

(a) If upon assessment or investigation there is no determination of maltreatment or the need for child protective services, the records may be maintained for a period of four years. After the individual alleged to have maltreated a child is notified under section 5 of the determinations at the conclusion of the assessment or investigation, upon that individual's request, records shall be destroyed within 30 days.

(b) All records relating to reports which, upon assessment or investigation, indicate either maltreatment or a need for child protective services shall be destroyed seven years after the date of the final entry in the case record.

(c) All records regarding a report of maltreatment, including any notification of intent to interview which was received by a school under subdivision 10, paragraph (d), shall be destroyed by the school when ordered to do so by the agency conducting the assessment or investigation. The agency shall order the destruction of the notification when other records relating to the report under investigation or assessment are destroyed under this subdivision.

Sec. 9. REPEALER.

Minnesota Statutes 1986, section 626.556, subdivision 13, is repealed.

Approved April 24, 1988

CHAPTER 626—S.F.No. 2137

*An act relating to education; modifying certain requirements relating to school health services; amending Minnesota Statutes 1986, section 123.35, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 126; repealing Minnesota Statutes 1987 Supplement, sections 123.35, subdivision 16; and 126.201.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1986, section 123.35, is amended by adding a subdivision to read:

Subd. 17. SCHOOL HEALTH SERVICES. (a) Every school board must provide services to promote the health of its pupils.

(b) The board of a district with 1,000 pupils or more in average daily membership in early childhood family education, preschool handicapped, elementary, and secondary programs must comply with the requirements of this paragraph. It may use one or a combination of the following methods:

(1) employ personnel, including at least one full-time equivalent licensed school nurse or continue to employ a registered nurse not yet certified as a public health nurse who is enrolled in a program that would lead to certification within four years of the effective date of this section;

New language is indicated by underline, deletions by ~~strikeout~~.

(2) contract with a public or private health organization or another public agency for personnel during the regular school year, determined appropriate by the board, who are currently licensed under chapter 148 and who are certified public health nurses; or

(3) enter into another arrangement approved by the state board of education.

Sec. 2. [126.202] ADMINISTRATION OF DRUGS AND MEDICINE.

Subdivision 1. APPLICABILITY. This section applies only:

(1) when the parent of a pupil requests school personnel to administer drugs or medicine to the pupil; or

(2) when administration is allowed by the individual education plan of a handicapped child.

The request of a parent may be oral or in writing. An oral request must be reduced to writing within two school days, provided that the district may rely on an oral request until a written request is received.

Subd. 2. EXCLUSIONS. In addition, this section does not apply to drugs or medicine:

(1) that can be purchased without a prescription;

(2) that are used by a pupil who is 18 years old or older;

(3) that are used in connection with services for which a minor may give effective consent, including section 144.343, subdivision 1, and any other law;

(4) that are used in situations in which, in the judgment of the school personnel who are present or available, the risk to the pupil's life or health is of such a nature that drugs or medicine should be given without delay;

(5) that are used off the school grounds;

(6) that are used in connection with athletics or extra curricular activities;

(7) that are used in connection with activities that occur before or after the regular school day; or

(8) that are provided or administered by a public health agency in order to prevent or control an illness or a disease outbreak as provided for in sections 144.05 and 144.12.

Subd. 3. LABELING. Drugs or medicine subject to this section must be in a container with a label prepared by a pharmacist according to section 151.212 and applicable rules.

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 4. ADMINISTRATION. Drugs and medicine subject to this section must be administered in a manner consistent with instructions on the label. Drugs and medicine subject to this section must be administered, to the extent possible, according to school board procedures that must be developed in consultation:

(1) with a school nurse, in a district that employs a school nurse;

(2) with a licensed school nurse, in a district that employs a licensed school nurse;

(3) with a public or private health or health-related organization, in a district that contracts with a public or private health or health-related organization, according to section 1; or

(4) with the appropriate party, in a district that has an arrangement approved by the state board of education, according to section 1.

Subd. 5. HANDICAPPED CHILDREN. For drugs or medicine used by handicapped children, administration may be as provided in the individual education plan.

Subd. 6. HEALTH TREATMENTS. For the purpose of this section, special health treatments and health functions, such as catheterization, tracheostomy suctioning, and gastrostomy feedings, do not constitute administration of drugs or medicine.

### Sec. 3. REPEALER.

Minnesota Statutes 1987 Supplement, section 126.201, is repealed the day following final enactment. Minnesota Statutes 1987 Supplement, section 123.35, subdivision 16, is repealed August 1, 1988.

Approved April 24, 1988

## CHAPTER 627—S.F.No. 2150

*An act relating to state contracts; prohibiting the state from requiring Indian tribes or bands to deny their sovereignty to contract with the state; amending Minnesota Statutes 1986, section 16B.06, by adding a subdivision.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1986, section 16B.06, is amended by adding a subdivision to read:

Subd. 6. CONTRACTS WITH INDIAN TRIBES AND BANDS. Notwithstanding any other law, the state may not require an Indian tribe or band to

New language is indicated by underline, deletions by ~~strikeout~~.