

**ADOPT AMENDED ALABAMA ADMINISTRATIVE CODE  
CHAPTER 290-4-5, PERTAINING TO STUDENT HEALTH SERVICES**

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ALABAMA STATE BOARD OF EDUCATION  
STATE DEPARTMENT OF EDUCATION  
ADMINISTRATIVE CODE

CHAPTER 290-4-5  
STUDENT HEALTH SERVICES

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290-4-5-.01    **Individual Health Plans.**

In accordance with the mission of promoting student health in public schools of Alabama, school nurses employed by local boards should follow these educational guidelines as described herein.

**Author:** Eric G. Mackey

**Statutory Authority:** Code of Alabama (1975) §16-30B-3; 16-3-12;

**History:** New Rule: Filed July 9, 2019; effective August 23, 2019. Filed Amended May 12, 2022; Effective July 15, 2022;

290-4-5-.02    **Definitions.**

(1)    **INDIVIDUAL HEALTH PLAN:** A document that outlines health care to be provided to a student in the school setting, developed by the school nurse in conjunction with the student's parents or guardians and may contain the orders from the physician, certified registered nurse practitioner operating under a valid collaborative agreement, or physician assistant operating with a valid supervisory agreement.

(2)    **INDIVIDUAL HEALTH PLAN:** A document that outlines activities in which a qualified minor may participate in the school setting or in selected school situations as prescribed in the plan. A plan shall be developed by the school nurse in conjunction with the qualified representatives of the qualified minor, as provided under this chapter, and shall outline the health care to be provided, including an Order for Pediatric Palliative and End of Life Care, as defined in Ala. Code §22-8A-3 (1975), to a qualified minor in a school setting. The contents of the plan shall include the medical needs of the student. The execution of the plan shall be determined by the

crisis team specified in the PPEL-IHP. Termination of the plan shall be when the student is no longer enrolled in the local education agency (LEA).

(3) SCHOOL: A primary or secondary public school located in the state.

(4) SCHOOL SETTING. Preschool through twelfth grade in a public school.

(5) SCHOOL EMPLOYEE. An individual employed by a public school system located in the state.

(6) SCHOOL NURSE. A nurse licensed by the Alabama Board of Nursing and employed as a school nurse by a public school system located in the state. Pursuant to Rule 610-X-7-.02(1), the school nurse is accountable and responsible for the nursing care delivered to students under the nurse's jurisdiction.

(7) SEIZURE ACTION PLAN: Contains the essential information school staff may need to know in order to help a student who has seizures. It includes information on first aid, parent and health care provider contacts, and medications specially for that child.

(8) SEIZURE INDIVIDUAL HEALTH PLAN: (seizure -IHP) The Seizure Individual Health Plan shall be developed by the school nurse, in consultation with the parent or guardian and contain the seizure management plan and valid health care orders by an authorized prescriber.

(9) SEIZURE MANAGEMENT AND TREATMENT PLAN. A document identifying the health care services and prescribed medications a student may receive at school or while participating in a school sponsored activity.

(10) LEAD NURSE. A Registered Nurse designated by the local school superintendent whose responsibilities shall include annually providing a full and comprehensive assessment of all student health needs within the local education agency. Based on the assessment findings, the designated nurse shall make recommendations to the local school superintendent concerning the implementation and coordination of student health needs.

(11) PHYSICIAN. An individual licensed to practice medicine in the state of Alabama selected by or assigned to the patient who has primary responsibility for the treatment and care of the patient.

(12) COMPETENT ADULT. An adult who is alert, capable of understanding a lay description of medical procedures and able to appreciate the consequences of providing, withholding, or withdrawing medical procedures.

(13) HEALTH CARE PROXY. Any person designated to act on behalf of an individual pursuant to Ala. Code §22-8A-4 (1975).

(14) ORDER FOR PEDIATRIC PALLIATIVE AND END OF LIFE CARE. A directive that, once executed by the representative of a qualified minor and entered into the record by the attending physician of the qualified minor in accordance with Ala. Code §22-8A-15 (1975), becomes the medical order for all health care providers with respect to the extent of emergency medical equipment and treatment, medication and any other technological or medical interventions available to provide palliative and supportive care to the qualified minor.

