

School Health Services Laws and Rules

This is a list of Minnesota laws and administrative rules, federal laws and regulations, and some resources that further explain these statutes and rules. The laws and administrative rules provided may not be an exhaustive list; however, it best represents the most common laws and rules related to school nursing, school health services, and student health and safety.

This list offers a foundation upon which to develop and maintain individual local school policies.

This resource is not a substitute for and does not constitute legal advice. Legal questions should be directed to your local school administrator and legal advice obtained from your school attorney.

Current as of 7-29-2024

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Abuse & Neglect Reporting

Required Reporting by All Educators

Abuse and neglect concerns must be reported to local county social services.

RESOURCE: MN COUNTY SOCIAL SERVICES (<https://mn.gov/dhs/people-we-serve/children-and-families/services/child-protection/contact-us/>)

Minnesota Statute §Chapter 260E REPORTING OF MALTREATMENT OF MINORS (<https://www.revisor.mn.gov/statutes/cite/260E>)

Minnesota Statute §260E.06 MALTREATMENT REPORTING (<https://www.revisor.mn.gov/statutes/cite/260E.06>) – Requirement to report neglect and/or maltreatment.

Minnesota Statute §260E.065 TRAINING FOR REPORTERS (<https://www.revisor.mn.gov/statutes/cite/260E.065>) – Local welfare agency must provide maltreatment reporting training.

Minnesota Statute §260E.08 CRIMINAL PENALTIES FOR FAILURE TO REPORT; CIVIL PENALTY FOR MAKING FALSE REPORT (<https://www.revisor.mn.gov/statutes/cite/260E.08>) – Penalty for not reporting or for making a false report of maltreatment or abuse.

Minnesota Statute §260E.09 REPORTING REQUIREMENTS (<https://www.revisor.mn.gov/statutes/cite/260E.09>) – Defines how to report and required timeline for reporting.

RESOURCE: Minnesota Department of Human Services – Resource Guide for Mandated Reporters of Child Maltreatment Concerns (2021) (<https://edocs.dhs.state.mn.us/lfsrver/Public/DHS-2917-ENG>)

Minnesota Statutes §Chapters 626.557 to 626.5573 REPORTING OF MALTREATMENT OF VULNERABLE ADULTS (<https://www.revisor.mn.gov/statutes/cite/626.557>)

Required Reporting of Student Maltreatment in School

Minnesota Statute §260E.28 CONDUCTING INVESTIGATION IN FACILITY OR SCHOOL (<https://www.revisor.mn.gov/statutes/cite/260E.28>) – Requirements regarding investigation of maltreatment or abuse that has occurred within a school setting.

Minnesota Statute §260E.29 NOTIFICATION REQUIREMENTS FOR SCHOOLS AND FACILITIES (<https://www.revisor.mn.gov/statutes/cite/260E.29>) – A school must notify the parent or guardian of any abuse that has happened at school.

RESOURCE: Minnesota Department of Education – Student Maltreatment (2020) (<https://education.mn.gov/mde/dse/mal/>)

Adolescent Rights

Consent Rights of Minors

Minnesota Statute §144.343 PREGNANCY, VENEREAL DISEASE, ALCOHOL OR DRUG ABUSE, ABORTION (<https://www.revisor.mn.gov/statutes/cite/144.343>) – Minors may consent to medical, mental health, pregnancy, sexually transmitted infections, and alcohol, tobacco, and other drug services.

RESOURCE: Adolescent & Young Adult Health Care in Minnesota: A Guide to Understanding Consent & Confidentiality Laws (https://nahic.ucsf.edu/wp-content/uploads/2019/01/Minnesota-AYAH-Confidentiality-Guide_Final.pdf)

Minnesota Statute §144.3431 NONRESIDENTIAL MENTAL HEALTH SERVICES (<https://www.revisor.mn.gov/statutes/cite/144.3431c.144.3431> MN Statutes) –Minors age 16 or older may consent for outpatient mental health services.

