

Procedure for Releasing Students for Confidential Medical Services

Note: To respect student confidentiality, this procedure is designed to share a minimal amount of information with a minimal number of staff members.

Confidential medical services could include family planning services, contraception, pregnancy, STD testing and treatment, HIV/AIDS testing and treatment, substance abuse services, sexual assault treatment, and mental health treatment and counseling if (1) the minor, in the opinion of the attending professional person, is mature enough to participate intelligently in the services, and (2) the minor would present a danger of serious physical or mental harm to self or others without the services, or is the alleged victim of incest or child abuse. When a student notifies a school staff member of the need to obtain confidential medical services, the staff person should:

1. Speak with the student if he or she feels comfortable discussing the issue, and provide resources to medical services available in the community. In schools with Wellness Programs, refer the student to the Wellness Coordinator or School District Nurse.
2. If the student is not referred to the Wellness Program, assess whether there is reason *not* to excuse the student. School officials releasing students for medical services must assess whether or not the student's request for release is reasonable. For example, it may not be reasonable to release a student for services if the student has requested this kind of release on multiple occasions and did not access the services and/or there is reasonable suspicion that the student is not actually going to access the services. The standard of care is whether a person of ordinary prudence, charged with the same duties, would release the student for services (see Attachment B, 4.b.)
3. Unless the appointment is already made, you may assist the student in identifying an appropriate clinic or health care provider if they request your help and you feel comfortable doing so. If appropriate, assist the student in calling the clinic and confirming the appointment. If it is possible for the student, it is preferable to schedule appointments for after school hours.
4. Complete the District Permit to Leave form with the student. Indicate ***"appointment"*** as the reason for leaving and sign on the "authorized signature" line. See attachment "A" for a sample permit to leave. Some sites may use different forms. Leave the line for the telephone number blank.
 - Give the student the white copy of the form,
 - Give the pink copy to the attendance clerk,
 - Give the blue copy to the teacher, if appropriate.
 - Inform the student that it is usual for an administrator to be informed of confidential medical services absences. Assure the student that no other information will be shared with anyone at the school.

5. Ask the student to bring back verification of the appointment to you (such as a clinic appointment slip) when he/she returns to school.

*Note: Apart from **administration**, the following staff can be authorized to release students for confidential medical services: academic counselor, Wellness Coordinator, School District Nurse. If appropriate, and after consultation and clearance with the principal, a classified staff person (e.g .Community Health Outreach Worker), may be authorized to sign District Permit to Leave Form.*

6. Notify the one designated school administrator of the student's release, mentioning ONLY that the student has been granted an excuse in order to obtain confidential medical services, according to Education Code 46010.1.
7. When the student returns from the appointment, ask the student to show you the appointment verification slip. **DO NOT file the appointment slip.** The appointment slip may be given back to the student or discarded.
8. If appropriate, seek permission from the student to release this information to the school nurse, Wellness Coordinator, or other appropriate staff member in order to provide the necessary education and follow-up services.

DO NOT:

- Provide transportation for the student to the medical appointment: School officials MAY NOT provide or arrange for transportation for the student to the services or accompany the student to the medical services (Attachment B.1).
- Assume any responsibility for the student once he/she leaves the school grounds.

Procedure for Admitting Students who are tardy/or released in the middle of the day due to Confidential Medical Services

1. Ask the student for a note from the health care provider or clinic indicating that he/she attended appointment. The attendance clerk only needs to verify the appointment and should not discuss the reason for the appointment.
2. Provide student with an excused absence note in order to be admitted to class. *Return the appointment verification note to the student; **DO NOT file the clinic/medical/appointment slip.***

**Attachment A
District Permit to Leave School Form**

**SAN FRANCISCO UNIFIED SCHOOL DISTRICT
PERMIT TO LEAVE SCHOOL**

Name _____ **Reg. Room** _____
Last Name First Name

Time _____ **Permission by** _____ **Date** _____

Reason _____ **Tel** _____

Time of departure from school _____ **o'clock**

Signature of authorized staff _____

White copy to student
Pink copy to attendance clerk
Blue copy to teacher

13-1590

**SAN FRANCISCO UNIFIED SCHOOL DISTRICT
PERMIT TO LEAVE SCHOOL**

Name _____ **Reg. Room** _____
Last Name First Name

Time _____ **Permission by** _____ **Date** _____

Reason _____ **Tel** _____

Time of departure from school _____ **o'clock**

Signature of authorized staff _____

White copy to student
Pink copy to attendance clerk
Blue copy to teacher

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Attachment B

Legal Background and District Liability

California Education Code

According to California Education Code 46010.1 “school authorities may excuse any pupil in grades 7 through 12 from the school for the purpose of obtaining confidential medical services *without the consent of the pupil’s parent or guardian.*” The SFUSD Student and Parent/Guardian Handbook Supplement, 2007-2008 cites this section on page 109.

