

Nebraska Statutes and Rules/Regulations Pertaining to School Health

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Reference Citation	Title	Brief Description
SUBJECT	SUBJECT IMMUNITY FOR INDIVIDUAL	
25-21,186	Emergency care at scene of emergency	Nebraska's "Good Samaritan" law
25-21,280	School, ESU, Early childhood educ. Program, school nurse...immunity	Provides immunity for the individual employed by the school who implements the emergency medication protocol in response to life-threatening asthma or anaphylaxis
SUBJECT	BIRTH CERTIFICATE REQUIRED	
43-2007	Schools; home school; duties	Requires certified copy of birth certificate within 30 days of enrollment.
SUBJECT	EXPOSURE CONTROL	
71-507	Terms, defined	Statutes 71-507 through 71-513 relate to blood borne pathogen exposures and include school personnel in a classification of emergency service providers.
71-508	Exposure to infectious disease or condition; form; department; duties	
71-509	Health care facility or alternate facility; emergency services provider; significant exposure; completion of form; reports required; tests; notification; costs	
71-510	Emergency services provider; public safety official; significant exposure; testing; conditions	
71-511	Information or test; confidentiality	
71-512	Health care facilities; provider agencies; adopt procedures.	
71-513	Immunity from liability; when	Any health care facility, provider agency, or agent, employee, administrator, physician, or other representative of such health care facility or provider agency who in good faith provides or fails to provide notification, testing, or other action as required by sections 71-507 to

		71-513 shall have immunity from any liability, either criminal or civil, that might result by reason of such action or inaction.
71-539	Legislative intent	Provides for exchange of immunization information between professionals, facilities, and departments
71-540	Immunization information; nondisclosure	Parents/guardians may prevent flow of info with written statement
71-541	Immunization information; sharing authorized	Who can share immunization info without consent and what can be shared
71-542	Immunization information; access by child care providers and schools; confidentiality; violation; penalty; fees	Schools may be given access to immunization info by providers. Such info is confidential
71-543	Rules and regulations	HHSS writes rules and regs
71-544	Immunity	Individuals who receive or release info as allowed not liable
SUBJECT	MEDICATION AIDE ACT	71-6718 to 71-6742
71-6718	Act, how cited	The set of statutes 71-6718 to 71-6742 shall be known and may be cited as the Medication Aide Act.
71-6719	Legislative findings	The administration of medications by persons other than oneself or one's caretaker should be a regulated act.
71-6720	Purpose of act; applicability	Trained persons assist competent individuals, caretakers, and licensed health care professionals in the administration of medications. The act applies to all settings in which medications are administered except the home. The act does apply to home when meds are provided through home health or community providers.
71-6721	Terms, defined	Important definitions of terms. See "administration of medication".
71-6722	Administration of medication; by whom	
71-6723	Administration of medication; methods authorized; conditions; additional methods; requirements	
71-6724	Medication Administration records	
71-6725	Minimum standards for competencies	Dept. of Ed. adopts and promulgates rules and regs setting methods for competency assessment of school members.
71-6735	Facility, school, or child care facility; subject to discipline.	

71-6739	Prohibited act; exceptions	Schools may use personnel determined to be competent under the act and authorized to administer meds (not required to be registered as a medication aide). Schools are not required to employ med aides or school nurses for this purpose.
71-6743	Rules and regulations	DHHS adopts and promulgates rules and regs for proper storage, handling, and disposal of meds in facilities and schools.
SUBJECT	PHYSICAL EXAM, VISUAL EVALUATION, AND IMMUNIZATION	
79-214	Admission of children; kindergarten or beginner grade; evidence of physical examination; visual evaluation	No child is admitted before reaching the age of five, unless certain requirements are met. A physical examination is required for school entry and at seventh-grade. Qualified providers are physicians, physician assistants, and advance practice registered nurses. Also required for school entry is a visual evaluation, consisting of testing for amblyopia, strabismus, internal and external eye health, and testing sufficient to determine visual acuity. The parent/guardian may object in writing. The cost is borne by parent/guardian.
79-217	Immunization	The school board of each school including each private, denominational, or parochial school shall cause students to be immunized prior to enrollment. Any student who does not comply shall not be permitted to continue in school until he or she complies.
79-218	Immunization clinics	Any school board may request assistance from HHS in establishing immunization clinics.
79-219	Immunization rules and regulations	NE Health and Human Services shall promulgate rules and regs relating to required immunization. The department shall furnish school authorities with rules and regs and any other material which will assist in the carrying out of sections 79-214 and 79-217 to 79-223.
79-220	Physical exam and visual eval: right of refusal	At the time parents/guardians are notified of physical exam and visual eval, they shall also be notified in writing of the right to refuse. They shall also be notified of a telephone number or other contact to obtain free or reduced-cost visual evaluations for low-income families who qualify.
79-221	Immunization; when not required	Allows medical exception through a signed statement by a physician, a physician assistant, or advance practice registered nurse. Also allows exception through a signed statement that immunization conflicts with tenets and practice of a recognized religious denomination of which the