RESOURCE: Minnesota Department of Health –Consent and Confidentiality Laws in MN (<https://www.health.state.mn.us/people/adolescent/youth/confidential.html>)

Minnesota Statute §253B.04 VOLUNTARY TREATMENT AND ADMISSION PROCEDURES (<https://www.revisor.mn.gov/statutes/cite/253B.04ec.253B.04> MN Statutes) – Minors aged 16 or older may consent for inpatient mental health services.

Minnesota Statute §144.341 LIVING APART FROM PARENTS AND MANAGING FINANCIAL AFFAIRS (<https://www.revisor.mn.gov/statutes/cite/144.341>) – Authorized to provide consent

Early Childhood Screening

Early Childhood Screening Components

Schools must provide health and developmental screening to children once before school entrance, preferably at age 3.

Minnesota Statute §121A.16 EARLY CHILDHOOD HEALTH AND DEVELOPMENT SCREENING; PURPOSE (<https://www.revisor.mn.gov/statutes/cite/121A.16>)

Minnesota Statute §121A.17 SCHOOL BOARD RESPONSIBILITIES (<https://www.revisor.mn.gov/statutes/cite/121A.17>)

Minnesota Statute §121A.18 DATA USE (<https://www.revisor.mn.gov/statutes/cite/121A.18>)

RESOURCE: Minnesota Department of Education – Early Childhood Screening (<https://education.mn.gov/MDE/fam/elsprog/screen/>)

General School Health Services

AED Requirements

Minnesota Statute §403.51 AUTOMATIC EXTERNAL DEFIBRILLATION; REGISTRATION
(<https://www.revisor.mn.gov/statutes/cite/403.51>)

Compulsory Instruction

Minnesota Statute §120A.21 COMPULSARY INSTRUCTION
(<https://www.revisor.mn.gov/statutes/cite/120A.22>)

CPR and AED Instruction Requirement

Minnesota Statute §120B.236 CARDIOPULMONARY RESUSCITATION AND AUTOMATATIC EXTERNAL DEFIBRILLATOR INSTRUCTION
(<https://www.revisor.mn.gov/statutes/2014/cite/120B.236>)

Emergency Procedures

Minnesota Statute §121A.035 CRISIS MANAGEMENT POLICY
(<https://www.revisor.mn.gov/statutes/cite/121a.035>)

RESOURCE: Readiness and Emergency Management for Schools Technical Assistance Center (<https://rems.ed.gov/AboutUs.aspx>)

RESOURCE: Minnesota School Safety Center – Procedures
(<https://dps.mn.gov/divisions/hsem/mn-school-safety-center/Pages/planning-universal-procedures.aspx>)

Emergency Treatment – Care to May Be Provided to Minors Without Consent

Minnesota Statute §144.344 EMERGENCY TREATMENT (of Minors)
(<https://www.revisor.mn.gov/statutes/cite/144.344>)

Menstrual Products

Minnesota Statute §121A.212 ACCESS TO MENSTRUAL PRODUCTS
(<https://www.revisor.mn.gov/statutes/cite/121A.212>)

Nonpublic Schools Health Services

Minnesota Statute §123B.44 PROVISION OF PUPIL SUPPORT SERVICES
(<https://www.revisor.mn.gov/statutes/cite/123b.44>)

Schools: Promote Health of Students – Employ Licensed School Nurse

Minnesota Statute §121A.21 SCHOOL HEALTH SERVICES
(<https://www.revisor.mn.gov/statutes/cite/121A.21>)

Sexually Transmitted Infection & Disease Education Requirement

Minnesota Statute §121A.23 PROGRAMS TO PREVENT AND REDUCE THE RISKS OF SEXUALLY TRANSMITTED INFECTIONS AND DISEASES
(<https://www.revisor.mn.gov/statutes/cite/121A.23>)

Student Health and Safety – District Responsibilities

Minnesota Statutes §121A STUDENT RIGHTS, RESPONSIBILITIES, AND BEHAVIOR
(<https://www.revisor.mn.gov/statutes/cite/121A>) – Link to entire chapter of health-related laws

Vaping Awareness and Prevention

Minnesota Statutes §120B.238 VAPING AWARENESS AND PREVENTION
(<https://www.revisor.mn.gov/statutes/cite/120B.238>)

RESOURCE: Minnesota Department of Health – School Toolkit for E-cigarette Use Prevention and Cessation
(<https://www.health.state.mn.us/communities/tobacco/ecigarettes/schools/index.html>)

Wellness Policy

Requires all local educational agencies that participate in the National School Lunch and School Breakfast Programs to meet expanded local school wellness policy requirements and conduct triennial assessments.

