

1 The Transylvania County Board of Education (the “board”) recognizes that students may need to  
2 take medication during school hours, enabling students to attend school, to maintain or improve  
3 their health, and/or to improve their potential for learning. School personnel may administer  
4 medication prescribed by a health care practitioner upon the written request of a student’s parent.  
5 In limited circumstances, a student may be authorized to self-administer medications. To  
6 minimize disruptions to the school day, students should take medications at home rather than at  
7 school whenever feasible. School officials may deny a request to administer any medication that  
8 could be taken at home or when, in the opinion of the superintendent or designee in consultation  
9 with school nursing personnel, other treatment exists and the administration of the medication by  
10 school personnel would pose a substantial risk of harm to the student or others.

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

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18 Unless otherwise indicated, the terms “medication” and “medicine” include any substance  
19 intended for use in the diagnosis, cure, mitigation, treatment, or prevention of any disease. The  
20 term includes all prescription medications and all such substances available over-the-counter  
21 without a prescription, such as drugs, herbs, alternative medicines, and supplements (hereinafter  
22 “over-the-counter drugs”). The administration of any prescription or over-the-counter drug to  
23 students by school employees is prohibited except when performed in accordance with Section  
24 A. The self-administration of any prescription or over-the-counter drug by students at school is  
25 prohibited and constitutes a violation of policy 4325, Drugs and Alcohol, except in the limited  
26 circumstances described in Section C.

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

#### 34 35 **A. MEDICATION ADMINISTRATION BY SCHOOL EMPLOYEES**

##### 36 37 1. Conditions for Administering Medication

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

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43 a. Parental Consent: The student’s parent must make a signed, written  
44 request that authorizes school personnel to administer the medication to

- 45 the student.
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- 47 b. Medication Authorization/Order: A health care practitioner must
- 48 prescribe the medication for use by the student and provide explicit
- 49 written instructions for administering the medication.
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- 51 c. Certification of Necessity: The student's health care practitioner must
- 52 certify that administration of the medication to the student during the
- 53 school day is necessary to maintain and support the student's continued
- 54 presence in school and must sign the medication authorization form. The
- 55 health care practitioner's signature is required for over-the-counter
- 56 medications as well as for medications available only by a prescription.
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- 58 d. Proper Container/Labeling: If the medication to be administered is
- 59 available by prescription only, the parent must provide the medication in a
- 60 pharmacy-labeled container with the child's name, the name of the
- 61 medication, the exact dose to be given, the time/frequency the medication
- 62 is to be given, the route of administration, the number of doses in the
- 63 container, and the expiration date of the medication. If the medication is
- 64 available over-the-counter, it must be provided in the original container or
- 65 packaging, labeled with the student's name.
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- 67 Proper Administration: A trained school employee must administer the
- 68 medication pursuant to the health care practitioner's written instructions
- 69 provided to the school by the student's parent and in accordance with
- 70 professional standards.
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- 72 e. All administration of medication shall be documented by a trained school
- 73 employee on the medication administration record. The signature of the
- 74 school employee administering the medication must appear on the record.
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- 76 The board of education and its employees assume no liability for complications or
- 77 side effects of medication when administered in accordance with the instructions
- 78 provided by the parent and health care practitioner.
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- 80 2. Procedures for Administering Medications
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- 82 The superintendent shall develop procedures for the implementation of this
- 83 policy. The procedures and a copy of this policy must be made available to all
- 84 students and parents each school year. The superintendent's procedures should be
- 85 developed according to the guidelines listed below.
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- 87 a. The health and welfare of the student must be of paramount concern in all
- 88 decisions regarding the administration of medication.

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- 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, deliver, or manufacture 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. Access to controlled substances should be limited to the school nurse, school staff person authorized to administer medication, and the principal or designee.
  - f. All school personnel who will be administering medications must receive appropriate training, including medication safety and administration procedures, from the school nurse.
  - g. Only medications clearly prescribed for the student may be administered by school personnel. 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. Self-administration of a medication by a student is allowed only as specified in Section C, below.
  - h. 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.

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134 i. Written information maintained by school personnel regarding a student's  
135 medicinal and health needs is confidential. Parents and students must be  
136 accorded all rights provided by the Family Educational Rights and Privacy  
137 Act and state confidentiality laws. Any employee who violates the  
138 confidentiality of the records may be subject to disciplinary action.  
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140 **B. EMERGENCY MEDICATION**

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142 Students who are at risk for medical emergencies, such as those with diabetes, asthma, or  
143 severe allergies, must have an emergency health care plan developed for them to address  
144 emergency administration of medication. Students must meet the requirements of  
145 subsection A.1, above, including providing authorization and instructions from the health  
146 care practitioner and written consent of the parent, in order for emergency medication to  
147 be administered by school personnel while the student is at school, at a school sponsored  
148 activity, and/or while in transit to or from school or a school-sponsored event.  
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150 **C. STUDENT SELF-ADMINISTERING MEDICATIONS**

