apply to school bus drivers who are covered  
8 by 702 KAR 5:080.

9 (3) A local board of education may require by policy that a school employee physical  
10 examination be conducted no earlier than a ninety (90) day period prior to initial employment.

11 (4) A medical examination shall be reported on the form Medical Examination of School  
12 Employees, KDESHS001 or an electronic medical record that includes all of the data equivalent  
13 to that on the Medical Examination of School Employees form.

14 (5) A person who tests positive for TB shall be required to comply with the directives of the local  
15 board of health and the Kentucky Department for Public Health for further evaluation and  
16 treatment of the TB infection.

17 (6)(a) Following the required medical examination for initial employment and any subsequent  
18 examinations as may be required for positive tuberculin reactors, a school district employee other  
19 than a bus driver shall submit to the local school superintendent the completed Medical  
20 Examination of School Employees form ~~[from]~~ or an electronic medical record that includes all  
21 of the data equivalent to that on the Medical Examination of School Employees form required by  
22 subsection (4) of this section.

1 (b) The medical examination shall be performed and signed for by a physician, physician's  
2 assistant, or an advanced practice registered nurse. Transmission of an electronic medical record  
3 to the school district via email from the **health care provider's** office may be accepted as the  
4 official signature.

5 (7) Documentation of a TST, **BAMT**, and chest x-ray, if performed, shall include:

6 (a) The date given;

7 (b) Type of test;

8 (c) Millimeters of induration;

9 (d) Date read and by whom; and

10 (e) Date x-ray taken and results as related to TB status.

11 (8)(a)1. A local board of education shall require all school personnel exhibiting symptoms of  
12 chronic respiratory disease to undergo a TB risk assessment and examinations as indicated.

13 2. The evaluation and any recommended treatment for TB infection shall be based upon the  
14 directives of the local board of health and the Kentucky Department for Public Health.

15 (b) An employee exposed to infectious TB shall be tested and, if necessary, treated for TB  
16 infection according to the directives of the local board of health.

17 (c) In a county with an incidence of cases of active TB that is equal to or greater than the national  
18 average as established by the Department for Public Health, Division of Epidemiology and  
19 Health Planning, Tuberculosis Prevention and Control Program, the local board of health may,  
20 with the approval of the Kentucky Department for Public Health, require more extensive testing  
21 of school district employees for TB.

1 Section 2. Preventative Student Health Care Examinations. (1)(a) A local board of education  
2 shall require a preventative health care examination for students within one (1) year prior to  
3 initial entry to school.

4 (b) A second examination shall be required within one (1) year prior to entry into the sixth grade.

5 (c) A third examination may be required by policy of the local board of education within one (1)  
6 year prior to entry into the ninth grade.

7 (2) An out-of-state transfer student shall be required to submit documentation of a preventative  
8 health care examination.

9 (3) A local [~~school~~] board of education may extend the deadline by which to obtain a  
10 preventative student health care examination, not to exceed two (2) months.

11 (4) A preventative student health care examination shall be performed and signed for by a  
12 physician, an advanced practice registered nurse, a physician's assistant, or by a health care  
13 provider in the early periodic screening diagnosis and treatment programs. Transmission of an  
14 electronic medical record to the school district via email from the **health care provider's** office  
15 may be accepted as the official signature.

16 (5) A preventative student health care examination shall be reported on the Preventative Student  
17 Health Care Examination Form, KDESHS002, or an electronic medical record that includes all  
18 of the data equivalent to that on the Preventative Student Health Care Examination Form, and  
19 shall include:

20 (a) A medical history;

21 (b) An assessment of growth and development and general appearance;

22 (c) A physical assessment including hearing and vision screening; and

1 (d) Recommendations to the school regarding health problems that may require special attention  
2 in classroom or physical education activities.

3 (6)(a) A vision examination shall be reported on the form, Kentucky Eye Examination Form for  
4 School Entry, KDESHS004, or other electronic medical record that includes all of the data  
5 equivalent to that on the Kentucky Eye Examination Form for School Entry.

