

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.** ~~directions for how~~
- 64 ~~and when the medicine is to be given.~~ If the medication is available over-
- 65 the-counter, it must be provided in the original container or packaging,
- 66 labeled with the student's name.
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- 68 Proper Administration: A trained school employee must administer the
- 69 medication pursuant to the health care practitioner's written instructions
- 70 provided to the school by the student's parent and in accordance with
- 71 professional standards.
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- 73 e. All administration of medication shall be documented by a trained school
- 74 employee on the medication administration record. The signature of the
- 75 school employee administering the medication must appear on the record.
- 76
- 77 The board of education and its employees assume no liability for complications or
- 78 side effects of medication when administered in accordance with the instructions
- 79 provided by the parent and health care practitioner.
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- 81 2. Procedures for Administering Medications
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- 83 The superintendent shall develop procedures for the implementation of this
- 84 policy. The procedures and a copy of this policy must be made available to all
- 85 students and parents each school year. The superintendent's procedures should be
- 86 developed according to the guidelines listed below.
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- 88 a. The health and welfare of the student must be of paramount concern in all

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

133 the child is on school property, unless otherwise prohibited by this policy.
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- 135 i. Written information maintained by school personnel regarding a student's
136 medicinal and health needs is confidential. Parents and students must be
137 accorded all rights provided by the Family Educational Rights and Privacy
138 Act and state confidentiality laws. Any employee who violates the
139 confidentiality of the records may be subject to disciplinary action.
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141 **B. EMERGENCY MEDICATION**
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143 Students who are at risk for medical emergencies, such as those with diabetes, asthma, or
144 severe allergies, must have an emergency health care plan developed for them to address
145 emergency administration of medication. Students must meet the requirements of
146 subsection A.1, above, including providing authorization and instructions from the health
147 care practitioner and written consent of the parent, in order for emergency medication to
148 be administered by school personnel while the student is at school, at a school sponsored
149 activity, and/or while in transit to or from school or a school-sponsored event.
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151 **C. STUDENT SELF-ADMINISTERING MEDICATIONS**
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153 The board recognizes that students with certain health conditions like diabetes or asthma
154 or an allergy that could result in an anaphylactic reaction, may need to possess and self-
155 administer medication on school property in accordance with their individualized health
156 care plan or emergency health care plan.
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158 Students are prohibited from self-administering medication at school unless (1) the
159 medicine has been prescribed for the treatment of diabetes, asthma, or anaphylactic
160 reactions, including insulin or a source of glucose, a prescribed asthma inhaler, or a
161 prescribed epinephrine auto-injector; (2) the medicine is administered in accordance with
162 the student's individualized health care plan or emergency health care plan and any
163 relevant administrative regulations; and (3) the requirements of this section are met. The
164 superintendent or designee shall develop procedures for the possession and self-
165 administration of such medication by students on school property, during the school day,
166 at school-sponsored activities, and/or while in transit to or from school or school-
167 sponsored events.
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169 1. Authorization to Self-Administer Medication
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171 Before a student will be allowed to self-administer medication pursuant to this
172 section, the student's parent must provide to the principal or designee all of the
173 documents listed below:
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- 175 a. written authorization from the student's parent for the student to possess
176 and self-administer the medication;

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- b. a written statement from the student's health care practitioner verifying that:
 - 1) the student has a medical condition, such as asthma or diabetes or an allergy that could result in anaphylactic reaction, which may require emergency medication;
 - 2) 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; and
 - 3) 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 accompanying device, **and has been determined to be competent for self-administration;**
 - c. a written treatment plan and written emergency protocol formulated by the prescribing health care practitioner for managing the student's diabetes, asthma, or anaphylaxis episodes, and for medication use by the student;
 - d. a statement provided by the school system and signed by the student's parent acknowledging that the board of education and its employees and agents are not liable for injury arising from the student's possession and self-administration of the medication; and
 - e. any other documents or items necessary to comply with state and federal laws.

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Prior to being permitted to self-administer medication at school, the student also must demonstrate to the school nurse, or the nurse's designee, **(1) the skill level necessary to use the medication and any accompanying device necessary for its administration; and (2) sufficient knowledge and maturity to be independent in the management of the medication with no oversight from school staff.**

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

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All information provided to the school by the student's parent must be reviewed by the school nurse and kept on file at the school in an easily accessible location. Any permission granted by the principal or designee for a student to possess and

220 self-administer medication will be effective only for the same school for 365
221 calendar days. Such permission must be renewed each school year.

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223 2. Responsibilities of the Student

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

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229 3. Consequences for Improper Use

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

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

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241 Legal References: Americans with Disabilities Act, 42 U.S.C. 12134, 28 C.F.R. pt. 35; Family
242 Educational Rights and Privacy Act, 20 U.S.C. 1232g; Individuals with Disabilities Education
243 Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C. -705(20), -
244 794, 34 C.F.R. pt. 104; G.S. 90-94.1, -113.101; 115C-36, -307(c), -375.1, -375.2, 0375.2A, -
245 375.3; *Policies Governing Services for Children with Disabilities*, State Board of Education
246 Policy EXCP-000

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

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251 Other References Resources: *North Carolina School Health Program Manual* (N.C. Dept. of
252 Health and Human Services, Div. of Public Health, School Health Unit, 2020-6th-ed. 2014),
253 available at <https://publichealth.nc.gov/wch/cy/schoolnurses/manual.htm>
254 <https://www2.ncdhhs.gov/dph/wch/lhd/manuals.htm>

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