

KERN COUNTY BOARD OF EDUCATION

STUDENTS

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS

The Kern County Board of Education 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 have an opportunity to participate in the educational program.

Any medication prescribed for a student with a disability who is qualified to receive services under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973 shall be administered in accordance with the student's individualized education program or Section 504 services plan as applicable.

For the administration of medication to other students during school or school-related activities, the superintendent or designee shall develop protocols which shall include options for allowing a parent/guardian to administer medication to his/her child at school, designate other individuals to do so on his/her behalf, and with the child's authorized health care provider's approval, request the Kern County Superintendent of Schools permission for his/her child 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.

ADMINISTRATION OF MEDICATION BY SCHOOL PERSONNEL

Any medication prescribed by an authorized health care provider, including, but not limited to, emergency antiseizure medication for a student who suffers epileptic seizures, insulin, or glucagon, may be administered by the school nurse or other designated 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)

ADMINISTRATION OF EMERGENCY EPINEPHRINE AUTO-INJECTORS BY SCHOOL PERSONNEL TO STUDENTS AND OTHERS ON SCHOOL SITES

When medically unlicensed school personnel are authorized by law to administer any medication to students, such as emergency antiseizure medication, auto-injectable epinephrine, insulin, or glucagon, the superintendent or designee shall 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 of anaphylaxis and treatment, emergency follow-up procedures, the necessity of instructions and certification in cardiopulmonary resuscitation of people, instruction on how to determine whether to use an adult epinephrine auto-injectors or a junior epinephrine auto-injector, written materials covering the information based on standards developed pursuant to state guidelines, and the proper documentation for storage, restocking and emergency use of the medication. The trained, unlicensed designated school personnel agreeing to provide such medication shall be supervised by, and provided with immediate communication access to, a school nurse, physician, or other appropriate individual. (Education Code 49414, 49414.5, 49414.7, 49423, 49423.1)

The superintendent or designee will provide epinephrine auto-injectors to school nurses and trained volunteer personnel who can use the epinephrine auto-injectors to provide emergency medical aide to persons suffering, or reasonably believed to be suffering, from an anaphylactic reaction. The epinephrine auto-injectors are to be used exclusively at the school sites.

The superintendent or designee shall maintain documentation of the training and ongoing supervision, as well as annual written verification of competency of other designated school personnel. Records regarding the acquisition and disposition of the epinephrine auto-injectors must be maintained by the Kern County Superintendent of Schools for a period of three (3) years after the date that the records were created. The Kern County Superintendent of Schools shall be responsible for monitoring the supply of epinephrine auto-injectors and ensuring the destruction of expired epinephrine auto-injectors.

ACCEPTANCE OF GIFTS, GRANTS, AND DONATIONS OF EPINEPHRINE AUTO-INJECTORS

The Kern County Superintendent of Schools and/or a school may accept gifts, grants, and donations from any source for the support of the Kern County Superintendent of Schools in carrying of the requirements of Education Code 49414, including, but not limited to, the acceptance of epinephrine auto-injectors from a manufacturer or wholesaler. (Education Code 49414)

NOTIFICATION OF EMPLOYEES

The Kern County Superintendent of Schools will distribute a notice, at least once a year, to request employees to become trained as volunteers to administer epinephrine auto-injectors to those who need medical aid.

Each employee who volunteers under this section will be provided defense and

indemnification by the Kern County Superintendent of Schools for any and all civil liability incurred as a result of his/her volunteer actions in the administration an epinephrine auto-injector. This information must be provided to the employee volunteer and placed in the employee volunteer's personnel file.

Each elementary school shall have at least one (1) regular epinephrine auto-injector and one (1) junior epinephrine auto-injector. For each junior high school, middle school and high school, if there is a student(s) who require a junior epinephrine auto-injector, at least one (1) junior epinephrine auto-injector will be at the campus of the junior high school, middle school and high school where there is a student(s) who requires a junior epinephrine auto-injector. Additionally, each junior high school, middle school and high schools will have one (1) regular epinephrine auto-injector at all times.

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

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

4119.2 Acquisition of epinephrine auto-injectors

CODE OF REGULATIONS, TITLE 5

600-611 Administering medication to students

620-627 Administration of emergency antiseizure medication by trained volunteer nonmedical school personnel

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. Torlakson, (2013) 57 Cal.App.4th 570