6 (b) A dental screening or examination shall be reported on the form, Kentucky Dental  
7 Screening/Examination Form for School Entry, KDESHS005, or other electronic medical record  
8 that includes all of the data equivalent to that on the Kentucky Dental Screening/Examination  
9 Form for School Entry.

10 (7) [~~A record of immunization shall be submitted on an Immunization Certificate, EPID-230.~~

11 (~~8~~) A local school district shall establish a plan for implementation and compliance required for  
12 the sixth grade preventative student health care examination.

13 (~~8~~) [~~9~~] A current Immunization Certificate, EPID-230, incorporated by reference into 902 KAR  
14 2:060, or an immunization certificate meeting the requirements of 902 KAR 2:060 Section  
15 4, shall be on file within two (2) weeks of the child's enrollment in school.

16 (~~9~~) [~~10~~] (a) A board of education shall adopt a program of continuous health supervision for all  
17 currently enrolled students [~~school enrollees~~].

18 (b) Supervision shall include scheduled, appropriate screening tests for vision and hearing.

19 (~~10~~) [~~11~~] A school shall have emergency care procedures, which shall include:

20 (a) First aid facilities meeting the requirements of 702 KAR 4:170, including provisions for  
21 designated areas for the child to recline;

1 (b) A requirement that whenever children are present during school hours ~~or during school~~  
2 ~~sponsored activities~~, there shall be at least one (1) adult present in the school who is certified in a  
3 standard first aid course which includes CPR for infants and children;

4 (c) A requirement that, at all times when **enrolled** students, **for whom documentation under**  
5 **KRS 158.838(2) or (7) has been provided to the school**, are present during school hours or  
6 **participating in** school-related activities, there is a school employee who is trained to administer  
7 **and can administer** or assist with the **self** administration of glucagon, insulin, or seizure rescue  
8 medications. *A student shall be permitted to conduct the actions and possess the supplies and*  
9 *equipment described in KRS 158.838(7) at school-related activities regardless of whether the*  
10 *student is a participant or mere observer of the school-related activity.*

11 (d) A number at which parents can be reached; and

12 (e) ~~(f)~~ The name of a family physician.

13 ~~[(12) A local board of education shall require immunizations as required by KRS 214.034.]~~

14 Section 3. Cumulative Health Records. (1) A school shall initiate a cumulative health record for  
15 each student ~~[pupil]~~ entering its school.

16 (a) The record shall be maintained throughout the student's ~~[pupil's]~~ attendance.

17 (b) The record shall be uniform and shall be on the form Student's ~~[Pupil's]~~ Cumulative Health  
18 Record, KDESHS006, or the record shall be maintained electronically in the student information  
19 system.

20 (c) The record shall include screening tests related to growth and development, vision, hearing,  
21 and dental, and findings and recommendations of a physician and a dentist.

22 (d) A follow-up by the proper health or school authorities shall be made on each abnormality  
23 noted, and the result shall be recorded.

1 (2) A local school district [~~authority~~] shall report all known or suspected cases of communicable  
2 disease immediately to the local health department.

3 ~~Section 4. [Physical Environment. (1) A board of education shall provide and maintain a physical  
4 environment that is conducive to the health and safety of school children in each school under its  
5 jurisdiction.~~

6 ~~(2) A local board of education shall comply with current laws and administrative regulations  
7 applicable to all public buildings pertinent to health, sanitation, and safety.~~

8 ~~(3) A local board of education shall establish and maintain:~~

9 ~~(a) An adequate supply of water of safe, potable, and sanitary quality;~~

10 ~~(b) A state approved sanitary disposal of sewage, other water carried waste, and solid waste;~~

11 ~~(c) Adequate toilet and lavatory facilities, including soap or detergent as well as towels or other  
12 methods for drying hands, and other sanitary fixtures;~~