Federal Law: 42 U.S.C. 1758b - Local School Wellness Policy (Enacted by Congress as Section 204 of Public Law 111-296 Healthy, Hunger-Free Kids Act of 2010)
(<https://www.govinfo.gov/content/pkg/USCODE-2011-title42/html/USCODE-2011-title42-chap13-sec1758b.htm>)

Federal Regulations: 7 CFR Parts 210 and 220 Local School Wellness Policy Implementation Under the Healthy, Hunger-Free Kids Act of 2010 (2016, July)
(<https://www.govinfo.gov/content/pkg/FR-2016-07-29/pdf/2016-17230.pdf>)

RESOURCE: United States Department of Agriculture Food and Nutrition Service – Local School Wellness Policy Implementation Tools and Resources (2022, August)
(<https://www.fns.usda.gov/tn/local-school-wellness-policy-implementation-tools-resources>)

RESOURCE: Centers for Disease Control & Prevention – Local School Wellness Policy, CDC Healthy Schools (2022, August)
(https://www.cdc.gov/healthyschools/nutrition/wellness.htm?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fhealthyschools%2Fnpao%2Fwellness.htm)

Minnesota Statute §121A.215 LOCAL SCHOOL DISTRICT WELLNESS POLICIES
(<https://www.revisor.mn.gov/statutes/cite/121A.215>)

Hazardous Substances and Infectious Agents

Communicable Diseases

Minnesota Administrative Rules Chapter 4605 COMMUNICABLE DISEASES
(<https://www.revisor.mn.gov/rules/4605/>)

Minnesota Administrative Rule 4605.7040 DISEASE AND REPORTS; CLINICAL MATERIALS SUBMISSIONS (<https://www.revisor.mn.gov/rules/4605.7040/>) – List of diseases to report
Minnesota Department of Health

Minnesota Administrative Rule 4605.7050 UNUSUAL CASE INCIDENCE
(<https://www.revisor.mn.gov/rules/4605.7050/>) – Report suspected or confirmed food or waterborne disease, epidemic viral gastroenteritis, and any disease presumed to be transmitted by transfusion of blood or blood products

Minnesota Administrative Rule 4605.7070 OTHER REPORTS
(<https://www.revisor.mn.gov/rules/4605.7070/>) – Includes schools as required reporters of communicable diseases

RESOURCE: Hennepin County – Infectious Disease in Childcare and Schools Manual
(<https://www.hennepin.us/childcaremanual>)

RESOURCE: Minnesota Department of Health – Infectious Disease Reporting
(<https://www.health.state.mn.us/diseases/reportable/index.html>)

RESOURCE: Minnesota Department of Health – School Health Personnel Influenza Information (<https://www.health.state.mn.us/diseases/flu/school/index.html>)

RESOURCE: Minnesota Department of Health – 2021-2022 Norovirus Information for Schools Toolkit
(<https://www.health.state.mn.us/diseases/foodborne/outbreak/facility/schooltoolkit2122.pdf>)

Hazardous Substances - Employee Right to Know

Minnesota Administrative Rules, Chapter 5206 HAZARDOUS SUBSTANCES; EMPLOYEE RIGHT-TO-KNOW (<https://www.revisor.mn.gov/rules/5206/>)

Minnesota Administrative Rule 5206.0600 INFECTIOUS AGENTS

[\(https://www.revisor.mn.gov/rules/5206.0600/\)](https://www.revisor.mn.gov/rules/5206.0600/) – List of infectious agents that will be updated by the commissioner every two years.

Minnesota Administrative Rule 5206.0700 TRAINING

[\(https://www.revisor.mn.gov/rules/5206.0700/\)](https://www.revisor.mn.gov/rules/5206.0700/) – Includes frequency of bloodborne pathogen training.

