

The board recognizes that students may need to take medication (prescription and non-prescription) during school hours. School personnel may administer medication with a properly completed and signed Medication Form. In limited circumstances, a student may be authorized to self-administer medications. To minimize disruptions to the school day, students should take medications at home rather than at school whenever feasible. School officials may deny a request to administer any medication that could be taken at home or when, in the opinion of the superintendent or designee in consultation with school nursing personnel, other treatment options exist and the administration of the medication by school personnel would pose a substantial risk of harm to the student or others.

For purposes of this policy, all references to “parent” include parents, legal guardians and legal custodians. In addition, for purposes of this policy, the term “health care practitioner” is limited to licensed medical professionals who are legally authorized to prescribe medications under North Carolina law, such as doctors of medicine, doctors of osteopathic medicine, physician assistants and nurse practitioners.

Unless otherwise indicated, the terms “medication” and “medicine” include any substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of any disease. The term includes all prescription medications and all such substances available over-the-counter without a prescription, such as drugs, herbs, alternative medicines, and supplements (hereinafter “over-the-counter drugs”). The administration of any prescription or over-the-counter drug to students by school employees is prohibited except when performed in accordance with Section A.

The self-administration of prescription or over-the-counter drugs by students at school is prohibited and constitutes a violation of policy 4325, Drugs and Alcohol, except as described in Section B and Section D.

The administration, including by parents, school employees, or self-administration, of any substance containing cannabidiol (CBD) or tetrahydrocannabinol (THC) at school is prohibited unless (1) authorized by and administered by a caregiver in accordance with G.S. 90-94.1 and G.S. 90-113.101 for the treatment of intractable epilepsy, or (2) the CBD or THC product is available by prescription only and has been approved by the U.S. Food & Drug Administration (FDA); and all requirements of this policy are met.

A. MEDICATION ADMINISTRATION BY SCHOOL EMPLOYEES

1. Conditions for Administering Medication

Authorized school employees may administer medication to students when all of the following conditions are met. These conditions apply to all medications, including those available over-the-counter without a prescription.

- a. Parental Consent: The student’s parent must submit a properly completed

and signed Medication Form that authorizes school personnel to administer the medication to the student.

- b. Medication Authorization/Order: A health care practitioner must prescribe the medication for use by the student and provide explicit written instructions for administering the medication.
- c. Certification of Necessity: The student's health care practitioner must certify that administration of the medication to the student during the school day is necessary to maintain and support the student's continued presence in school.
- d. Proper Container/Labeling: If the medication to be administered is available by prescription only, the parent must provide the medication in a pharmacy-labeled container with directions for how and when the medicine is to be given. If the medication is available over-the-counter, it must be provided in the original container or packaging, labeled with the student's name.
- e. Proper Administration: The employee must administer the medication pursuant to the health care practitioner's written instructions on the Medication Form and in accordance with professional standards.

The board of education and its employees assume no liability for complications or side effects of medication when administered in accordance with the instructions provided by the parent and health care practitioner.

2. Procedures for Administering Medications

The superintendent shall develop procedures for the implementation of this policy. The procedures and a copy of this policy must be made available to all students and parents each school year. The superintendent's procedures should be developed according to the guidelines listed below.

- a. The health and welfare of the student must be of paramount concern in all decisions regarding the administration of medication.
- b. Procedures for medication administration must be consistent with recommendations of the School Health Unit of the Children & Youth Branch of the N.C. Division of Public Health, as described in the *North Carolina School Health Program Manual*.
- c. Students with special needs are to be afforded all rights provided by federal and state law as enumerated in the *Policies Governing Services for Children with Disabilities*. Students with disabilities also are to be afforded all rights provided by anti-discrimination laws, including Section 504 of the

Rehabilitation Act of 1973 and the Americans with Disabilities Act.

- d. Except as permitted by this policy, No student may possess, use, sell, share, deliver, or manufacture possess, use or transmit any drug or counterfeit drug prohibited by policy 4325, Drugs and Alcohol, nor be under the influence of any drug in violation of that policy.
- e. The board generally encourages school personnel to administer medication from a centralized location. However, in all instances, whether administered from a centralized location or multiple locations, any medications kept at school for a student must be kept in a locked and secure place. An exception to the requirement for locked storage may be made for emergency medications that must be immediately accessible.
- f. All school personnel who will be administering medications must receive appropriate training.
- g. Only medications clearly prescribed for the student may be administered by school personnel. School personnel shall request from the student's parent and health care practitioner all necessary information including the name of the medication, the purpose of the medication, the time the medication is to be administered, the dosage, the possible side effects and the date of the last administration.
- h. At the time a parent brings a medication to school for administration, if school personnel have concerns regarding the appropriateness of the medication or dosage for a student, a confirmation should be obtained from the student's health care practitioner or another health care practitioner prior to administering the medication or allowing a student to self-administer the medication.
- i. Parents should inform school personnel immediately if it is inappropriate, for any reason, for school personnel to continue to administer the medication as prescribed by the health care practitioner.
- j. Although efforts should be made not to disrupt instructional time, a parent has the right to administer medication to his or her child at any time while the child is on school property, unless otherwise prohibited by this policy.
- k. A written record of all medication administrations to students will be maintained.
- l. Written information maintained by school personnel regarding a student's medicinal and health needs is confidential. Parents and students must be accorded all rights provided by the Family Educational Rights and Privacy Act and state confidentiality laws. Any employee who violates the

confidentiality of the records may be subject to disciplinary action.

