

**Policy JHCD: ADMINISTRATION OF MEDICATIONS TO STUDENTS**

Status: DRAFT

Original Adopted Date: 07/01/2007 | Last Revised Date: 10/12/2020

**23D UPDATE EXPLANATION**

MSBA has included a more definitive statement prohibiting medical marijuana on school grounds even if a student has a valid, Missouri-issued medical marijuana card.

If a parent/guardian requests that their child use or be administered medical marijuana as an accommodation for a disability, the district should go through the process of determining whether the student has a disability. If so, the district should use the Section 504 process to determine what a reasonable accommodation would be. However, to the best of MSBA's knowledge, courts have not considered possession or being administered an illegal drug a reasonable accommodation so far.

MSBA has moved language about cannabidiol (CBD) products from its former subsection with marijuana to the definition of "medications" because the Department of Health and Senior Services is no longer issuing hemp extract registration cards. CBD is now considered legal at both the state and federal levels. This does not mean the district must administer CBD or any other over-the-counter product. This policy states that the district will not administer medication that is not approved by the U.S. Food and Drug Administration (FDA), and most CBD products (and herbal substances and essential oils also referenced in the "medications" definition) do not have FDA approval.

MSBA has also revised this policy to make it clearer and easier to use in part by moving the complicated legal details of student self-administration of medication to an administrative procedure.

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## Definitions

*Authorized Prescriber* – Includes a healthcare provider licensed or otherwise authorized by state law to prescribe medication.

*Diabetes Medical Management Plan* – A document developed by the student's personal healthcare team that sets out the health services needed by the student at school and that is signed by the student's personal healthcare team and parent/guardian.

*Medications* – For the purposes of this policy, medications include prescription drugs and over-the-counter drugs, including herbal preparations and vitamins. Medications also include substances that claim or purport to be medicinal or performance enhancing, including essential oils, cannabidiol (CBD) products, and CBD derivatives.

## General

The District Common Name district prohibits students from possessing or self-administering medications while on district grounds, on district transportation, or during district activities unless explicitly authorized in accordance with this policy. However, the board recognizes that some students may require medication for chronic or short-term illnesses to enable them to remain in school and participate in the district's education services. The board directs the superintendent or designee to employ, contract with, and train the necessary personnel to administer medications to students. Medications will be administered at school only when it is not possible or effective for the student to receive the medication at home.

Parents/Guardians are encouraged to submit any relevant information regarding the medications their student needs, including a diabetes medical management plan or and other information the district may use to develop an individualized education program (IEP), Section 504 Plan, or individualized health plan (IHP). The district will review all information submitted by the parents/guardians submit and work with them to create a plan to meet their student's medical needs while at school or school activities.

The superintendent, in collaboration with the district nursing staff, will establish administrative procedures for storing and administering medications in compliance with this policy and pursuant to state and federal law implementing this policy.

## Nurses and Other Personnel

The administration of medications is a nursing activity that must be performed by or under the supervision of a registered professional nurse (RN). Other district personnel may be required to administer medications to a student as long as they have been appropriately trained and are supervised by an RN. An appropriately licensed member of the nursing staff will be responsible for:

1. Developing procedures for the training of unlicensed personnel in the administration of medications;
2. Devising protocols for the administration of medications by unlicensed personnel; and
3. Training unlicensed personnel in the administration of medications.

District employees who administer medications must maintain documentation of all medications provided to students and stored on district property.

Nurses and other staff administering medications will take precautions when administering medications and, when necessary, will clarify authorized prescriber orders prior to administering medications.

In accordance with law, any trained or qualified employee will be held harmless and immune from civil liability for administering medication in good faith and according to standard medical practices. A qualified employee is one who has been trained to administer medication according to standard medical practices.

## Over-the-Counter Medications

The district may administer over-the-counter medication to a student if the district has received permission to do so from the parent/guardian. Over-the-counter medications must be delivered to the school principal or designee in the manufacturer's original packaging and will only be administered only in accordance with the manufacturer's label.