RESOURCE: United States Occupational Health and Safety Administration – Hazardous Communication Sheets

[\(https://www.osha.gov/sites/default/files/publications/OsHA3514.pdf\)](https://www.osha.gov/sites/default/files/publications/OsHA3514.pdf)

Occupational Safety and Health Administration (OSHA)

prohibition requires that ‘universal precautions’ be observed to prevent contact with blood or other potentially infectious materials.

Federal Regulation: 29 CFR 1910.1030(d)(1) OSHA Bloodborne Pathogen Standard

[\(https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.1030\)](https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.1030)

RESOURCE: United States Department of Labor Occupational Safety and Health Administration – Letter of Interpretation (2009)

[\(https://www.osha.gov/laws-regs/standardinterpretations/2009-02-27\)](https://www.osha.gov/laws-regs/standardinterpretations/2009-02-27)

OSHA: General Duties of Employers

Minnesota Statute §182.653 RIGHTS AND DUTIES OF EMPLOYERS

[\(https://www.revisor.mn.gov/statutes/cite/182.653\)](https://www.revisor.mn.gov/statutes/cite/182.653)

Health Conditions

Anaphylaxis & Epinephrine Auto-injectors: Requirements for Health Planning and Training

**Also referenced in the medication section of statutes*

Minnesota Statute §121A.2205 POSSESSION AND USE OF EPINEPHRINE AUTO-INJECTORS; MODEL POLICY [\(https://www.revisor.mn.gov/statutes/cite/121A.2205\)](https://www.revisor.mn.gov/statutes/cite/121A.2205)

Concussions & Return to Play

Minnesota Statute §121A.38 CONCUSSION PROCEDURES

[\(https://www.revisor.mn.gov/statutes/cite/121A.38\)](https://www.revisor.mn.gov/statutes/cite/121A.38)

Mental Health: Requirements to Provide Space for Telehealth Appointments

Minnesota Statute §121A.216 ACCESS TO SPACE FOR MENTAL HEALTH CARE THROUGH TELEHEALTH (<https://www.revisor.mn.gov/laws/2024/0/109/laws.8.7.0#laws.8.7.0>)
*effective Oct 1, 2024

Seizures: Requirements for Health Planning and Training

Minnesota Statute §121A.24 SEIZURE TRAINING AND ACTION PLAN
(<https://www.revisor.mn.gov/statutes/cite/121A.24>)

Immunizations

Foster Children Exempt from School Immunization Requirements

Federal Law: Public Law 114-95 Every Student Succeeds Act of 2015
(<https://www.congress.gov/114/plaws/publ95/PLAW-114publ95.pdf>)

RESOURCE: Minnesota Department of Health – Immunization Requirements for Homeless and Foster Children
(<https://www.health.state.mn.us/people/immunize/ed/homeless.html>)

RESOURCE: Legal Center for Foster Care & Education – Every Student Succeeds Act: Implementation Toolkit
(<https://www.ksde.org/Portals/0/Title/FosterChildren/FosterCare-ESSA.pdf>)

Homeless Students Exempt from School Immunization Requirements

Federal Law: 42 U.S.C. CHAPTER 119, SUBCHAPTER VI, Part B—Education for Homeless Children and Youths (Previously named McKinney Vento Homeless Assistance Act)
(<http://uscode.house.gov/view.xhtml?path=/prelim@title42/chapter119/subchapter6/partB&edition=prelim>)

RESOURCE: National Center for Homeless Education – McKinney Vento Homeless Assistance Act (<https://nche.ed.gov/legislation/mckinney-vento/>)

RESOURCE: Minnesota Department of Education – Homeless McKinney Vento
(<https://education.mn.gov/MDE/dse/esea/home/index.htm>)

Immunization Standards & Sharing Data Without Consent

Minnesota Statute §121A.15 HEALTH STANDARDS; IMMUNIZATIONS; SCHOOL CHILDREN
(<https://www.revisor.mn.gov/statutes/cite/121A.15>)

Minnesota Statute §144.3351 IMMUNIZATION DATA
(<https://www.revisor.mn.gov/statutes/cite/144.3351>)