- m. After the last administration of a medication to a student, any remaining amounts of the medication will be returned only to the student's parent or legal guardian.

B. STUDENT SELF-ADMINISTERING NON-PRESCRIPTION MEDICATION

High school students may be allowed to self-administer non-prescription medication with a properly completed and signed Medication Form which clearly indicates that the student is allowed to self-administer the non-prescription medication.

C. EMERGENCY MEDICATION

Students who are at risk for medical emergencies, such as those with diabetes, asthma or severe allergies, must have an Individualized Health Plan developed for them to address emergency administration of medication. Students must meet the requirements of subsection A.1, above, including providing a Medication Form with authorization and instructions from the health care practitioner and written consent of the parent, in order for emergency medication to be administered by school personnel while the student is at school, at a school sponsored activity, and/or while in transit to or from school or a school-sponsored event.

D. STUDENT SELF-ADMINISTERING MEDICATION FOR STUDENTS WITH CERTAIN HEALTH CONDITIONS

The board recognizes that students with certain health conditions like diabetes or asthma, or an allergy that could result in an anaphylactic reaction, may need to possess and self-administer medication on school property during the school day, at school-sponsored activities, or while in transit to or from school or school-sponsored events.

~~As used in this section of the policy, "medication" refers to a~~ Students are prohibited from self-administering medication at school unless (1) the medicine has been prescribed for the treatment of diabetes, asthma, anaphylactic reactions, or another medical condition, and includes including insulin or a source of glucose, a prescribed asthma inhaler, or a prescribed epinephrine auto-injector; (2) the medicine is administered in accordance with the student's individualized health care plan or emergency health care plan and any relevant administrative regulations; and (3) the requirements of this section are met. The superintendent shall develop procedures for the possession and self-administration of such medication by students on school property during the school day, at school-sponsored activities, and while in transit to or from school or school-sponsored events.

1. Authorization to Self-Administer Medication

Before a student will be allowed to self-administer medication pursuant to this section, the student's parent must provide to the principal or designee all of the

documents listed below:

- a. Individualized Health Plan with written parental authorization for the student to possess and self-administer medication which includes an acknowledgment that the local school administrative unit and its employees and agents are not liable for an injury arising from a student's possession and self-administration of medication;
- b. Medication Form for the medication with written statement from the student's health care practitioner including (i) verification that the student has diabetes or asthma, or an allergy that could result on anaphylactic reaction, or another medical condition that requires self-administered emergency medication, (ii) confirmation that the health care practitioner prescribed the medication for use on school property during the school day, at school-sponsored activities, or while in transit to or from school or school-sponsored events, (iii) confirmation that the student understands, has been instructed in self-administration of the medication, and has demonstrated the skill level necessary to use the medication and any device that is necessary to administer the medication, and (iv) a treatment plan and written emergency protocol formulated by the prescribing health care practitioner for managing the student's diabetes, asthma, anaphylactic episodes, or other emergency medical condition, and for medication use by the student.
- c. Student Contract for Self-Carried Medication Form indicating that the student has been instructed in self-administration of the medication, and has demonstrated to the school nurse, or the nurse's designee, the skill level necessary to use the medication and any accompanying device that is necessary to administer the medication.
- d. Any other documents or requirements necessary to comply with state and federal laws.

The student's parent must provide to the school backup medication that school personnel are to keep at the student's school in a location to which the student has immediate access in the event the student does not have the required medication.

All information provided to the school by the student's parent must be reviewed by the school nurse and kept on file at the student's school in an easily accessible location in the event of a medical emergency. Any permission granted for a student to possess and self-administer medication will be effective only for the same school year. Such permission must be renewed each school year.

2. Responsibilities of the Student

A student who is authorized in accordance with this policy to carry medication for

self-administration must carry the medication in the original labeled container with the student's name on the label.

3. Consequences for Improper Use

A student who uses his or her medication in a manner other than as prescribed or who permits another person to use the medication may be subject to disciplinary action pursuant to the school disciplinary policy. However, school officials shall not impose disciplinary action on the student that limits or restricts the student's immediate access to the diabetes, asthma or anaphylactic emergency medication.

The board does not assume any responsibility for the administration of medication to a student by the student, the student's parent or any other person who is not authorized by this policy to administer medications to students.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12134, 28 C.F.R. pt. 35; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; G.S. 90-94.1, -113.101; 115C-36, -307(c), -375.1, -375.2, -375.2A, -375.3; *Policies Governing Services for Children with Disabilities*, State Board of Education Policy EXCP-000

Cross References: Parental Involvement (policy 1310/4002), Drugs and Alcohol (policy 4325), Emergency Epinephrine Auto-Injector Devices (policy 5024/6127/7266)

Other References: *North Carolina School Health Program Manual* (N.C. Dept. of Health and Human Services, Div. of Public Health, School Health Unit, 6th ed. 2014), available at <https://www2.ncdhhs.gov/dph/wch/lhd/manuals.htm>

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