## Prescription Medications

The district may administer prescription medication to a student if the district has received permission to do so from the parent/guardian and appropriate direction on how the medication is to be administered. The prescription label will be considered the equivalent of a prescriber's written direction, and a separate document is not needed.

## Medications District Personnel Will Not Administer

Unless required by law to administer a medication to accommodate a disability, nurses who question the necessity of administering a particular medication during the school day may, after consultation with the superintendent or designee, require a written directive by the student's healthcare provider that states why the medication must be administered at school. The district may also refuse to administer any medication for other reasons listed in this policy. The district will not administer any medication that is not regulated by the U.S. Food and Drug Administration.

The district may refuse to administer medications in an amount exceeding the recommended daily dosage listed in the *Physician's Desk Reference (PDR)* or other recognized medical or pharmaceutical text unless the district has verified the dosage with the prescriber. Except for the medications that are used only in an emergency situation, the district will not knowingly administer the first dose of any medication. The district expects parents/guardians to administer medications at home or by coming to the school to administer the medications themselves when possible. The principal or designee may arrange for the parent/guardian to administer medications to their child at school.

Staff, students and all other individuals are prohibited from possessing or administering any medication that is illegal pursuant to state or federal law on district grounds, on district transportation, or during district activities. The superintendent or designee is authorized to obtain a legal opinion from the district's attorney when there is a question regarding the legality of administering any medication.

## Medical Marijuana and Cannabidiol (CBD) Oil

The district does not permit the possession, use, or administration of marijuana or marijuana-infused products for medicinal or other purposes on district property or at district events since these products are prohibited under federal law. This prohibition applies even if the student has a valid, Missouri-issued, medical marijuana card.

In accordance with state law, parents/guardians with a valid hemp extract registration card may possess CBD oil on district property for the purpose of administering it to their students who are less than 18 years old for the treatment of epilepsy. Students 18 and older with a valid hemp extract registration card may possess CBD oil on district property for the limited purpose of bringing it to the health office where it will be stored with other medications and administered to the student by the nursing staff for the treatment of epilepsy. Students who have an actual prescription for a medication containing CBD will be permitted to possess and administer the prescription medication in accordance with this policy.

When applicable, district staff will administer prescription medication containing CBD in the same manner used to administer other prescription medication.

## Student Possession and Self-Administration of Medications

The district prohibits students from possessing or self-administering medications unless the student is allowed by law to do so and has been given permission in accordance with this section district procedures. Students with an IEP or Section 504 plan may possess and self-administer medications in accordance with their plan.

A student with an IEP or Section 504 plan may possess and self-administer medications in accordance with the IEP or Section 504 plan. Students who do not have an IEP or Section 504 plan may possess and self-administer medications in accordance with 1) or 2) below:

1. Students with Diabetes: Upon written request of the parent/guardian and upon authorization by a student's diabetes medical management plan, the district will permit a student with diabetes to perform blood glucose checks, administer insulin through the student's insulin delivery systems, treat hypoglycemia and hyperglycemia, and otherwise attend to the care and management of the student's diabetes. The district will permit the student to possess on his or her person at all times all necessary supplies and equipment to perform these monitoring and treatment functions. The student shall have access to a private area for performing diabetes care tasks should the parent/guardian or student request such access. Students with diabetes who wish to possess and self-administer medications are subject to the same requirements (below) as students with other health conditions.

2. Students with Other Chronic Health Conditions: Students may possess and self-administer medications for the treatment of asthma, anaphylaxis and other chronic health conditions in accordance with this policy and law. The district will not permit students to possess and self-administer medications unless all of the following requirements are met:

- The medication was prescribed or ordered by the student's physician.
- The physician has provided a written treatment plan for the condition for which the medication was prescribed or authorized that includes a certification that the student is capable of and has been instructed in the correct and responsible use of the medication and has demonstrated to the physician or the physician's designee the skill level necessary to use the medication.
- The student has demonstrated proper self-administration technique to the school nurse.
- The student's parent/guardian has signed a statement authorizing self-administration and acknowledging that the district and its employees or agents will incur no liability as a result of any injury arising from the self-administration of such medication unless such injury is a result of negligence on the part of the district or its employees or agents.

