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OAKLAND UNIFIED
SCHOOL DISTRICT

Community Schools, Thriving Students

Memo

To Board of Education

From Curtiss Sarikey, Associate Superintendent
Jacqueline Minor, General Counsel

Board Meeting Date September 11, 2013

Subject Approval of New Board Policy No. 5141.21 (Administering Medication and Monitoring Health Conditions)

Action Requested Approval of New Board Policy No. 5141.21 (Administering Medication and Monitoring Health Conditions)

Background
A one paragraph explanation of why the consultant's services are needed.

Some students need to take medication prescribed by a health care provider during the school day. The District's current Board Policy 5141.21 (Administering Medication and Monitoring Health Conditions) was adopted in 2004. There have been a number of changes in to the law and District practices since that time. The District also does not have an Administrative Regulation on the Administering Medication and Monitoring Health Conditions. The attached New Board Policy 5141.21 is intended to replace the current policy. The Superintendent will also promulgate a new implementing Administrative Regulation.

Discussion
One paragraph summary of the scope of work.

The most significant change in the Board Policy on administering medication to students is the result of a decision announced by the California Supreme Court on August 13, 2013. The Court ruled that trained, unlicensed school personnel may administer prescription medications, including insulin and anti-seizure drugs so long as the parent consents and the school is following written instructions from the student's physician. This means, for the first time that District employees who are not nurses, but who 1) are trained and 2) volunteer to do so may administer medication to District students.

Recommendation Approval of Revised Board Policy Board Policy No. 5141.21 Administering Medication and Monitoring Health Conditions

Fiscal Impact Funding resource name: N/A

Attachments

- New Board Policy No. 5141.21 Administering Medication and Monitoring Health Conditions
- Existing Board Policy No. 5141.21 Administering Medication and Monitoring Health Conditions

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

BP 5141.21 - Administering Medication and Monitoring Health Conditions

Students

The Governing Board recognizes that during the school day, some students may need to take medication prescribed or ordered by an authorized health care provider to be able to fully participate in the educational program. The Superintendent or designee shall develop processes for the administration of medication to these students. The Superintendent or designee shall also notify the parent or guardian that their child may qualify for services or accommodations under Section 504 of the Rehabilitation Act of 1973. For any student with a disability, as defined under the Individuals with Disabilities Education Act or Section 504, necessary medication shall be administered in accordance with the student's individualized education program or Section 504 services plan.

(cf. 6159 - Individualized Education Program)

(cf. 6164.6 - Identification and Education Under Section 504)

If a parent/guardian chooses, he/she may administer the medication to his/her child at school or designate another individual who is not a school employee to do so on his/her behalf.

(cf. 1250 - Visitors/Outsiders)

(cf. 6116 - Classroom Interruptions)

In addition, upon written request by the parent/guardian and with the approval of the student's authorized health care provider, a student with a medical condition that requires frequent treatment, monitoring, or testing may be allowed to self-administer, self-monitor, and/or self-test. The student shall observe universal precautions in the handling of blood and other bodily fluids.

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.23 - Asthma Management)

(cf. 5141.27 - Food Allergies/Special Dietary Needs)

Administration of Medication by School Personnel

California law permits trained, unlicensed school personnel to administer prescription medications, including insulin in accordance with written instructions from a student's treating physician, with parent consent.

Any medication prescribed by an authorized health care provider, including an emergency antiseizure medication for a student with epilepsy, may be administered by the school nurse or other designated trained, licensed school personnel only when the Superintendent or designee

has received written statements from both the student's parent/guardian and authorized health care provider. (Education Code 49414.7, 49423; 5 CCR 600) Whenever possible, an emergency antiseizure medication should be administered by a school nurse or a licensed vocational nurse who has been trained in its administration. However, trained nonmedical school personnel may volunteer to provide emergency medical assistance, including administering antiseizure medication, to pupils with epilepsy suffering from seizures when a nurse is not available, as provided by Education Code Section 49414.7.

School nurses and other designated school personnel shall administer medications in accordance with law, Board policy, and administrative regulation and shall be afforded appropriate liability protection.

(cf. 3530 - Risk Management/Insurance)

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

(cf. 5141.24 - Specialized Health Care Services)

When unlicensed personnel are authorized by law to administer a medication, such as emergency antiseizure medication, epinephrine auto-injector, or glucagon, the Superintendent or designee shall ensure that school personnel designated to administer it to students receive appropriate training from qualified medical personnel before any medication is administered. At a minimum, the training shall cover how and when such medication should be administered, the recognition of symptoms and treatment, emergency follow-up procedures, and the proper documentation and storage of medication. Such trained, unlicensed designated school personnel shall be supervised by and provided with emergency communication access to a school nurse, physician, or other appropriate individual.

