

School Medication Program

Under normal circumstances prescription and non-prescription medication should be administered to students before and/or after school hours under parental or medical supervision. If a student must receive or take prescription or non-prescription medication while on school grounds or during district-sponsored activities, the District, students, and parents must comply with the following policy.

The Bismarck Public School District has established a program for providing medication to students during the school day and when students are otherwise under the district's direct supervision (e.g., participating in a school activity, on a school-sponsored trip). This program is only available to students when the applicable requirements under this policy have been satisfied.

Qualifications for Eligible School Medication Providers

In order to be eligible to provide medication under this policy, an individual must meet the following criteria and receive approval from the building principal:

1. Received appropriate education and training in medication administration;
2. Provided the building principal with verification that the above training and education is complete;
3. Undergone a criminal history record check through the District and received satisfactory adjudication;
4. Agreed to perform the duty of providing medication;
5. Received written consent of the student's parent or guardian;
6. Agreed to comply with this policy and any additional district rules on providing medication.

The District shall pay the cost of all district-authorized education and training for school medication providers.

Requirements and Prohibitions for All School Personnel

All school employees and volunteers shall comply with the district's Drug and Alcohol Free Workplace policy, which prohibits illegal activities associated with prescription and over-the-counter medication. In addition, eligible school medication providers and all other school employees and volunteers with knowledge of a student's health condition and/or medication regimen shall comply with district policies and law on confidentiality of student education records—records that include student health records. Additional rules governing school

personnel's role in implementing the school medication program are contained in administrative rules.

All school employees and volunteers are required, as soon as possible, to report to building administration or his/her designee any observed or reported sign or symptom that a student may be having an adverse medication reaction or allergic reaction.

Any violation of this policy or other district rules governing medication may result in disciplinary action, including, but not limited to, discharge (in accordance with applicable law) and/or removal of medication provider duties, if applicable.

Types of Medication Provided

The District may provide both prescription and over-the-counter medication to students covered by this policy so long as they are legal under state law and:

1. Recognized as drugs in the official U.S. Pharmacopoeia and national formulary, or
2. Recognized as drugs in the official Homeopathic Pharmacopoeia of the U.S., or
3. Recognized as drugs in any supplementary publication to the above references, and
4. Are authorized to be provided to the student by his/her parent/guardian and, when applicable, healthcare provider in accordance with this policy.

The District is not responsible for verifying the authenticity of the drug based on the above criteria but may consult a qualified healthcare provider (e.g., pharmacist) to determine if the above, applicable criteria have been met. The District shall maintain the student's confidentiality when making such an inquiry unless the student's parent/guardian has waived confidentiality rights.

The District and all school employees and volunteers are prohibited from purchasing over-the-counter medications to provide to students. This includes items taken orally, topical application, etc.

Routes of Medication Provided

Eligible school medication providers may provide oral and non-oral, noninvasive medication (i.e., medication provided by non-parenteral routes) to students covered by this policy. Eligible school medication providers shall not provide medication through parenteral routes unless they have the proper authority under state law, including certification or licensure, to perform such functions. The District shall retain verification of such authorization, certification, or licensure.

Except as otherwise delineated below, if a student's medication requires administration through the parenteral route, the District may deny a parent's/guardian's request to provide such medication or may require the parents/guardians to reimburse the District for the expense of hiring a healthcare provider who has authority under state law to administer such medication, if

the District does not have a medically qualified and eligible school medication provider on staff who is willing to administer the medication.

For students whose Individual Education Program (IEP) or 504 Plan requires medication via a parenteral route, the District shall attempt to reasonably accommodate the student.

If a medically qualified and eligible school medication provider is requested to perform any invasive medication administration, the District first should contact its insurer to determine if additional liability coverage is necessary if the District has not previously made this inquiry.

Student Self-Administration

Students are authorized to self-administer medication when receiving appropriate consent as described by administrative regulations, or, for emergency medication, in accordance with law (NDCC 15.1-19-16). Students are authorized to possess/carry medication when permitted by law and in accordance with authorization procedures in administrative regulations beginning in middle school or when the medication is prescribed for life-threatening conditions, typically emergencies.

Additional Prohibitions, Restrictions, and Requirements for Students

All students are required to comply with the district's policy on drug and alcohol free schools, which contains prohibitions on illegal activities associated with prescription and over-the-counter medication. Students who violate the Drug and Alcohol Free Schools policy by engaging in a prohibited activity with medication originally authorized by this policy may be subject to disciplinary action. In addition, the District may refuse to provide medication to the violating student and/or may prohibit the violating student from self-administering medication as long as:

1. The student's condition and treatment is **not** covered by an IEP or 504 Plan under which the District provides medication.
2. The medication is **not** covered by an emergency provision in law or needed on an emergency basis as determined by administration in consultation with the student's healthcare provider (i.e., an inhaler, epi-pen, or insulin).

Parents/guardians of violating students not subject to an exception above will be required to make arrangements to provide medication to their children during the school day.

Students who are covered by this policy and taking medication at school must agree to report any known sign or symptom of a side effect, adverse medication reaction, or allergic reaction to a school official when the student is in school or otherwise under the school's supervision. Students authorized to carry medication must agree not to leave the medication unattended or unsecured and accessible to other students.

Policy Implementation

The Superintendent, in consultation with other district administrators and medical staff, is responsible for creating regulations governing parental authorization to provide medication,

medication check-in requirements, and other necessary rules governing the operation of the medication program.

Medication Off-Campus When Student is Under District Supervision

Parents/guardians must make arrangements with the building principal for students who will require medication off-campus while under the district's supervision prior to the activity or event (e.g., students who participate in extracurricular events or field trips). At a minimum, parents/guardians making such a request shall be required to comply with the applicable authorization requirements contained in this policy. The District shall develop, on a case-by-case basis, check-in and storage requirements for all medication provided or self-administered in this context. The District may consult the student's healthcare provider(s) when developing these rules.

Liability Disclaimer

It is not the intent of the District to expand or modify the district's potential liability exposure through the development of this medication program. The district's voluntary creation of this program shall not be construed to create or assume any potential liability under any local, state, or federal law or regulation. State law provides liability protection for establishing and providing medication under a school medication program. This protection extends to all eligible school medication providers, the District, and the Board so long as each party is acting in good faith.

The District is not responsible for determining the qualifications of healthcare providers whose signatures appear on prescriptions and other medical documentation submitted to the District by parents/guardians. The District assumes that by signing such documentation, the healthcare provider is attesting to the validity of his/her qualifications and credentials. The District will comply with healthcare providers' orders but assumes no liability for their content.

Complementary Documents

- DEAA, Drug- and Alcohol Free-Workplace
- FFA, Student Alcohol and Other Drug Use/Abuse
- FGA, Student Education Records