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152 The board recognizes that students with certain health conditions like diabetes or asthma  
153 or an allergy that could result in an anaphylactic reaction, may need to possess and self-  
154 administer medication on school property in accordance with their individualized health  
155 care plan or emergency health care plan.  
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157 Students are prohibited from self-administering medication at school unless (1) the  
158 medicine has been prescribed for the treatment of diabetes, asthma, or anaphylactic  
159 reactions, including insulin or a source of glucose, a prescribed asthma inhaler, or a  
160 prescribed epinephrine auto-injector; (2) the medicine is administered in accordance with  
161 the student's individualized health care plan or emergency health care plan and any  
162 relevant administrative regulations; and (3) the requirements of this section are met. The  
163 superintendent or designee shall develop procedures for the possession and self-  
164 administration of such medication by students on school property, during the school day,  
165 at school-sponsored activities, and/or while in transit to or from school or school-  
166 sponsored events.  
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168 1. Authorization to Self-Administer Medication

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170 Before a student will be allowed to self-administer medication pursuant to this  
171 section, the student's parent must provide to the principal or designee all of the  
172 documents listed below:  
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- 174 a. written authorization from the student's parent for the student to possess  
175 and self-administer the medication;  
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- 177 b. a written statement from the student's health care practitioner verifying  
178 that:  
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- 180 1) the student has a medical condition, such as asthma or diabetes or  
181 an allergy that could result in anaphylactic reaction, which may  
182 require emergency medication;  
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- 184 2) the health care practitioner prescribed the medication for use on  
185 school property during the school day, at school-sponsored  
186 activities, or while in transit to or from school or school-sponsored  
187 events; and  
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- 189 3) the student understands, has been instructed in self-administration  
190 of the medication, has demonstrated the skill level necessary to use  
191 the medication and any accompanying device, and has been  
192 determined to be competent for self-administration;  
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- 194 c. a written treatment plan and written emergency protocol formulated by the  
195 prescribing health care practitioner for managing the student's diabetes,  
196 asthma, or anaphylaxis episodes, and for medication use by the student;  
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- 198 d. a statement provided by the school system and signed by the student's  
199 parent acknowledging that the board of education and its employees and  
200 agents are not liable for injury arising from the student's possession and  
201 self-administration of the medication; and  
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- 203 e. any other documents or items necessary to comply with state and federal  
204 laws.  
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206 Prior to being permitted to self-administer medication at school, the student also  
207 must demonstrate to the school nurse, or the nurse's designee, (1) the skill level  
208 necessary to use the medication and any device necessary for its administration;  
209 and (2) sufficient knowledge and maturity to be independent in the management  
210 of the medication with no oversight from school staff.  
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212 The student's parent must provide to the school backup medication that school  
213 personnel are to keep in a location to which the student has immediate access in  
214 the event the student does not have the required medication.  
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216 All information provided to the school by the student's parent must be reviewed  
217 by the school nurse and kept on file at the school in an easily accessible location.  
218 Any permission granted by the principal or designee for a student to possess and  
219 self-administer medication will be effective only for the same school for 365  
220 calendar days. Such permission must be renewed each school year.

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222 2. Responsibilities of the Student  
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224 A student who is authorized in accordance with this policy to carry medication for  
225 self-administration must carry the medication in the original labeled container  
226 with the student's name on the label.  
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228 3. Consequences for Improper Use  
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230 A student who uses his or her medication in a manner other than as prescribed or  
231 who permits another person to use the medication may be subject to disciplinary  
232 action pursuant to the school disciplinary policy. However, school officials shall  
233 not impose disciplinary action on the student that limits or restricts the student's  
234 immediate access to the diabetes, asthma, or anaphylactic medication.  
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236 The board does not assume any responsibility for the administration of medication to a student  
237 by the student, the student's parent, or any other person who is not authorized by this policy to  
238 administer medications to students.  
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240 Legal References: Americans with Disabilities Act, 42 U.S.C. 12134, 28 C.F.R. pt. 35; Family  
241 Educational Rights and Privacy Act, 20 U.S.C. 1232g; Individuals with Disabilities Education  
242 Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C. -705(20), -  
243 794, 34 C.F.R. pt. 104; G.S. ~~90-94.1, -113.101~~; 115C-36, -307(c), -375.1, -375.2, 0375.2A, -  
244 375.3; *Policies Governing Services for Children with Disabilities*, State Board of Education  
245 Policy EXCP-000  
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247 Cross References: Parental Involvement (policy 1310/4002), Drugs and Alcohol (policy 4325),  
248 Emergency Epinephrine Auto-Injector Devices (policy 5024/6127/7266)  
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250 Other Resources: *North Carolina School Health Program Manual* (N.C. Dept. of Health and  
251 Human Services, Div. of Public Health, School Health Unit, 2020), available at  
252 <https://publichealth.nc.gov/wch/cy/schoolnurses/manual.htm>  
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