



## **Access to Medically Necessary Treatment at School**

Colorado Early Colleges (CEC) is committed to honoring families' private medical decisions while providing a learning environment free of disruption.

### **Rights to Access**

Pursuant to Colorado law, students and families shall have specific rights to:

1. *Access medically necessary treatment in the school setting.* A parent/guardian may authorize access by a private health care specialist to school property to provide medically necessary treatment in accordance with the CEC's policy and/or procedures on access, [School Visitors](#) policy, and all other applicable laws and policies.
2. *Access the school setting to observe students or collaborate with school personnel.* A parent/guardian may authorize access by a private health care specialist to school property to observe the student in the school setting and/or collaborate with school personnel regarding the student without providing direct treatment, in accordance with the CEC's policy and/or procedures on access, visitors to schools, and all other applicable law and policy.

CEC is not responsible for paying for, supervising, or providing these private services. This policy does not create a right for any student, their parent/guardian, or their private health care specialist to demand access to any general or particular school location or in demanding collaboration with CEC or its authorizer, the Colorado Charter School Institute (CSI) personnel outside of Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973, (Section 504) processes.

Nothing in this policy will be construed to require CEC or CSI to permit a third party to determine or provide special education or related services in the school setting in a way that interferes with CEC or CSI's obligations and/or authority under state or federal law.

The right to a student's access to medically necessary treatment at school may be revoked or limited to those individuals who violate CEC's policies and procedures or cause a disruption to the learning environment.

### **Definitions**

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

1. "Medically necessary treatment" means treatment recommended or ordered by a Colorado licensed health care provider acting within the scope of the health care provider's license.
2. "Private health care specialist" means a health care provider not employed by the CEC or CSI 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 in accordance with C.R.S. § 10-16-104(1.4).
3. "Qualified health care provider" means a Colorado licensed health care provider acting within the scope of the health care provider's license.

## **Process For Medically Necessary Treatment in The School Setting**

Medically necessary treatment may take place on school property only after all of the following steps have been completed:

1. Student's parent/guardian provides to the Head of School:
  - a. a request and consent for the medical treatment to be provided, with the name of the private health care specialist who will be providing the medically necessary treatment, describing the proposed treatment plan to take place in the school setting, and other pertinent information;
  - b. an acknowledgment of the parent/guardians' sole financial responsibility for the services and waiver of liability of CEC and CSI for any supervision of and misconduct by the private health care specialist;
  - c. a copy of the student's prescription, recommendation, or order from a qualified health care provider; and,
  - d. a medical release authorizing CEC to confer with the qualified health care provider to obtain follow-up information about the student's medical needs and the medically necessary treatment.
2. If either the parent, CEC, or CSI believes that the services could or should be provided by CEC or CSI through an IEP (Individualized Education Program) or Section 504 plan, then CEC will convene the appropriate team to consider the request.
3. For private medically necessary treatment to be delivered at CEC under this policy, the school will follow the existing procedures for determining needs and services for students with an IEP/504 Plan, prepare, with the input of the parent(s)/guardian(s) and the private health care specialist, a written plan that identifies the form of treatment, designated location(s), schedule, treatment plan, and any additional protocol regarding administration of medically necessary treatment to the student. The written plan must be signed by a school administrator, health care provider (if applicable), private health care specialist, and the student's parent/guardian.
  - a. The private health care specialist may be requested to attend the student's IEP or Section 504 meetings to provide relevant information.
4. Any plan developed will be prepared considering the student's access to general and special education. The rights to access shall not be interpreted to require changes to the school or school providers' master schedule or to interfere with educational operations or CEC or CSI providers' ability to complete their job duties and responsibilities. By accessing these services, the parent(s)/guardian(s) acknowledge and agree that the student may miss classroom instruction, special education, and related services, and/or school activities while receiving medically necessary treatment.
5. Private healthcare specialists must:
  - a. provide proof of licensure, certification, or authorization to provide services;
  - b. provide a certificate(s) of liability and insurance coverage, including sexual misconduct, malpractice, and workers' compensation coverage that meets the limits applicable to other agencies and individuals who provide services in the school;
  - c. submit to a background check that corresponds to the expected presence in the school, including a fingerprinted background check. The individual may be disqualified from providing services on school property if the background check does not meet school standards for employment in the sole discretion of the school.;

- d. sign a Confidentiality Affidavit certifying compliance with the Family Educational Rights and Privacy Act (FERPA) and agreement not to intentionally acquire or share information pertaining to any student other than the qualifying student; and
- e. sign an Assumption of Risk form waiving any claims against CEC and CSI and its employees for any injury sustained in delivering private medically necessary treatment to students.

### **Role of CEC Staff**

School staff shall not expect or request the private health care specialist to assist with any tasks for any other students besides their patients.

School staff will only share the student's educational information with the private health care specialist as authorized by the student's parent/guardian.

### **Notice and Appeal**

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and Title II of the Americans with Disabilities Act (ADA) provide rights and protections to students to access medically necessary treatment required by the student to have meaningful access to the benefits of a public education or to attend school without risks to students' health or safety due to the student's disabling medical condition.

Parents and students have a right to appeal the decision of CEC concerning access to medically necessary treatment in the school setting to CEC's Chief Executive Administrator or designee. An appeal shall be submitted in writing within ten (10) school days of a decision by a CEC regarding a student's request for access to medically necessary treatment at school. The decision of the Chief Executive Administrator or designee will be final.

Students with IEPs referred to the IEP team for consideration of access to medically necessary treatment generally have procedural safeguards for appeals (see Colorado Department of Education's parental rights document).