Notes:

1. Confidential medical services could include family planning services; contraception; pregnancy; STD testing and treatment; HIV/AIDS testing and treatment; substance abuse services; sexual assault treatment; or mental health treatment and counseling if (1) the minor, in the opinion of the attending professional person, is mature enough to participate intelligently in the mental health services, and (2) the minor would present a danger of serious physical or mental harm to self or others without the mental health services or is the alleged victim of incest or child abuse.
2. The student has the privilege, not the right, to be excused for accessing services. A school authority is responsible for granting the student’s release for appropriate reasons (refer to 4.b. below).

District Liability

According to Education Code section 44808, the District is not liable for student conduct or safety when students are off of school property, unless:

1. District is providing student with transportation to and from school

Therefore, in excusing students, school officials MAY NOT provide or arrange for transportation for the student to the services or accompany the student to the medical services.

2. District has undertaken a school-sponsored activity off campus

Confidential medical services provided by outside medical professionals do not qualify as school-sponsored activities.

3. District has specifically assumed such responsibility

School authorities should not assume any responsibility for the student once the student leaves the school grounds. For example, school officials should not walk the student from the school to a bus stop.

4. District failed to exercise reasonable care when releasing student from school

- a. Under state common law, a District may be liable for student injuries that occur off campus if such injuries are proximately caused by the school's failure to reasonably supervise students when they were on school premises. For example, a school could be liable for off-campus injuries sustained by a truant student if the school failed to exercise reasonable care in its supervision of students to prevent truancy.

Note: If a school does not allow a student to be excused to receive services, it is possible that he/she will cut class in order to access the services. If the student leaves school property without being detected, the school may be liable for injuries sustained by the student while away from school grounds if the school failed to provide reasonable supervision to prevent this truancy.

- b. The District may also be liable for off-campus injuries if the school has specific knowledge that release of the student for confidential medical services would not be reasonable.

School officials releasing students for confidential medical services must assess whether or not the student's request for release is reasonable. For example, it may not be reasonable to release a student for services if the student has requested this kind of release on multiple occasions and did not access the services and/or there is reasonable suspicion that the student is not actually going to access the services. The standard of care is whether a person of ordinary prudence, charged with the same duties, would release the student for services.

Attachment C
Communication Guidelines
When Working With
Students Seeking Confidential Medical Services

Talking with Students

- Let the student know that your conversation is confidential unless there is danger to self or others. The school records will indicate “appointment.”
- Inform the student that certain school officials will need to know that he/she is being excused for confidential medical services (the attendance clerk and one administrator). Assure the student that no other information will be shared with these individuals.
- Assure the student that every effort will be made not to call his/her parent or guardian to inform them about the appointment. If a parent/guardian contacts the school to inquire, school officials will follow the protocol listed below.
- In advance of allowing the student to leave, inform the student if a parent/guardian does call, the parent may be referred back to the student to ask questions regarding the absence. Inform the student that you will assist in this discussion with the parent.

Considerations Regarding Communication with Parents/Guardians

If the Wellness Program has been involved with the student’s referral to Confidential Medical Services, inform the Wellness Coordinator if a parent/guardian has contacted you regarding the appointment. Do not refer the parent to the Wellness Program without informing the Wellness Coordinator first.

In the case of a parent/guardian of a student contacting a school official to inquire about his/her child’s release from school without parental/guardian notification, we suggest the following talking points:

- Refer to the Permit to Leave Form and inform the parent/guardian that you only have “appointment” indicated on the form. There may not be a Permit to Leave Form, and the parent/guardian may be referring to an “excused” absence as noted on the report card. Inform the parent/guardian that you will have to get back to them. This will allow time to consider all of the issues regarding the student’s rights to receive confidential medical services.
- Refer the parent/guardian to California Education Code 46010.1 and the Student and Parent/Guardian Handbook Supplement, 2012-2012, page 99, which states: “school authorities may excuse any pupil in grades 7 through 12 from the school for the purpose of obtaining confidential medical services without the consent of the pupil’s parent/guardian/caregiver.”
- Invite the parent/guardian to speak directly with the student.