**Author:** Eric G. Mackey

**Statutory Authority:** Code of Alabama (1975) §16-30B-3; 16-3-12;

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**290-4-5-.03**                    **Requirements for Palliative and End of Life Individual Health Plans.**

A PPEL-IHP shall be developed by the school nurse, in conjunction with the qualified representative of the qualified minor. A plan shall include an Order for Pediatric Palliative and End of Life Care, established pursuant to Chapter 8A of Title 22. The only individual in a school setting subject to the requirements or restrictions of an Order for Pediatric Palliative and End of Life Care is a school nurse. A school nurse shall be on site and available to students with a PPEL-IHP.

**Author:** Eric G. Mackey

**Statutory Authority:** Code of Alabama (1975) §16-30B-3; 16-3-12;

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**290-4-5-.04**                    **Training for Palliative and End of Life Individual Health Plans.**

(1) The Department of Education, in consultation with the Alabama Board of Nursing and the Alabama Board of Medical Examiners, shall develop guidelines for the training of school employees in the care needed for qualified minors who have an executed PPEL-IHP in place.

(2) Training to care for students with PPEL-IHPs must occur before the school accepts an Order for Pediatric Palliative and End of Life Care.

(3) The school nurse shall follow the training guidelines developed by the Department of Education in consultation with the Alabama Board of Nursing:

(a) The Alabama State Department of Education Curriculum for Training School Nurses on PPEL Care.

(b) Annual Training for PPEL Care to Alabama school nurses through the “Train the Trainer” course for PPEL Care.

(4) The school nurse shall be on site and available to students with PPEL Care.

(5) The lead nurse shall validate the competency of the school nurses that provide care to students with a PPEL IHP.

(6) The lead nurse shall follow the training guidelines developed by the Department of Education in consultation with the Alabama Board of Nursing.

(7) An annual report of the number of PPEL-IHPs in each school shall be provided to the Alabama State Department of Education Nurse Administrator by the Lead Nurse of each local education agency.

**Author:** Eric G. Mackey

**Statutory Authority:** Code of Alabama (1975) §16-30B-3; 16-3-12;

**History:** New Rule: Filed July 9, 2019; effective August 23, 2019. Amended May 12, 2022; Effective July 15, 2022;

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**290-4-5-.05                    Requirements for Seizure Management and Treatment Plan.**

(1) In accordance with Chapter 30C of Title 16, Code of Alabama 1975, seizure management and treatment plan shall be submitted to and reviewed by the lead nurse employed by the local board of education at all of the following times:

(a) Before or at the beginning of the school year.

(b) Upon enrollment of the student, if the student enrolls in a school after the beginning of the school year.

(c) As soon as practicable following a diagnosis of a seizure disorder for the student.

(2) A seizure management and treatment plan shall include all of the following.

(a) A list of the health care services the student may receive at school or while participating in a school sponsored activity.

(b) A list of prescribed medications the student may receive including the name and purpose of the medication, the prescribed dosage, the route of administration, the frequency that the medication may be administered, and the circumstances under which the medication may be administered.

(c) An evaluation of the student's level of understanding and ability to manage his or her seizures.

(d) The signature of the student's parent or guardian.

(e) The name and address of the physician responsible for the student's seizure

treatment.

**Author:** Eric G. Mackey

**Statutory Authority:** Code of Ala. 1975, §16-30c-1; 16-3-12;

**History:** Filed Amended May 12, 2022; Effective July 15, 2022.

**290-4-5-.06**                    **Requirements For Seizure Management and Treatment Plans Training.**

(1)        The school nurse shall follow the training guidelines developed by the State Department of Education in consultation with the Alabama Board of Nursing found in the Safe School Seizure Curriculum.

(2)        Annual school nurse training for seizure management will be provided to all Alabama School Nurses. The nurse training program shall be developed by lead nurse at the local education agency to meet the needs of the students.

(3)        The school nurse shall validate the competency of all unlicensed personal that render care to students with a seizure disorder as directed in the training.

(4)        The ALSDE Seizure Safe School Curriculum provides for training levels in a Tier system that directly relates to the responsibility of school personnel who have students with seizure.

**Training Tiers**

(i)        Tier I: All school personnel will receive approved training that provides a basic understanding of seizure recognition and management.

