

## GUIDELINES FOR PRIVATE DUTY NURSES

### **I. Introduction/Background**

The Azle Independent School District (the “District”), from time-to-time, receives requests from parents to allow persons who are not District employees to provide nursing and/or health services to their children while at school or during transportation to/from school. Those services may or may not be the same services determined by the student’s Admissions Review and Dismissal (“ARD”) Committee to be required as a part of the student’s educational plan or otherwise required to provide the student with a free and appropriate public education and, thus, in some cases may not be included on the student’s Individualized Educational Plan (“IEP”).

The District generally prohibits persons who have not been employed by or engaged by the District as independent contract service providers or consultants from providing services to students on District premises. However, the District recognizes that some parents desire to choose, utilize and pay for particular health care providers to provide services for their children. In an attempt to reasonably accommodate the requests of parents, the District has developed the following guidelines to be followed when the District receives a request to allow a non-District health service provider (“Private Duty Nurse”) to provide services to a student during the school day on District premises and/or during transportation to/from the District.

### **II. Guidelines**

#### **A. General Provisions**

1. If a student requires nursing or other health services, as defined in federal and state law, during the school day and/or during transportation to/from school, the District will offer evaluation and, pending outcome of the evaluation, appropriate services to develop a plan for health related services through a Student Intervention Team (“SIT”), 504, or ARD committee meeting.
2. If the student’s parent/guardian refuses the health or nursing services offered by the District, the District may, but is not obligated to, permit a Private Duty Nurse retained and employed by the parent to accompany the student during the school day, as provided under these guidelines.

#### **B. Approval Process**

1. Only a parent or legal guardian of a District student may seek approval for a Private Duty Nurse to perform services on District premises for his or her child. Any parent or legal guardian who seeks approval for a Private Duty Nurse to perform services must submit a request for approval.

No Private Duty Nurse may furnish services to any District student on District premises without prior written approval from the District.

2. Approval shall not be granted until all necessary documentation is completed to the satisfaction of District personnel, including a detailed description of services which includes; a specific schedule of dates and times the parent wishes the Private Duty Nurse to attend school with the student, a plan of action in the event the Private Duty Nurse is absent, a description of all services the Private Duty Nurse will perform, the standard of care under which the services must be provided, a description of all material, equipment or supplies to provide the services, and any other information pertinent to the services.
3. If the services are being provided pursuant to a physician's prescription or order, a copy of that prescription or order must accompany the request for approval.
4. In addition to the other requirements, the parent/guardian must sign the District-Parent Agreement and the proposed Private Duty Nurse must sign the District-Private Duty Nurse Agreement before approval will be granted by the District.
5. The request with all agreements shall be completed and returned to the Director of Special Services. This request will be considered by the building Principal and the Director of Special Services. The parent will be notified if the request has been approved and any conditions or contingencies placed on the approval.

### **C. Private Duty Nurse Qualifications**

1. The Private Duty Nurse must be qualified to perform all services he or she is to provide as determined by the District, in its sole discretion.
2. Prior to performing any services on District premises, the Private Duty Nurse must have on file with the District copies of a picture identification, and current, valid copies of any certificate or license under which the Private Duty Nurse practices.
3. Any Private Duty Nurse who performs services on District premises must have on file with the District a completed and satisfactory criminal history background check and completed fingerprinting requirements. No Private Duty Nurse who has been convicted of a felony or any misdemeanor involving moral turpitude will be allowed to perform services on District premises. All Private Duty Nurses must have completed fingerprinting requirements in accordance with state law and District policies. The District is not responsible for any fees for fingerprinting.
4. THE PARENT AND PRIVATE DUTY NURSE MUST EACH INDIVIDUALLY AGREE TO INDEMNIFY AND HOLD HARMLESS THE DISTRICT AND ITS AGENTS, TRUSTEES, AND EMPLOYEES FROM ANY AND ALL CLAIMS, LIABILITIES, DAMAGES, COSTS, OR EXPENSES ARISING FROM OR RESULTING IN ANY WAY FROM THE

AGREEMENT, THE SERVICES THE PRIVATE DUTY NURSE FURNISHES, OR THE PRIVATE DUTY NURSE'S PRESENCE ON DISTRICT PREMISES, OR ANY ACT, CONDUCT, OR OMISSION OF ANY DISTRICT EMPLOYEE, VOLUNTEER, AGENT, OR TRUSTEE RELATED IN ANY WAY TO THE SERVICES.

5. No application will be approved until the Private Duty Nurse or Private Duty Nurse's agency furnishes proof of general/professional liability insurance with minimum coverage in the amount of \$1,000,000.
6. The Private Duty Nurse must sign the District-Private Duty Nurse Agreement and abide by its requirements.

#### **D. Conditions for Approval of Request**

1. All services to be furnished by the Private Duty Nurse must be described in detail in a format approved by the District, including the current plan of care and the schedule of all services the Private Duty Nurse will furnish. If the services are being provided pursuant to a physician's prescription or order, a copy of the physician's prescription or order must accompany the parent's request.
2. If, at any time, there will be changes to (a) the services to be provided; (b) the Private Duty Nurse; or (c) the Private Duty Nurse's Agency, all required documentation must be re-submitted by the parent to the District for approval.
3. All Private Duty Nurse services must be furnished under the standards of care applicable to the Private Duty Nurse's professional discipline and as medically prescribed.
4. Private Duty Nurse shall be responsible for furnishing any equipment, material, or supplies necessary to provide the services, unless the parties have agreed otherwise in writing.
5. The Private Duty Nurse understands that while providing services on District premises, the Private Duty Nurse may have access to confidential student information and educational records of District students that is protected under state and federal law as well as District policies. Private Duty Nurse shall keep all student information confidential and shall not disclose such information to any third party unless specifically authorized by the District in writing. See the District-Private Duty Nurse Agreement for additional information regarding confidentiality.
6. The parent or legal guardian must sign the District-Parent Agreement and abide by its requirements.
7. **Termination of Agreement(s).** The District reserves the right to withdraw its approval (and terminate the District-Private Duty Nurse Agreement and/or the District-Parent Agreement) at any time if, in the sole determination of the District: (a) the parent or the Private Duty Nurse fails

to comply with the terms of their agreement, (b) the services of the Private Duty Nurse or the Private Duty Nurse's conduct interferes with or creates a disruption to the educational environment, (c) the Private Duty Nurse lacks sufficient qualifications or experience to provide the services, or (d) the continuation of the services on District premises is contrary to the best interests of the Student or the District.

8. The approval of any request to allow a non-District Private Duty Nurse to perform services is temporary. The goal of every approved arrangement should be to eventually eliminate any need for the Private Duty Nurse to perform services for the Student. The District may review the approval at least once each school year or on a more frequent schedule, if needed, to determine the appropriateness of continuing the arrangement.
9. Parents and nurses must sign new agreements each school year.