

Since You Asked, continued from page 9-----

- School districts are required to provide student health services that are necessary for the student to take part in the educational opportunities provided by the school district as long as those services do not require administration by a physician.
- Where the employee is concerned about the potential for personal liability, seek your attorney's opinion about applicability of your state's Governmental Immunity Act to the situation. Typically, such statutes will immunize staff members from liability so long as they act reasonably, without malice, and within the scope of their employment. It is a good idea for an authorized person (e.g., the Director of Student Services, a principal etc.) in consultation with you, to provide a written directive on which the employee can rely.
- Personal liability is less an issue than whether the employee is obligated to follow a job directive. If that obligation exists, and the job directive is reasonable (not necessarily through the lens of the employee himself/herself), the employee could be considered to be insubordinate if the job duty is not performed.

- It is important to consider how you will address privacy issues for the student with seizures.
- It is just important that you consider whether the administration will have implications for the safety and welfare of other students. How will you minimize these implications?

The answers to all these questions are necessary before you can know what the responsibilities of the employee, and the school district, really are. It's best for you to work in concert with the Director of Student Services (or whoever has responsibility for health-related services) to determine if the process followed in concluding that it is necessary to train the driver or monitor to administer of the suppository, or any medication, has been appropriate.

Finally, if transportation must begin "tomorrow," as is often the case, how will the school district get its "ducks in a row" in time? If you can't do so such that the safety of the student can be assured, and the concerns listed above are resolved, try to negotiate a brief delay with the parents by offering an alternative means of transportation (i.e., parent reimbursement) in the interim.



Publisher's Note: *Since You Asked* is a regular column of **Legal Routes**. It is designed to make "your roadmap" even more of a personalized navigation aid. We welcome the opportunity to help you with your specific concerns. We'll travel a wide path of issues, ranging as broad as your questions may be.

To have your question considered for *Since You Asked*, e-mail your question to myroadmap@legalroutes.com or send it to **Legal Routes**, P.O. Box 427, Arlington VA 22210.

Bulletin Board

Save these dates! The 12th National Conference & Exhibition on Transporting Students with Disabilities & Preschoolers will be held March 5-10, 2004 in Atlanta GA at the Renaissance Waverly Hotel and Cobb Galleria Centre. The 7th National Special Needs Team Safety Roadeo conducted by the Pupil Transportation Safety Institute will be on Saturday, March 6. The Exhibition will be on Tuesday, March 9. For information go to www.eduprogroup.com, e-mail conference@eduprogroup.com, or call Roseann Schwaderer at (703) 288-4088.

Price reduced! "Confidential Records: Training for School Bus Drivers" with Peggy A. Burns is now available at the special price of \$99.50 plus \$10 shipping and handling. Drivers and monitors often need access to confidential student information. Both FERPA and IDEA require that school bus personnel first be trained about the use and misuse of such information. This 16-minute video meets the training requirements of these federal laws. Send your check or purchase order to Education Compliance Group, P.O. Box 221, Lafayette CO 80026; fax is (303) 604-6143; phone is (888) 604-6141. Colorado purchasers add 3.8% sales tax or provide tax exemption number.

See you in Reno? **Legal Routes** will be attending the STN School Bus Expo 2003 in Reno, NV August 2-5. Look for Peggy Burns and Roseann Schwaderer in the meeting rooms and at our booth during the Exhibition on August 5. For information on the Expo go to www.stnonline.com or call (310) 792-2226.