13 ~~(d) Adequate heating, lighting, and ventilation in all school buildings;~~

14 ~~(e) Adequate facilities and equipment for cafeterias and lunchrooms;~~

15 ~~(f) Supervision of general sanitation and safety of the school buildings, grounds, and playground  
16 equipment;~~

17 ~~(g) Beginning with the 2010-2011 school year, Proof that all unlicensed school personnel who  
18 have accepted delegation to perform medication administration in school have completed a  
19 training course provided by the Kentucky Department of Education. This course shall be  
20 developed in consultation with the Kentucky Board of Nursing to ensure compliance with 201-  
21 KAR 20:400 and KRS 156.502;~~

22 ~~(h) Adequate control of air pollutants; and~~

1 ~~(i) Universal precautions guidelines compatible with Occupational Safety and Health~~  
 2 ~~Administration requirements established in 803 KAR 2:320 and 29 C.F.R. 1910.1030.~~

3 ~~Section 5.] School district health personnel.~~ (1) A superintendent shall designate a person to  
 4 serve as school health coordinator for the district. ~~[(4)]~~ The person designated shall meet the  
 5 minimum qualifications required of this position as determined by the Education ~~[Educational]~~  
 6 Professional Standards Board in 16 KAR 4:010, Section 12 ~~[, or by the Kentucky Department of~~  
 7 ~~Education in the Local District Classification Plan for Class Code: 7271, as indicated in the~~  
 8 ~~document Setting Up Employee Classification Codes].~~

9 (2) ~~[Class Title: School Health Coordinator for the district.]~~ The school health coordinator shall  
 10 work in cooperation with all school personnel, the local board of education, the department  
 11 ~~[State Department of Education]~~, the local health department, and family resource and youth  
 12 services centers, ~~[and parents]~~ in ~~[planning,]~~ promoting~~;~~ and implementing a school health  
 13 services program.

14 Section 6. Delegation to perform medication administration. (1) A local board of education shall  
 15 require proof that all unlicensed school personnel who have accepted delegation to perform  
 16 medication administration in school have completed a training course provided by the  
 17 department or allowed under KRS 158.838(1)(c). The department's course shall be developed  
 18 in consultation with the Kentucky Board of Nursing to ensure compliance with 201 KAR 20:400  
 19 and KRS 156.502;

20 Section 7 ~~[6]~~. Incorporation by Reference. (1) The following material is incorporated by  
 21 reference:

22 (a) "Medical Examination of School Employees", KDESHS001, January 2015 ~~[February 2012]~~;

1 (b) "Preventative Student Health Care Examination Form", KDESHS002, January 2015  
2 [~~February 2012~~];

3 (c) "Student's [Pupil's] Cumulative Health Record", KDESHS006, January 2015 [~~February~~  
4 ~~2012~~];

5 (d) [~~"Setting Up Employee Classification Codes", March 2012~~;

6 (e)] "Kentucky Eye Examination Form for School Entry", KDESHS004, January 2015 [~~March~~  
7 ~~2012~~]; and

8 (e) [~~(f)"Immunization Certificate", EPID-230, August 2010~~;

9 ~~And~~

10 (g)] "Kentucky Dental Screening/Examination Form For School Entry", KDESHS005, January  
11 2015 [~~March 2012~~].

12 (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at  
13 the Division of District Support, Department of Education, 500 Mero Street, Frankfort, Kentucky  
14 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Terry Holliday, Ph.D.  
Commissioner of Education

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Roger L. Marcum, Chairperson  
Kentucky Board of Education

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this proposed administrative regulation shall be held on September 29, 2014, at 10 a.m. in the State Board Room, First Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until September 30, 2014. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to:

**CONTACT PERSON:** Kevin C. Brown, Associate Commissioner and General Counsel, Kentucky Department of Education, 500 Mero Street, First Floor, Capital Plaza Tower, Frankfort, Kentucky, 40601, phone 502-564-4474, fax 502-564-9321.