The Superintendent or designee shall maintain documentation of the training, ongoing supervision, as well as annual written verification of competency of such other designated school personnel.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

In an emergency situation such as a public disaster or epidemic, a trained, unlicensed district employee may administer medication to a student.

Legal Reference:

EDUCATION CODE

48980 Notification at beginning of term

49407 Liability for treatment

49408 Emergency information
49414 Emergency epinephrine auto-injectors
49414.5 Providing school personnel with voluntary emergency training
49414.7 Emergency medical assistance: administration of epilepsy medication
49422-49427 Employment of medical personnel, especially:
49423 Administration of prescribed medication for student
49423.1 Inhaled asthma medication
49480 Continuing medication regimen; notice
BUSINESS AND PROFESSIONS CODE
2700-2837 Nursing, especially:
2726 Authority not conferred
2727 Exceptions in general
3501 Definitions
CODE OF REGULATIONS, TITLE 5
600-611 Administering medication to students
UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act of 1974
1400-1482 Individuals with Disabilities Education Act
UNITED STATES CODE, TITLE 29
794 Rehabilitation Act of 1973, Section 504
COURT DECISIONS
American Nurses Association v. Torkalson, CA Supreme Court, Case No. 5184583 (decided
8/12/2013)

Management Resources:

AMERICAN DIABETES ASSOCIATION PUBLICATIONS

Glucagon Training Standards for School Personnel: Providing Emergency Medical Assistance to Pupils with Diabetes, May 2006

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools, August 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Training Standards for the Administration of Epinephrine Auto-Injectors, December 2004

NATIONAL DIABETES EDUCATION PROGRAM PUBLICATIONS

Helping the Student with Diabetes Succeed: A Guide for School Personnel, June 2003

WEB SITES

CSBA: <http://www.csba.org>

American Diabetes Association: <http://www.diabetes.org>

California Department of Education, Health Services and School Nursing:

<http://www.cde.ca.gov/ls/he/hn>

National Diabetes Education Program: <http://www.ndep.nih.gov>

U.S. Department of Health and Human Services, National Institutes of Health, Blood Institute, asthma information: <http://www.nhlbi.nih.gov/health/public/lung/index.htm#asthma>

9/11/2013

Certified: Gary Yee
Gary Yee Ed.D., Secretary
Board of Education

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By: [Signature]

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy [Policy adopted in 2004, being replaced by new policy September 11, 2013]

BP 5141.21 - Administering Medication and Monitoring Health Conditions
Students

The Governing Board recognizes that students may need to take prescribed medication during the school day in order to be able to attend school without jeopardizing their health.

When the district has received written statements from the student's physician and parent/guardian, designated personnel shall assist the student in taking the medication. In addition, upon written request, designated personnel may assist the student in monitoring, testing or other treatment of an existing medical condition. (Education Code 49423)

(cf. 3530 - Risk Management/Insurance)
(cf. 5141.24 - Specialized Health Care Services)

Upon written request by the parent/guardian and with the approval of the student's physician, a student with an existing medical condition that requires frequent monitoring, testing or treatment may be allowed to self administer this service. The student shall observe universal precautions in the handling of blood and bodily fluids.

(cf. 4119.43 - Universal Precautions)
(cf. 5141.23 - Infectious Disease Prevention)

Anaphylactic Injections

The Board recognizes that some students have allergies of such severity that they may require an emergency anaphylactic injection during the course of the school day. Parents/guardians who are aware of this foreseeable need may ask the district to provide such injections in accordance with administrative regulations.

School staff who may be required to administer anaphylactic injections shall receive training from qualified medical personnel. They will be authorized to administer the injections in accordance with administrative regulations and will be afforded appropriate liability protection.

(cf. 5141 - Health Care and Emergencies)

Legal Reference:

EDUCATION CODES:

- 49407 Liability for treatment
- 49408 Emergency information
- 49423 Administration of prescribed medication for student
- 49423.5 Specialized health care services
- 49426 School nurses
- 49480 Continuing medication regimen; notice

BUSINESS AND PROFESSIONS CODES:

- 2700-2837 Nursing, especially:
- 2726 Authority not conferred
- 2727 Exceptions in general

7/14/04