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**OAKLAND UNIFIED
SCHOOL DISTRICT**

Community Schools, Thriving Students

Board Cover Memorandum

To Board of Education

From Kyla Johnson-Trammell, Superintendent
Sondra Aguilera, CAO
Jenn Blake, Executive Director, Special Education

Meeting Date April 24, 2024

Subject Amendment to Board Policy 5141.21: Administering Medication and Monitoring Health Conditions

Ask of the Board Approval by the Board of Education of the amendment to Board Policy 5141.21: Administering Medication and Monitoring Health Conditions related to the 2024-2027 Oakland Unified SELPA Part B Special Education Local Plan

Background The California Department of Education requires that each Special Education Local Plan Area (SELPA) create, adopt and implement a Local Plan, Annual Budget Plan, and Annual Service plan. The Local Plan must be revised every three years, and it contains detailed information about the operations, procedures and governance structures of the SELPA. Part B of the Local Plan requires review of board policies related to serving students with disabilities to assure conformity with Title 20 *United States Code (USC)* and in accordance with Title 34 *Code of Federal Regulations (CFR)* Section 300.201.

Discussion We ask that the Board approve the amendment to Board Policy 5141.21: Administering Medication and Monitoring Health Conditions to assure that Oakland Unified Board Policies align with language required by the California Department of Education (CDE) related to the Special Education Local Plan.

Fiscal Impact No Fiscal Impact. Will use existing Special Education funds. Funds can be withheld by the California Department of Education (CDE) if the plan is not adopted in a timely manner.

Attachment(s)

- BP 5141.21: Administering Medication & Monitoring Health (Redline)
- BP 5141.21: Administering Medication and Monitoring Health Conditions (Clean)

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

BP 5141.21

Students

Administering Medication and Monitoring Health Conditions

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. It shall be the policy of this LEA to prohibit school personnel from requiring a student to obtain a prescription for a substance covered by the Controlled Substances Act as a condition of attending school or receiving a special education assessment and/or services.

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)

Opioid Antagonist Administration

The Superintendent or designee shall make naloxone hydrochloride or another opioid antagonist available for emergency medical aid to any person suffering, or reasonably believed to be suffering, from an opioid overdose. (Education Code 49414.3)

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. (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

* 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.

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; 11/30/22A; 4/24/24A

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