Minnesota Administrative Rules Chapter 4604 IMMUNIZATIONS
(<https://www.revisor.mn.gov/rules/4604/>)

Minnesota Administrative Rule 4604.0300 SCHEDULE CHANGES
(<https://www.revisor.mn.gov/rules/4604.0300/>) – Pending / in progress requirements

Minnesota Administrative Rule 4604.0400 IMMUNIZATION DOCUMENTATION RECORD
(<https://www.revisor.mn.gov/rules/4604.0400/>) – Requirements for forms related to immunization communication

Minnesota Administrative Rule 4604.0410 REPORT
(<https://www.revisor.mn.gov/rules/4604.0410/>) – Immunization compliance report due within 90 days of start of new school year

RESOURCE: Minnesota Department of Health – School Health Personnel Immunization and Disease Reporting
(<https://www.health.state.mn.us/people/immunize/ed/school.html#cont>)

Medication Administration

Cannabis Use or Possession is Prohibited on School Property

Minnesota Statute §152.23 LIMITATIONS
(<https://www.revisor.mn.gov/statutes/2020/cite/152.23>)

Epinephrine Auto-injector: Health Planning, Self-carry, Stock Supply and Training

**Also referenced in the Health Conditions section of statutes*

Minnesota Statute §121A.2205 POSSESSION AND USE OF EPINEPHRINE AUTO-INJECTORS; MODEL POLICY (<https://www.revisor.mn.gov/statutes/cite/121A.2205>)

Minnesota Statute §121A.2207 LIFE-THREATENING ALLERGIES IN SCHOOLS; STOCK SUPPLY OF EPINEPHRINE AUTO-INJECTORS
(<https://www.revisor.mn.gov/statutes/cite/121A.2207>)

Naloxone (Narcan) Information on Prescribing, Administration by Licensed School Nurse or Public Health Nurse Under School Protocol

Minnesota Statute §121A.224 OPIATE ANTAGONISTS
(<https://www.revisor.mn.gov/statutes/cite/121A.224>)

Minnesota Statute §151.37 LEGEND DRUGS; WHO MAY PRESCRIBE, POSSESS
(<https://www.revisor.mn.gov/statutes/cite/151.37>)

Minnesota Statute §604A.04 GOOD SAMARITAN OVERDOSE PREVENTION
(<https://www.revisor.mn.gov/statutes/cite/604A.04>)

Pharmacy Act

Minnesota Statute §Chapter 151 PHARMACY PRACTICE ACT
(<https://www.revisor.mn.gov/statutes/cite/151>)

Minnesota Administrative Rules, Chapter 6800 PHARMACIES AND PHARMACISTS
(<https://www.revisor.mn.gov/rules/6800/>)

Prohibition of Mandatory Medication

Child Medication Safety Act 34 CFR 300.174 (20 U.S.C.: 1412 (a)(25)

(<https://www.govinfo.gov/content/pkg/CFR-2021-title34-vol2/pdf/CFR-2021-title34-vol2-sec300-174.pdf>) - cannot force a parent to put a student on medications as a condition to attend school, be evaluated for special education, or to receive services in school.

Requirements and Exclusions for Medication Administration in Schools

Minnesota Statute §121A.22 ADMINISTRATION OF DRUGS AND MEDICINE
(<https://www.revisor.mn.gov/statutes/cite/121A.22>)

RESOURCE: Minnesota Guidelines for Medication Administration in Schools (2015)
(<https://www.health.state.mn.us/docs/people/childreneyouth/schoolhealth/medadmin.pdf>)

Self-carry: Asthma Inhaler

Minnesota Statute §121A.221 POSSESSION AND USE OF ASTHMA INHALERS BY ASTHMATIC STUDENTS (<https://www.revisor.mn.gov/statutes/cite/121A.221>)

Self-carry: Pain Relievers for Secondary Students

Minnesota Statute §121A.222 POSSESSION AND USE OF NONPRESCRIPTION PAIN RELIEVERS BY SECONDARY STUDENTS (<https://www.revisor.mn.gov/statutes/cite/121A.222>)

Sunscreen Application Without a Licensed Prescriber's Order

Minnesota Statute §121A.223 POSSESSION AND USE OF SUNSCREEN
(<https://www.revisor.mn.gov/statutes/cite/121A.223>)

Section 504

A federal civil rights statute that assures individuals will not be discriminated against based on their disability. All school districts that receive federal funding are responsible for the implementation of this law.