Permission to possess and self-administer medications may be revisited if there is evidence that the student is not handling or administering the medication appropriately or that the student's actions may be harming his or her own the student's health or the health and safety of others.

## Emergency Medications

Epinephrine, naloxone, and asthma-related rescue medications will be administered only in accordance with written protocols provided by an authorized prescriber. In accordance with law, qualified employees will be held harmless and immune from civil liability for administering epinephrine, naloxone and asthma-related rescue medications in good faith and according to standard medical practice. A prescription or written permission from a parent/guardian is not necessary to administer these medications in emergency situations.

## Consequences

Students who possess or consume medications in violation of this policy while on district grounds, on district transportation, or during a district activity may be disciplined up to and including suspension or expulsion. Employees who violate this policy may be disciplined up to and including termination. District administrators will notify law enforcement when they believe a crime has occurred.

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**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References	Description
§§ 167.621-.635, RSMo	<a href="#">State Statute</a>
§§ 167.800-.824, RSMo	<a href="#">State Statute</a>
§192.945, RSMo.	<a href="#">State Statute</a>
§192.947, RSMo.	<a href="#">State Statute</a>
§335.016, RSMo.	<a href="#">State Statute</a>
§335.066, RSMo.	<a href="#">State Statute</a>
§338.059, RSMo.	<a href="#">State Statute</a>
§577.625, RSMo.	<a href="#">State Statute</a>
Mo. Const. art. XIV §§ 1-2	<a href="#">State Statute</a>
Mo. Const. art. XIV §§ 21	<a href="#">State Statute</a>

Mo. Const., art.XVI § 1

[State Constitution](#)

**Federal References**

21 U.S.C. §§ 841, 844, 860

FEDERAL COURT

FEDERAL COURT

**Description**

[Federal Statute](#)

[Davis v. Francis Howell Sch. Dist., 138 F.3d 754 \(8th Cir. 1998\)](#)

[DeBord v. Board of Educ. of Ferguson-Florissant Sch. Dist., 126 F.3d 1102 \(8th Cir. 1997\)](#)

**Cross References**

AH

EBB

EBB-AP(1)

EBBA

EBBA-AP(1)

EBBA-AF(1)

EBBA-AF(2)

EBBA-AF(3)

EBBA-AF(4)

GBEBA

GBEBA-AF(1)

KK

KK-AP(1)

KK-AF(1)

KK-AF(2)

**Description**

[USE OF TOBACCO AND VAPING PRODUCTS](#)

[COMMUNICABLE DISEASES](#)

[COMMUNICABLE DISEASES - \(Infection Control\)](#)

[ILLNESS AND INJURY RESPONSE AND PREVENTION](#)

[ILLNESS AND INJURY RESPONSE AND PREVENTION - \(First Aid Guidelines\)](#)

[ILLNESS AND INJURY RESPONSE AND PREVENTION](#)

[ILLNESS AND INJURY RESPONSE AND PREVENTION](#)

[ILLNESS AND INJURY RESPONSE AND PREVENTION](#)

[ILLNESS AND INJURY RESPONSE AND PREVENTION](#)

[DRUG-FREE WORKPLACE](#)

[DRUG-FREE WORKPLACE](#)

[VISITORS TO DISTRICT PROPERTY AND EVENTS](#)

[VISITORS TO DISTRICT PROPERTY AND EVENTS - \(Public Conduct on District Property\)](#)

[VISITORS TO DISTRICT PROPERTY AND EVENTS](#)

[VISITORS TO DISTRICT PROPERTY AND EVENTS](#)