(ii)        Tier II: Classroom teachers and all school personnel who have a “need to know” will receive approved training for seizure recognition and management detailing their responsibility for students with seizures throughout the day. Training requires review of Seizure-IHP and signature of the staff receiving training.

(iii)        Tier III: One or more volunteer school staff members(s) who receive training regarding seizure management and provides emergency rescue medication administration and care for students with seizure. Training requires competency to be validated by a registered nurse.

**Author:** Eric G. Mackey

**Statutory Authority:** Code of Ala. 1975, §16-30c-1.

**History:** Filed Amended May 12, 2022; Effective July 15, 2022.

**290-4-5-.07                    Limitation to Seizure Management, Treatment, and Training**

(1)            The Alabama Board of Nursing shall retain the sole authority to adopt rules to permit delegation of limited nursing task by licensed nurses, to trained unlicensed assistive personnel and to implement this act.

(2)            Under no circumstances shall rectal or vaginal suppositories be administered by anyone other than a licensed nurse.

(3)            The school nurse or trained unlicensed seizure medical assistant, to the extent required by the student's Seizure-IHP shall be on site and available to provide care to students with a seizure disorder.

(4)            Training to manage and administer medication to students by the unlicensed seizure medical assistant must occur prior to any delegation being established.

**Author:** Eric G. Mackey

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**ANNOUNCE INTENT TO ADOPT NEW ALABAMA ADMINISTRATIVE CODE  
RULE 290-3-1-.03, PERTAINING TO  
EXTENDED LEARNING OPPORTUNITIES**



**CHAPTER 290-3-1  
PUBLIC SCHOOL GOVERNANCE**

**290-3-1-.03     Extended Learning Opportunities.**

(1)            An Extended Learning Opportunity (ELO) is an out-of-classroom learning experience, approved by the State Board of Education, a local board of education, or a public charter school, where an eligible entity provides a student with any of the following:

- (a)            Enrichment opportunities.
- (b)            Career readiness or employability skills opportunities, including internships, pre-apprenticeships, and apprenticeships.
- (c)            Any other approved educational opportunity.

(2)            In accordance with Alabama Code section 16-46C-5, eligible outside entities shall include, but not be limited to, all of the following:

- (a)            Nonprofit organizations.
- (b)            Businesses with established locations in the state.
- (c)            Trade associations.
- (d)            Any of the Armed Forces of the United States, subject to applicable age requirements.

(3)            ELOs shall involve partnerships between local education agencies, parents or guardians, students, and outside entities who will be providing or assisting with high quality instruction. Such partnerships shall clearly delineate the responsibilities of each entity partner and provide structures to guide the ELO. To assist local school districts implement ELOs, the State Department of Education shall publish a sample guidance which, at a minimum, shall include:

- (a)            A sample ELO Application.
- (b)            A sample ELO Agreement for to guide LEA, entity and student responsibilities.
- (c)            A sample ELO Criteria for Approval to assist local education agencies as they adopt policies for ELOs and develop ELO plans.

(d) A sample rubric for evaluation of an ELO proposal.

(4) The ELO application is to be completed by the student, a certified educator, parent/guardian, ELO partner, superintendent, and other members of the school leadership team designated in the local district policy.

(5) At the time of application, the responsible entities will select the amount of elective credit to be awarded and will set the guidelines for awarding such credit.

(6) ELO experiences may not duplicate or replace courses, programs, or work-based learning experiences that are a part of the school district's academic guide.

~~(6)~~(7) No student shall receive more than one (1) credit for any given ELO.

~~(7)~~(8) Local school board policy will set guidelines for grading, calculation of GPA, and inclusion of ELO credit on the student transcript.

~~(8)~~(9) Matriculation through the ELO requires benchmarks that may include, but are not limited to small projects, rehearsals, practices, drafts, artifacts, or other work that allows the student to move towards competency mastery.

~~(9)~~(10) Students with IEPs and 504 Plans shall be given the appropriate accommodations so that they can construct meaning from their ELO experience.

~~(10)~~(11) A signed copy of the ELO application shall be placed in the student cumulative record to document the standards by which the credit was awarded and transcribed.

~~(11)~~(12) An ELO that has been approved by at least 50 percent of school districts shall be eligible to apply to the department for state-wide approval.

**Author:** Eric G. Mackey

**Statutory Authority:** Code of Ala. 1975, §16-46C-7; §16-3-12

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