

BERKELEY UNIFIED SCHOOL DISTRICT

Board Policy

BP 5141.21 - Administering Medication and Monitoring Health Conditions Students

Definitions

Designated school personnel may include any individual employed by the district who has consented to administer the medication or otherwise assist the student, and who may legally administer the medication.

Medication may include not only a substance dispensed in the United States by prescription, but also a substance that does not require a prescription, such as over-the-counter remedies, nutritional supplements, and herbal remedies.

Notifications to Parents/Guardians

At the beginning of each school year, the Superintendent or designee shall notify parents/guardians that students who need to take prescribed medication during the school day may be assisted by designated school personnel or allowed to self-administer certain medication as long as the district receives written statements from the student's physician and parent/guardian in accordance with law, Board policy and administrative regulation.

The Superintendent or designee shall inform the parents/guardians of any student on a continuing medication regimen for a non episodic condition of the following requirements:

1. The parent/guardian is required to inform the site administrator or other designated employee of the medication being taken, the current dosage and the name of the supervising physician.
2. With the parent/guardian's consent, the site administrator or other designated employee may communicate with the student's physician regarding the medication and its effects, and may counsel school personnel regarding the possible effects of the medication on the student's physical, intellectual and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission or overdose.

Parent/Guardian Responsibilities

Before a designated employee administers or assists in the administration of any prescribed medication to any student or any student is allowed to carry and self-administer prescription auto-injectable epinephrine or prescription inhaled asthma medication during school hours, the district shall have a written statement from the student's physician and a written statement from the student's parent/guardian.

The physician's written statement shall clearly:

1. Identify the student
2. Identify the medication
3. Specify the method, amount and time schedules by which the medication is to be taken
4. Contain the name, address, telephone number and signature of the physician
5. If a parent/guardian has requested that his/her child be allowed to self-administer prescription auto-injectable epinephrine or prescription inhaled asthma medication, confirm that the student is able to self-administer the medication

The parent/guardian's written statement shall:

1. Identify the student
2. Grant permission for the authorized district representative to communicate directly with the student's physician, as may be necessary, regarding the physician's written statement or any other questions that may arise with regard to the medication
3. Contain an acknowledgment that the parent/guardian understands how district employees will administer or otherwise assist the student in the administration of medication
4. Contain an acknowledgment that the parent/guardian understands his/her responsibilities to enable district employees to administer or otherwise assist the student in the administration of medication including, but not limited to, the parent/guardian's responsibility to provide a written statement from the physician and to ensure that the medication is delivered to the school in a proper container by an individual legally authorized to be in possession of the medication
5. Contain an acknowledgment that the parent/guardian may terminate consent for such administration at any time

If a parent/guardian has requested that his/her child be allowed to carry and self-administer prescription auto-injectable epinephrine or prescription inhaled asthma medication, the parent/guardian's written statement shall also:

1. Consent to the self-administration
2. Release the district and school personnel from civil liability if a student suffers an adverse reaction as a result of self-administering the medication

The parent/guardian shall annually provide the Superintendent or designee a new written statement from himself/herself and the student's physician. In addition, the parent/guardian shall

provide a new physician statement if the medication, dosage, frequency of administration or reason for administration changes.

Parents/guardians shall provide medications in a properly labeled, original container along with the physician's instructions. For prescribed medication, the container shall bear the name and telephone number of the pharmacy, the student's identification, name and phone number of the physician, and physician's instructions. Medications that are not in their original container shall not be accepted or administered. Medications shall be delivered to the school by the parent/guardian, unless the Superintendent or designee authorizes another method of delivery.

The parent/guardian of a student on a continuing medication regimen for a non episodic condition shall inform the site administrator or other designated certificated employee of the medication being taken, the current dosage and the name of the supervising physician.

A parent/guardian may designate an individual who is not an employee of the district to administer medication to his/her child as long as the individual is clearly identified, willing to accept the designation, permitted to be on the school site, and any limitations on the individual's authority are clearly established. The parent/guardian shall provide a written statement designating the individual and containing the information required above.

Designated Employee/District Responsibilities

The site administrator or other designated school personnel shall:

1. Administer or assist in administering the medication in accordance with the physician's written statement
2. Accept delivery of medication from the student's parent/guardian, including counting and recording the medication upon receipt
3. Maintain a list of students needing medication during the school day, including the type of medication, times and dosage, as well as a list of students who are authorized to self-administer medication
4. Maintain a medication log documenting the administration of medication including the student's name; name of medication the student is required to take; dose of medication; method by which the student is required to take the medication; time the medication is to be taken during the regular school day; date(s) on which the student is required to take the medication; physician's name and contact information; and a space for daily recording of medication administration

The daily record shall contain the date, time, amount of medication administered, and signature of the individual administering the medication.

5. Maintain a medication record including the physician's written statement, the parent/guardian's written statement, the medication log, and any other written documentation related to the administration of medication to the student
6. Ensure that student confidentiality is appropriately maintained
7. Coordinate the administration of medication during field trips and after-school activities
8. Report any refusal of a student to take his/her medication to the parent/guardian
9. Keep all medication to be administered by the district in a locked drawer or cabinet
10. Communicate with the physician regarding the medication and its effects
11. Counsel school personnel regarding the possible effects of the medication on the student's physical, intellectual and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission or overdose
12. By the end of the school year, ensure that unused, discontinued and outdated medication is returned to the student's parent/guardian where possible or, if the medication cannot be returned, is disposed of in accordance with state laws and local ordinances.

(cf. 5125 - Student Records)

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 CODE

[48980](#) Notification at beginning of term

[49407](#) Liability for treatment

[49408](#) Emergency information

[49414](#) Emergency epinephrine auto-injectors

[49414.1 Administration of medicinal cannabis; definitions; policy](#)

[49414.5](#) Providing school personnel with voluntary emergency training

[49423](#) Administration of prescribed medication for student

[49423.1](#) Inhaled asthma medication, conditions upon which pupil may carry and self-administer medication

[49423.5](#) Specialized health care services

[49426](#) School nurses

[49480](#) Continuing medication regimen; notice

BUSINESS AND PROFESSIONS CODE

[2700-2837](#) Nursing, especially:

[2726](#) Authority not conferred

[2727](#) Exceptions in general

CODE OF REGULATIONS, TITLE 5

[600-611](#) Administering medication to students

Management Resources:

NATIONAL DIABETES EDUCATION PROGRAM PUBLICATIONS

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

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

WEB SITES

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

California Department of Education, Health Services and School Nursing:

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

Department of Health and Human Services, National Institutes of Health, National Heart, Lung and Blood Institute, asthma information:

<http://www.nhlbi.nih.gov/health/public/lung/index.htm#asthma>

Legal Update Memo No. 32-2019 – Administration of Medical Cannabis on Schoolsites (K-12):

<https://sclscal.org/legal-update-memo-no-32-2019-administration-of-medical-cannabis-on-school-sites-k-12/>

Policy BERKELEY UNIFIED SCHOOL DISTRICT

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