Federal Law: Section 504, Rehabilitation Act of 1973

(<https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/section-504-rehabilitation-act-of-1973>)

RESOURCE: Minnesota Department of Education – Section 504

(<https://education.mn.gov/mde/dse/504/>)

RESOURCE: United States Department of Education Office for Civil Rights – Protecting Students with Disabilities (<https://www2.ed.gov/about/offices/list/ocr/504faq.html>)

RESOURCE: United States Department of Health and Human Services Fact Sheet – Your Rights Under Section 504 of the Rehabilitation Act

(<https://www.hhs.gov/sites/default/files/ocr/civilrights/resources/factsheets/504.pdf>)

School Nursing: Licensure

Credential and Identification of Health Care Provider on Badge

Minnesota Statute §144.6585 IDENTIFICATION OF HEALTH CARE PROVIDERS

(<https://www.revisor.mn.gov/statutes/cite/144.6585>)

Continuing Education Rules

Nurse:

Minnesota Administrative Rule 6310.2800 REGISTRATION RENEWAL REQUIREMENTS

(<https://www.revisor.mn.gov/rules/6310.2800/>)

RESOURCE: Minnesota Board of Nursing – License Renewal

(<https://mn.gov/boards/nursing/licensure/license-renewal/>)

School Nurse License:

Minnesota Administrative Rule 8710.7000 DUTY OF LICENSEE TO RENEW

(<https://www.revisor.mn.gov/rules/8710.7000/>)

Minnesota Administrative Rule 8710.7100 RENEWAL OF TIER 3 OR 4 TEACHING LICENSES

(<https://www.revisor.mn.gov/rules/8710.7100/>)

Minnesota Administrative Rule 8710.7200 CLOCK HOURS; REQUIREMENTS FOR RENEWAL OF PROFESSIONAL LICENSES (<https://www.revisor.mn.gov/rules/8710.7200/>)

RESOURCE: Minnesota Professional Educator Licensing and Standards Board – Renew My License (<https://mn.gov/pelsb/current-educators/renew/>)

Nurse Practice Act

Minnesota Statute §148.171-285 DEFINITIONS; TITLE (Minnesota Nurse Practice Act)
(<https://www.revisor.mn.gov/statutes/cite/148.171>)

Minnesota Board of Nursing (<https://mn.gov/boards/nursing/>)

RESOURCE: Minnesota Board of Nursing – Nurse Practice Act Scope of Practice
(https://mn.gov/boards/assets/NPA_2013_Combined_Def_12-2020_tcm21-37252.pdf)

School Nurse Licensure

Minnesota Statute §122A.15 TEACHERS, SUPERVISORY AND SUPPORT PERSONNEL,
DEFINITIONS, LICENSURE (<https://www.revisor.mn.gov/statutes/cite/122A.15>)

Minnesota Administrative Rule 8710.6100 SCHOOL NURSE
(<https://www.revisor.mn.gov/rules/8710.6100/>)

Special Education

For more information about Special Education and 504 Plan as it pertains to student health needs, please consult with Minnesota Department of Education.

Americans with Disabilities Act (ADA) of 1990, amended 2008

America's most comprehensive piece of civil rights legislation that prohibits discrimination and guarantees that people with disabilities have the same opportunities as everyone else to participate in the mainstream American life.

Federal Law: 42 U.S.C. Chapter 126 - Equal Opportunity for Individuals with Disabilities
(<https://www.ada.gov/pubs/adastatute08.htm>)

RESOURCE: United States Department of Justice Civil Rights Division – Information and Technical Assistance on the Americans with Disabilities Act
(<https://beta.ada.gov/>)

Individuals with Disabilities Education Act (IDEA) 2004

Nation's federal special education law that ensures public schools serve the educational needs of students with disabilities from birth through age 21. The law was first passed in 1975, last amended in 2004.