		student is an adherent or member or immunization conflicts with the personal and sincerely followed religious beliefs of the student.
79-222	Immunizations; provisional enrollment	Describes when a student may be provisionally enrolled, when the student has begun immunizations required and is receiving immunizations as rapidly as is medically feasible. Provisional reenrollment shall not continue beyond sixty days from the date of such enrollment.
79-223	Violations	Any person violating the provisions of section 79-214, 79-217, 79-219, or 79-220
79-224	Asthma or anaphylaxis condition; self-management by student	Describes conditions when a student will be allowed to self-manage his or her asthma condition at school. A medical management plan must be provided to the school (see specifics). The parent/guardian must make a written request to the school. The parent/guardian must sign a statement to indemnify and hold harmless the school against any claim arising from the student's self-management.
79-225	Diabetic condition; self-management	Describes conditions when a student will allowed to self-manage his or her diabetes at school. A medical management plan must be provided to the school (see specifics). Similar to asthma self-management.
SUBJECT	SCHOOL HEALTH SCREENING	
79-248	Physical examination; notice of defects; contagious or infectious disease	Describes school screening: sight and hearing, dental defects, other conditions as prescribed by HHS. If such inspection finds any child may have a condition, the parent of the child shall be notified in writing, and the necessity of professional attendance for the child. Whenever a child apparently shows symptoms of any contagious or infectious, such child shall be sent home immediately or as soon as safe and proper conveyance can be found. Such child may be excluded from school as provided in section 79-264.
79-249	Rules and regs for screening; compliance with the medication aide act	HHS shall write rules and regs for conducting school health inspections, the qualifications of the person authorized to make inspections, and the health conditions to be observed, and furnish to school authorities, regulations and other useful materials for carrying out sections 79-248 to 79-253. No staff member of any school shall administer medication unless the school complies with the applicable requirements of the Medication Aide Act. Notwithstanding any other provision, nothing in the act shall be

		construed to require any school to employ or use a school nurse or medication aide in order to be in compliance with the act.
79-250	Health screening, when required	During the first quarter of each school year the school district shall provide the inspections required by section 79-248 for the children then in attendance. As children enter school during the year, such inspections must be made immediately upon their entrance.
79-251	Physical examination; duty of school board	The boards of education and school boards of the school districts of the state shall enforce the provisions of sections 79-248 to 79-253.
79-252	Physical examination; employment of physicians authorized	The board of education or school board may employ regularly licensed physicians to make physical exams or inspections in lieu of school health inspections.
79-253	Physical examinations; violation	Any person violating any of the provisions of sections 79-248 to 79-252 shall be guilty of a class V misdemeanor.
SUBJECT	EXCLUSION	See also, 79-248
79-264	Exclusion; emergency exclusion	Any student may be excluded from school in the following circumstances: dangerous communicable disease transmissible through normal school contacts and poses in imminent threat to the health or safety of the school community; if the student's conduct presents a clear threat to the physical safety of self or others. Emergency exclusion shall be based on clear factual situation warranting it. If the emergency exclusion shall extend beyond five days, the school board shall adopt a procedure for a hearing to be held and final determination made within ten school days after the initial date of exclusion.
SUBJECT	Concussions	
71-9101	Act, how cited	Concussion Awareness Act
71-9102	Legislative findings	Return to Play restrictions
71-9103	Terms, defined	Nebraska licensed health care professionals who may evaluate and manage traumatic brain injuries among a pediatric population
71-9104	School duties, partisan on athletic team; actions required, notice to parent/guardian, signature of licensed health care professional	Section © amended in 2014 "Establish a return to learn protocol for students that have sustained a concussion. The return to learn protocol shall recognize that student who have sustained a concussion and returned to school may need informal or formal accommodations, modifications of curriculum, and monitoring by medical or academic staff until the student is fully recovered.

71-9106	Act; how construed	Nothing in the Concussion Awareness Act shall be construed to create liability for or modify the liability or immunity of a school, school district, city, village, business, or nonprofit organization or the officers, employees, or volunteers of any such school, school district, city, village, business, or nonprofit organization
SUBJECT	MISCELLANEOUS	
79-305	Commissioner of Education; powers; duties	The commissioner may invoke rule-making authority.
79-318	State Board of Education; powers; duties	The state board of education may invoke rule-making authority.
79-715	Eye protective devices; required	Lists the school activities when protective eyewear must be worn.
79-201	Compulsory education; attendance required; exceptions	
79-209.	Nonattendance; school district duties	
38-178	Non-licensed persons practicing as a nurse	
44-2804	Physician, defined	
	RULES AND REGULATIONS	
92 NAC 51	Regulations and Standards for Special Education	
92 NAC 59	Medication Administration; emergency medication protocol	Regulations for School Health and Safety
172 NAC 95 and 96	Medication Aide Act	
172 NAC 99	Professional Licensure: Provision of Nursing Care	Standards for delegation, direction, and assignment of medical procedures, treatments and therapies.
173 NAC 3	School Health, Communicable Disease control, and physical examination and immunization standards.	
173 NAC 4	Immunization in early childhood programs	
173 NAC 7	School Health Screening, Physical Exam and Vision Evaluations	Screenings required for designated grade levels, procedures for doing the screenings and guidelines for assessing competency of unlicensed assistive personnel.