



Coventry Public Schools

Kenneth R. Di Pietro, Superintendent of Schools
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March 11, 2008

Peter Mc Walters, Commissioner
 RI Department of Education
 255 Westminster Street
 Providence, 02903 RI

Dear Commissioner Mc Walters;

I am writing on behalf of the Coventry School Committee to request approval of the process to seek approval to supplement the services of a nurse-educator with the services of a Licensed Practical Nurse (LPN) for not more than .5 FTE in a school served by a part-time nurse-educator. Although the Basic Education Plan does not require a full-time, nurse-educator at every school, regulations require that services be provided only by a nurse-educator. Coventry provides a nurse-educator at every school and is now considering the need to reduce the time allocation at selective elementary schools based on enrollment and medical needs. Rather than leave schools with no medical support for part of the school day, Coventry seeks to supplement the daily services of a nurse-educator with not more than .5 FTE, LPN services.

Recently, two nurse-educators announced their intent to retire. In planning for the 2008/2009 school year, the opportunity now exists, without having to lay off staff, to supplement nurse-educators who would be assigned half-time (.5 FTE) to an elementary school. Schools such as Feinstein Middle School and Coventry High School with over 1,000 students would retain a full-time, nurse-educator as currently scheduled. Similarly, Washington Oak Elementary with nearly 600 students and programs for special needs and medically fragile students would also retain a full-time, nurse educator. However, schools such as Oak Haven Elementary with approximately 250 students would be scheduled for a .5 FTE, nurse-educator. While there are a number of districts with less than full-time, nurse educators at schools, Coventry seeks to supplement nurse-educators with LPN's to ensure full-time, daily service to students. LPN's would not provide any instructional services. Their services would be strictly limited to an as-needed basis for medical concerns.

The alternative to seeking this variance or waiver, as it is determined, is to provide less than full-time service from a medical professional. If the medical needs of over 1,000 students in a given school are currently being met by one (1) nurse-educator, it seems reasonable to assume that a school with less than 400 students would reduce the time and service needs of a medical professional. However, if providing a nurse-educator for .5 FTE meets the BEP and general requirements, Coventry seeks authorization to provide additional medical-only services, which would otherwise not be provided, by a Licensed Practical Nurse at the additional cost to provide extra support for the health and welfare of our students.

I can be reached by phone or attend a meeting to discuss this matter if necessary.

Sincerely,



Kenneth R. Di Pietro
 Superintendent

C: Coventry School Committee

"Working Together To Improve Our Schools"

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State of Rhode Island and Providence Plantations
DEPARTMENT OF EDUCATION
Shepard Building
255 Westminster Street
Providence, Rhode Island 02903-3400

Peter McWalters
Commissioner

May 29, 2008

Kenneth R. Di Pietro
Superintendent of Schools
Coventry Public Schools
1675 Flat River Road,
Coventry, Rhode Island 02816

Dear Superintendent Di Pietro:

Thank you for your letter of March 11, 2008 in which you, "request approval or the process to seek approval to supplement the services of a nurse-educator with the services of a Licensed Practical Nurse (LPN) for not more than .5 FTE in a school served by a part-time nurse-educator." By "nurse educator" we take it that you mean "certified nurse-teacher." The requirement that certified school nurse teachers be employed to staff the school health programs created by R.I.G.L. 16-21-1 is based upon statute (R.I.G.L. 16-21-8) and not upon regulation. Given this fact, it appears that a statutory amendment would be required before your staffing plan would pass muster.

The applicable statute reads as follows:

R.I.G.L. 16-21-8 Certified nurse-teacher. – Each school system shall employ certified nurse-teacher personnel certified by the state department of elementary and secondary education; provided, however, that this section shall not apply to those school districts which are currently allowed to share certified nurse-teacher personnel by the department of elementary and secondary education. *The school health program as defined in §16-21-7 shall only be staffed by certified personnel.* (Emphasis added)

The Rhode Island Supreme Court has held that this statute means what it says – only certified school nurse-teachers may staff school health programs. *Cranston Teachers Association v. Cranston School Committee*, 424 A.2d 648 (R.I.1981) The Supreme Court, however, has indicated that that if a health service falls outside of the limits of the school health program then the requirement to employ a certified school nurse teacher is not applicable. *Rhode Island Department of Education v. Warwick School Committee*, 696 A.2d 281 (R.I. 1997).

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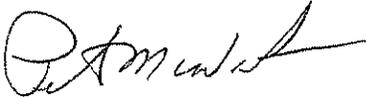
The Board of Regents does not discriminate on the basis of age, color, sex, sexual orientation, race, religion, national origin, or disability.

Kenneth R. Di Pietro
Superintendent of Schools
Page 2

Since your letter seems to suggest that licensed practical nurses would be used to provide "daily" medical services to students, it is likely that your proposal would run afoul of R.I.G.L. 16-21-1. This question is one that you should initially discuss with your legal counsel and your school physician. Please note that a school district must employ sufficient staff to carry out the statutory mandate concerning the provision of school health services.

If I can be of any further help in this matter, please let me know.

Sincerely,



Peter McWalters
Commissioner

Cc: David V. Abbott