Federal Law: 20 U.S.C. Chapter 33- Education of Individuals with Disabilities
(<http://uscode.house.gov/view.xhtml?path=/prelim@title20/chapter33&edition=prelim> and

Federal Regulations: 45 CFR Part 300 (Part B) and Part 303 (Part C)
(<https://sites.ed.gov/idea/regs/>)

RESOURCE: U.S. Department of Education’s Individuals with Disabilities Education Act (IDEA) website (<https://sites.ed.gov/idea/#>)

“Related Services” Includes School Health Services and School Nurse Services

Federal Regulations: 34 CFR SEC 304.34(a) (2009) Service Obligations Under Special Education – Personnel Development to Improve Services and Results for Children with Disabilities (<https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-304>)

Federal Regulations: 34 CFR SEC 300.156 Personnel Qualifications (<https://sites.ed.gov/idea/regs/b/b/300.156>)

Special Education Services

Minnesota Statute §125A.02 CHILD WITH A DISABILITY DEFINED (<https://www.revisor.mn.gov/statutes/cite/125A.02>)

Minnesota Administrative Rules Chapter 3525 CHILDREN WITH A DISABILITY (<https://www.revisor.mn.gov/rules/4604/>)

Minnesota Administrative Rule 3525.0210 DEFINITIONS (<https://www.revisor.mn.gov/rules/3525.0210/>)

Minnesota Administrative Rule 3525.2710 EVALUATIONS AND REEVALUATIONS (<https://www.revisor.mn.gov/rules/3525.2710/>) – Determination of whether the child is a pupil with a disability is be made by a team of qualified professionals including parents.

Minnesota Administrative Rule 3525.2810 DEVELOPMENT OF INDIVIDUALIZED EDUCATION PROGRAM PLAN (<https://www.revisor.mn.gov/rules/3525.2810/>) – IEP team must include, at the discretion of the parent or the district, other individuals who have knowledge or special expertise regarding the pupil, including related services personnel, as appropriate.

RESOURCE: Minnesota Department of Education – Special Education (<https://education.mn.gov/mde/dse/sped/>)

RESOURCE: National Association of School Nurses – IDEIA and Section 504 Teams – The School Nurse as an Essential Team Member (<https://www.nasn.org/nasn-resources/professional-practice-documents/position-statements/ps-idea>)

Third Party Reimbursement or Medicaid in Education

Requires school districts to bill health insurance for special education health related services for medical assistance-eligible children. Also, procedures are in place to bill for health-related services not on IEPs for MA-eligible children.

Minnesota Statute §125A.21 THIRD-PARTY PAYMENT
(<https://www.revisor.mn.gov/statutes/cite/125A.21>)

RESOURCE: Minnesota Department of Education Medicaid in Education webpage
(<https://education.mn.gov/MDE/dse/sped/med/>)

Student Data and Data Privacy

Drug and Alcohol Treatment Records

Federal Law: 42 U.S.C 290dd-2 – Confidentiality of Records
(<https://uscode.house.gov/view.xhtml?req=confidentiality&f=treesort&num=248>)

Federal Regulations: 42 CFR 2.1 –Statutory Authority for Confidentiality of Substance Use Disorder Patient Records (<https://www.ecfr.gov/current/title-42/chapter-1/subchapter-A/part-2/subpart-A/section-2.1>)

Family Educational Rights and Privacy Act (FERPA)

Federal law that protects the privacy of **student education records**. FERPA allows for data sharing with educational personnel who have a ‘legitimate educational interest’. These rights transfer to the student when the student reaches the age of eighteen or attends a school beyond the high school level. FERPA applies to all school records including health records.

