

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS

Student Medication

The Monterey County Board of Education (County Board) believes that regular school attendance is critical to student learning and that students who need to take medication prescribed or ordered for them by their authorized health care providers should be able to participate in the educational program.

(cf. 5113 - Absences and Excuses)
(cf. 5113.1 - Chronic Absence and Truancy)

Any medication prescribed for a student with a disability who is qualified to receive services under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 (Section 504) shall be administered in accordance with the student's Individualized Education Program (IEP) or Section 504 services plan, as applicable.

(cf. 5141.24 - Specialized Health Care Services)
(cf. 6159 - Individualized Education Program)
(cf. 6164.6 - Identification and Education Under Section 504)

For the administration of medication to other students during school or school-related activities, the Monterey County Superintendent of Schools (County Superintendent) or designee should develop protocols which shall include options for allowing parents/guardians to administer medication to their child at school, designate other individuals to do so on their behalf, and, with the student's authorized health care provider's approval, request the Monterey County Office of Education (MCOE) permission for the student to self-administer a medication or self-monitor and/or self-test for a medical condition. Such processes shall be implemented in a manner that preserves campus security, minimizes instructional interruptions, and promotes student safety and privacy.

(cf. 1250 - Visitors/Outsiders)
(cf. 5141 - Health Care and Emergencies)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.23 - Asthma Management)
(cf. 5141.27 - Food Allergies/Special Dietary Needs)
(cf. 6116 - Classroom Interruptions)

The County Superintendent or designee should make epinephrine auto-injectors available at each school for providing emergency medical aid to any person suffering, or reasonably believed to be suffering, from an anaphylactic reaction. [Education Code (EC) 49414]

The County Superintendent or designee should 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. In choosing to make such medications available, the MCOE should be aware of the possibility of increased liability and should consult legal counsel accordingly. [EC 49414.3]

Medical Cannabis

The parent/guardian of a student who is a qualified patient pursuant to Health and Safety Code (HSC) 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.** [EC 49414.1]

Before administering medicinal cannabis at a school site, at a minimum, all of the following elements shall be applied:

1. The parent or guardian shall sign in at the school site before administering the medicinal cannabis
2. Before administering the medicinal cannabis, the parent or guardian shall provide to the principal or designee of the school a valid written medical recommendation for medicinal cannabis for the pupil to be kept on file at the school
3. The parent or guardian shall administer the medicinal cannabis in a manner that does not disrupt the educational environment or expose other pupils
4. After the parent or guardian administers the medicinal cannabis, the parent or guardian shall remove any remaining medicinal cannabis from the school site.

For purposes of this policy, the following apply:

1. "Cannabis products" has the same meaning as in Section 11018.1 of the HSC
2. "Medicinal cannabis" excludes medicinal cannabis or cannabis products in a smokeable or vapeable form.

In order to protect the privacy of pupils, and parents and guardians of pupils, who are administered medicinal cannabis, it is necessary that pupil records collected for the purpose of administering medicinal cannabis be confidential.

Emergencies

The County Superintendent or designee is urged to collaborate with city and county emergency responders, including local public health administrators, to design procedures or measures for addressing an emergency such as a public disaster or epidemic.

(cf. 3516 - *Emergencies and Disaster Preparedness Plan*)

Administration of Medication by School Personnel

When allowed by law, medication prescribed to a student by an authorized health care provider may be administered by a school nurse or, when a school nurse or other medically licensed person is unavailable and the physician has authorized administration of medication by unlicensed personnel for a particular student, by other designated school personnel with appropriate training. School nurses and other designated school personnel are required by law to administer medications to students in accordance with law, County Board policy, administrative regulation, and, as applicable, the written statement provided by the student's parent/guardian and authorized health care provider. Such personnel 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*)

The County Superintendent or designee should ensure that school personnel designated to administer any medication receive appropriate training and, as necessary, retraining 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 must be supervised by, and provided with immediate communication access to, a school nurse, physician, or other appropriate individual.

(cf. 4131 - *Staff Development*)

(cf. 4231 - *Staff Development*)

(cf. 4331 - *Staff Development*)

The County Superintendent or designee is expected to maintain documentation of the training and ongoing supervision, as well as annual written verification of competency of other designated school personnel.

Legal Reference:

EDUCATION CODE

48980	<i>Notification at beginning of term</i>
49407	<i>Liability for treatment</i>
49408	<i>Emergency information</i>
49414	<i>Emergency epinephrine auto-injectors</i>
49414.3	<i>Emergency medical assistance; administration of medication for opioid overdose</i>
49414.5	<i>Providing school personnel with voluntary emergency training</i>
49422-49427	<i>Employment of medical personnel, especially:</i>
49423	<i>Administration of prescribed medication for student</i>

**ADMINISTERING MEDICATION AND
MONITORING HEALTH CONDITIONS** (continued)

BP 5141.21

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*
4119.2 *Acquisition of epinephrine auto-injectors*
4119.8 *Acquisition of naloxone hydrochloride or another opioid antagonist*

HEALTH AND SAFETY CODE

11362.7-11362.85 *Medicinal cannabis*

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 21

812 *Schedules of controlled substances*
844 *Penalties for possession of controlled substance*

UNITED STATES CODE, TITLE 29

794 *Rehabilitation Act of 1973, Section 504*

COURT DECISIONS

American Nurses Association v. Torlakson, (2013) 57 Cal.4th 570

Adopted: 05/12/21