

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.
- 46
- 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.
- 57
- 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 directions for how and when the
- 61 medicine is to be given. If the medication is available over-the-counter, it
- 62 must be provided in the original container or packaging, labeled with the
- 63 student's name.
- 64
- 65 Proper Administration: A trained school employee must administer the
- 66 medication pursuant to the health care practitioner's written instructions
- 67 provided to the school by the student's parent and in accordance with
- 68 professional standards.
- 69
- 70 e. All administration of medication shall be documented by a trained school
- 71 employee on the medication administration record. The signature of the
- 72 school employee administering the medication must appear on the record.
- 73
- 74 The board of education and its employees assume no liability for complications or
- 75 side effects of medication when administered in accordance with the instructions
- 76 provided by the parent and health care practitioner.
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78 2. Procedures for Administering Medications

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80 The superintendent shall develop procedures for the implementation of this

81 policy. The procedures and a copy of this policy must be made available to all

82 students and parents each school year. The superintendent's procedures should be

83 developed according to the guidelines listed below.

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- 85 a. The health and welfare of the student must be of paramount concern in all
- 86 decisions regarding the administration of medication.
- 87
- 88 b. Procedures for medication administration must be consistent with

- 89 recommendations of the School Health Unit of the Children & Youth
90 Branch of the N.C. Division of Public Health, as described in the *North*
91 *Carolina School Health Program Manual*.
92
- 93 c. Students with special needs are to be afforded all rights provided by
94 federal and state law as enumerated in the *Policies Governing Services for*
95 *Children with Disabilities*. Students with disabilities also are to be
96 afforded all rights provided by anti-discrimination laws, including Section
97 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities
98 Act.
99
- 100 d. **Except as permitted by this policy, No student may possess, use, sell,**
101 **deliver, or manufacture or transmit any drug or counterfeit drug prohibited**
102 **by policy 4325, Drugs and Alcohol, nor be under the influence of any drug**
103 **in violation of that policy.**
104
- 105 e. The board generally encourages school personnel to administer medication
106 from a centralized location. However, in all instances, whether
107 administered from a centralized location or multiple locations, any
108 medications kept at school for a student must be kept in a locked and
109 secure place. An exception to the requirement for locked storage may be
110 made for emergency medications that must be immediately accessible.
111
- 112 f. All school personnel who will be administering medications must receive
113 appropriate training, including medication safety and administration
114 procedures, from the school nurse.
115
- 116 g. Only medications clearly prescribed for the student may be administered
117 by school personnel. At the time a parent brings a medication to school for
118 administration, if school personnel have concerns regarding the
119 appropriateness of the medication or dosage for a student, a confirmation
120 should be obtained from the student's health care practitioner or another
121 health care practitioner prior to administering the medication. Self-
122 administration of a medication by a student is allowed only as specified in
123 Section C, below.
124
- 125 h. Although efforts should be made not to disrupt instructional time, a parent
126 has the right to administer medication to his or her child at any time while
127 the child is on school property, **unless otherwise prohibited by this policy.**
128
- 129 i. Written information maintained by school personnel regarding a student's
130 medicinal and health needs is confidential. Parents and students must be
131 accorded all rights provided by the Family Educational Rights and Privacy
132 Act and state confidentiality laws. Any employee who violates the

133 confidentiality of the records may be subject to disciplinary action.

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135 **B. EMERGENCY MEDICATION**
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137 Students who are at risk for medical emergencies, such as those with diabetes, asthma, or
138 severe allergies, must have an emergency health care plan developed for them to address
139 emergency administration of medication. Students must meet the requirements of
140 subsection A.1, above, including providing authorization and instructions from the health
141 care practitioner and written consent of the parent, in order for emergency medication to
142 be administered by school personnel while the student is at school, at a school sponsored
143 activity, and/or while in transit to or from school or a school-sponsored event.
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145 **C. STUDENT SELF-ADMINISTERING MEDICATIONS**
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147 The board recognizes that students with certain health conditions like diabetes or asthma
148 or an allergy that could result in an anaphylactic reaction, may need to possess and self-
149 administer medication on school property in accordance with their individualized health
150 care plan or emergency health care plan.
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152 **Students are prohibited from self-administering medication at school unless (1) As used**
153 **in this section of the policy, “medication” refers to a the medicine has been prescribed for**
154 **the treatment of diabetes, asthma, or anaphylactic reactions, including and includes**
155 **insulin or a source of glucose, a prescribed asthma inhaler, or a prescribed epinephrine**
156 **auto-injector; (2) the medicine is administered in accordance with the student’s**
157 **individualized health care plan or emergency health care plan and any relevant**
158 **administrative regulations; and (3) the requirements of this section are met.** The
159 superintendent or designee shall develop procedures for the possession and self-
160 administration of such medication by students on school property, during the school day,
161 at school-sponsored activities, and/or while in transit to or from school or school-
162 sponsored events.
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164 **1. Authorization to Self-Administer Medication**
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166 Before a student will be allowed to self-administer medication pursuant to this
167 section, the student’s parent must provide to the principal or designee all of the
168 documents listed below:
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- 170 a. written authorization from the student’s parent for the student to possess
171 and self-administer the medication;
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173 b. a written statement from the student’s health care practitioner verifying
174 that:
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- 176 1) the student has a medical condition, such as asthma or diabetes or
177 an allergy that could result in anaphylactic reaction, which may
178 require emergency medication;
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- 180 2) the health care practitioner prescribed the medication for use on
181 school property during the school day, at school-sponsored
182 activities, or while in transit to or from school or school-sponsored
183 events; and
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- 185 3) the student understands, has been instructed in self-administration
186 of the medication, and has demonstrated the skill level necessary to
187 use the medication and any accompanying device;
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- 189 c. a written treatment plan and written emergency protocol formulated by the
190 prescribing health care practitioner for managing the student's diabetes,
191 asthma, or anaphylaxis episodes, and for medication use by the student;
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- 193 d. a statement provided by the school system and signed by the student's
194 parent acknowledging that the board of education and its employees and
195 agents are not liable for injury arising from the student's possession and
196 self-administration of the medication; and
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- 198 e. any other documents or items necessary to comply with state and federal
199 laws.
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201 Prior to being permitted to self-administer medication at school, the student also
202 must demonstrate to the school nurse, or the nurse's designee, the skill level
203 necessary to use the medication and any accompanying device.
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205 The student's parent must provide to the school backup medication that school
206 personnel are to keep in a location to which the student has immediate access in
207 the event the student does not have the required medication.
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209 All information provided to the school by the student's parent must be reviewed
210 by the school nurse and kept on file at the school in an easily accessible location.
211 Any permission granted by the principal or designee for a student to possess and
212 self-administer medication will be effective only for the same school for 365
213 calendar days. Such permission must be renewed each school year.
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215 **2. Responsibilities of the Student**

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217 A student who is authorized in accordance with this policy to carry medication for
218 self-administration must carry the medication in the original labeled container
219 with the student's name on the label.

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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 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, 0375.2A, -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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