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation: 702 KAR 1:160

Agency Contact Person: Kay Kennedy

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation implements several statutory provisions dealing with school health and safety. The regulation describes, for both school district employees and students the necessary forms that are to be completed and the data that should be maintained for each individual.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to implement provisions of 156.160(1)(g),(h),(i), 156.501, 156.502, 161.145, 214.036 and 29 C.F.R. 1910.1030 that set forth the state and federal health data requirements dealing with school health and safety.

(c) How this administrative regulation conforms to the content of the authorizing statute: This administrative regulation provides specifics for establishing the process and procedures for implementing the required health data collections by local school districts.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation provides specifics for establishing the process and procedures for implementing the required health data collections by local school districts.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The proposed amendments include the following changes: Changes include updates to language allowing electronic medical records to be submitted to schools, updates to language allowing the acceptance of electronic signatures, and updates language to more clearly define when a school employee must be available to assist with medication administration.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to implement HB 98 passed in the 2014 Regular Session of the General Assembly.

(c) How the amendment conforms to the content of the authorizing statute: This regulation governs medical examinations necessary and advisable for the protection of physical welfare and safety of public school children and public school employees.

(d) How the amendment will assist in the effective administration of the statutes: The electronic medical records and signatures will streamline health data collection processes used by local public school districts.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All public school districts in Kentucky and health care providers who will use the forms incorporated by reference.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including: The proposed regulation will impact school districts and health care providers by standardizing and streamlining the health data collection process.

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Health care providers will continue to provide local school districts with health data utilizing the forms incorporated by reference. While physicians are not 'regulated entities' under this regulation and they use the forms by choice, physicians can also provide the information electronically as long as it has the same information.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no additional cost to school districts or the Department of Education other than minimal administrative costs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The health data collected by local school districts will be in alignment with state and federal requirements and will inform districts about the health conditions and needs of their students.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no additional cost to school districts or the Department of Education other than minimal administrative costs to update referenced documents for recording health data in the student information system.

(b) On a continuing basis: There will be no additional cost to school districts or the Department of Education other than minimal administrative costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The minimal administrative costs will be absorbed in the general operating funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase will be necessary.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all school districts.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 702 KAR 1:160

Contact Person: Kay Kennedy

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire department, or school districts)? Yes  
If yes, complete questions 2-4
2. What units, parts or divisions of state local or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?  
School districts
3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS156.160(1)(g),(h),(i), KRS 156.501, KRS 156.502, KRS 161.145, KRS 214.036 and 29 C.F.R. 1910.1030.
4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. There will be no additional revenue generated by this administrative regulation. No additional costs are expected.
  - (a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None
  - (b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None
  - (c) How much will it cost to administer this program for the first year? No additional costs.
  - (d) How much will it cost to administer this program for subsequent years? No additional costs.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

**Summary Page – Incorporation by Reference**

**702 KAR 1:160. School health services**

(1) The following documents are incorporated by reference:

- (a) "Medical Examination of School Employees", KDESHS001, January 2015 [~~February 2012~~];
- (b) "Preventative Student Health Care Examination Form", KDESHS002, January 2015 [~~February 2012~~];
- (c) "Student's [~~Pupil's~~] Cumulative Health Record", KDESHS006, January 2015 [~~February 2012~~];
- (d) "~~[Setting Up]~~ Employee Classification Codes for Payroll", January 2015 [~~March 2012~~];
- (e) "Kentucky Eye Examination Form for School Entry", KDESHS004, January 2015 [~~March 2012~~]; and
- (f) [~~"Immunization Certificate", EPID-230, August 2010;~~  
~~And~~
- (~~g~~) "Kentucky Dental Screening/Examination Form For School Entry", KDESHS005, January 2015 [~~March 2012~~].

(2) These documents are used in school health data collection.

(3) The documents incorporated by reference consist of (35) pages.