Federal Law: 20 U.S.C. 1232g – Family Educational and Privacy Rights
(<https://www.govinfo.gov/content/pkg/USCODE-2020-title20/pdf/USCODE-2020-title20-chap31-subchapIII-part4-sec1232g.pdf>)

Federal Regulations: 34 CFR Part 99 Family Educational Rights and Privacy Act (FERPA)
(<https://www.ecfr.gov/current/title-34/subtitle-A/part-99>)

RESOURCE: United States Department of Education – Family Educational Rights and Privacy Act (<https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>)

RESOURCE: Minnesota House of Representatives Research Department – Information Brief: Federal and State Laws Governing Access to Student Records (2015, December)
(<https://www.house.leg.state.mn.us/hrd/pubs/studrec.pdf>)

RESOURCE: United States Department of Health & Human Services – Joint Guidance of the Application of the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to Student Health Records (2019, December)
(https://studentprivacy.ed.gov/sites/default/files/resource_document/file/2019%20HIPAA%20FERPA%20Joint%20Guidance%20508.pdf)

RESOURCE: Centers for Disease Control and Prevention – Health Information & Privacy: FERPA and HIPAA (2022, August) [See FERPA vs HIPAA Infographic]

(https://www.cdc.gov/phlp/publications/topic/healthinformationprivacy.html?s_cid=cstls-phlp-flex-10-2022-ferpa-hipaa)

Health Insurance Portability and Accountability Act (HIPAA)

Federal HIPAA has a broad range of provisions related to data privacy and record sharing in **medical settings**. HIPAA applies to student health information is shared with insurers when requesting payment – third party reimbursement for health services.

Information related to the health of school employees is covered by HIPAA and is most often handled by the personnel or human resources office. Student health information is covered by FERPA. Healthcare delivered by School Based Health Centers must abide by HIPAA.

Federal Law: Public Law 104-191 Health Insurance Portability and Accountability Act (HIPAA) of 1996 (<https://www.govinfo.gov/content/pkg/PLAW-104publ191/pdf/PLAW-104publ191.pdf>)

Federal Regulations: 45 CFR Parts 160, 162, and 164 HIPAA Administrative Simplification (<https://www.hhs.gov/sites/default/files/hipaa-simplification-201303.pdf>)

RESOURCE: United States Department of Health & Human Services – HIPAA for Professionals (2021, May) (<https://www.hhs.gov/hipaa/for-professionals/index.html>)

Informed Consent

Minnesota Statute §13.04 RIGHTS OF SUBJECTS OF DATA

(<https://www.revisor.mn.gov/statutes/cite/13.04>) (Known as the Tennessee Warning) – When collecting private information, state the purpose and use of the data; subject may have a record of information.

RESOURCE: Informed Consent; Connection Between Informed Consent and Tennessee Warning (<https://mn.gov/admin/data-practices/data/warnings/consent/>)

RESOURCE: Minnesota Department of Administration – [Minnesota Data Practices clearinghouse](https://mn.gov/admin/data-practices/data/) (<https://mn.gov/admin/data-practices/data/>)

Minnesota Government Data Practices Act

Minnesota Statutes § Chapter 13; § 13.32, Subd. 2, 3 EDUCATIONAL DATA

(<https://www.revisor.mn.gov/statutes/cite/13.32>Record Retention Schedule)

Minnesota Statute §138.17 GOVERNMENT RECORDS; ADMINISTRATION

(<https://www.revisor.mn.gov/statutes/cite/138.17>)

RESOURCE: Minnesota Department of Education – Q&A: Record Retention and Record Retention Schedules (2021)

<https://education.mn.gov/mdeprod/groups/educ/documents/basic/mdaw/mdu1/~edisp/055464.pdf>)

Sharing Health Information with a Parent if Minor’s Health Would be Jeopardized

Minnesota Statute §144.346 INFORMATION TO PARENTS
(<https://www.revisor.mn.gov/statutes/cite/144.346>)

Student Health Record Requirement for Schools

Minnesota Statute §Com HEALTH RECORDS; CHILDREN OF SCHOOL AGE
(<https://www.revisor.mn.gov/statutes/cite/144.29>)

Transferring Students – Request Records in 30 Days; Report Missing Children

Minnesota Statute §123B.08 FLAG SCHOOL RECORDS OF MISSING CHILDREN
(<https://www.revisor.mn.gov/statutes/cite/123B.08>)

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<https://www.health.state.mn.us/people/childreneyouth/schoolhealth/index.html>

To obtain this information in a different format, email health.school.health@state.mn.us

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