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**OAKLAND UNIFIED
SCHOOL DISTRICT**
Community Schools, Thriving Students

Memo

To Board of Education

From Joanna Powell, Staff Attorney
Jennifer Blake, Director of Special Education

Board Meeting Date 10/28/2020

Subject Amendment – Board Policy BP 5141.21 – Administering Medication And Monitoring Health Conditions

Action Requested and Recommendation Approval of revisions to the Oakland Unified School District’s BP 5141.21, Administering Medication And Monitoring Health Conditions

Background and Discussion The current version of BP 5141.21 allows administration of medical cannabis on school campuses where (1) parents themselves (rather than school staff) administer medical cannabis to students, and (2) the medical cannabis is not stored on campus.

Certain medical conditions (particularly seizure disorders) require the emergency administration of medical cannabis—i.e., administration immediately upon the onset of symptoms. This does not leave time for parents to bring medical cannabis to campus and administer it themselves.

The revised BP 5141.21 would allow medical cannabis to be administered by staff (on a volunteer basis) and stored on campus in certain, limited situations, where the following conditions are met:

- The student presents the District with documentation of a serious medical condition by a licensed physician
- The student presents the District with evidence of a medical recommendation for medicinal cannabis (excluding products in a smokeable or vapeable form) by a licensed physician
- The student’s parent/guardian signs a release allowing the licensed physician treating the student for the serious medical condition at issue to exchange information with the District, and that treating physician confirms, in a format to be determined by District staff (either in writing or during a live conversation with District staff), that medical cannabis (of the type identified in the medical



recommendation) is necessary to treat that serious medical condition

- The student's Section 504 Plan or Individualized Education Plan ("IEP") documents the need for emergency administration of medical cannabis in order for the student to access their education
- Medical cannabis is administered in accordance with AR 5141.21, including the requirement that school personnel only administer medication on a voluntary basis.
- The student's parent/guardian designates, in writing, staff member(s) responsible for administering medical cannabis as the student's "primary caregivers" during the school day.

Fiscal Impact

No direct funding implications

Attachments

BP 5141.21 – Redlined
BP 5141.21 – Clean

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

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)

Medicinal Cannabis

The parent/guardian of a student who is a qualified patient pursuant to Health and Safety Code 11362.7-11362.85 may administer medicinal cannabis, excluding medicinal cannabis or cannabis products in a smokeable or vapeable form, to the student at a school site. ~~School personnel are not authorized to administer medicinal cannabis to a student.~~ (Education Code 49414.1)

Before administering medicinal cannabis at a school site, the parent/guardian shall provide to the principal or designee a valid written medical recommendation for the student to be given medicinal cannabis, which shall be kept on file at the school. The parent/guardian shall sign in at the school site before administering the medication, and shall not administer the medication in a manner that disrupts the educational environment or exposes other students. After the parent/guardian administers the medication, the parent/guardian shall remove any remaining medicinal cannabis from the school site. (Education Code 49414.1)

Notwithstanding the foregoing, the Board recognizes that, in limited situations, research supports the use of medical cannabis for treatment of certain serious medical conditions in emergency situations, including, but not limited to, for the treatment of certain epileptic seizures. Accordingly, medical cannabis may be stored at the school site and administered by school personnel to the student, so long as all of the following conditions are satisfied:

- The student presents the District with documentation of a serious medical condition by a licensed physician
- The student presents the District with evidence of a medical recommendation for medicinal cannabis (excluding products in a smokeable or vapeable form) by a licensed physician
- The student's parent/guardian signs a release allowing the licensed physician treating the student for the serious medical condition at issue to exchange information with the District, and that treating physician confirms, in a format to be determined by District staff (either in writing or during a live conversation with District staff), that medical cannabis (of the type identified in the medical recommendation) is necessary to treat that serious medical condition
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- Medical cannabis is administered in accordance with AR 5141.21, including the requirement that school personnel only administer medication on a voluntary basis.
- The student's parent/guardian designates, in writing, staff member(s) responsible for administering medical cannabis as the student's "primary caregivers" during the school day.

The decision to allow administration of medical cannabis must be made by either a 504 Team or IEP team, in consultation with the District's Health Services Department. In addition, the student's parent or guardian must sign a waiver stating they are aware of and voluntarily assume all risks associated with the administration of medical cannabis.

Legal Reference:

EDUCATION CODES:

49407 Liability for treatment

49408 Emergency information

49414.1 Administration of medicinal cannabis; definitions; policy

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; 9/11/13A; 3/25/20A; 10/28/20A

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