

Provision of Healthcare Services Guidance  
(Adapted from Riverside SELPA Policies and Procedures)

Table of Contents

[Introduction](#)

[Provision of Nursing Services - Federal Law](#)

[Definition](#)

[Administering Medication and Monitoring Health Services](#)

[Persons Authorized to Administer Medication at School](#)

[Requirements for Medication at School](#)

[Regarding Administration of Insulin](#)

[Self Administration of Medication at School](#)

[Notifications to Parents/Guardians](#)

[Parent/Guardian Responsibilities](#)

[LEA Responsibilities](#)

[Delivery and Storage of Medication](#)

[References](#)

## Introduction

The Local Educational Agency (LEA) shall provide children within the Sonoma County Special Education Local Plan Area (SELPA) who require health care services during the course of their school day, which are necessary for them to regularly attend and benefit from the instructional program, specified services pursuant to the Individualized Educational Plan (IEP).

Health and nursing services are considered a “related service” if they are necessary in order for the child to benefit from their specialized academic instruction. The need for these services is discussed and reviewed during the Individualized Education Program (IEP) meeting. At that time, a health plan for the child is developed and becomes a permanent part of the child’s IEP.

## Provision of Nursing Services - Federal Law

The Individuals with Disabilities Education Act (IDEA) of 2004 ensures that all children have available to them a free appropriate public education (FAPE). The law emphasizes special education and related services designed to meet their unique needs, to assure the rights of children with disabilities and their parents or guardians are protected, and to assess and assure the effectiveness of efforts to educate children with disabilities. School health service(s) is a related service.

Federal regulations provide further distinction between “school health services,” which are provided by a “qualified school nurse or other qualified person,” and “medical services,” which are provided by a licensed physician. (Title 34 of the Code of Federal Regulations § 300.34 (a) (c)(5)(13)).

## Definition

Children who need school health services require special health care procedures for life support or health support during the school day in order to be able to benefit from the educational program.

**Procedure for Developing the IEP of a Child with Specialized Health Care Needs** If a child is eligible for special education, the health plan is a part of the IEP process. The IEP team (including a nurse knowledgeable about the child’s health care needs) is convened to discuss safe and appropriate classroom placement, as well as necessary

services and personnel for the child to attend school in the least restrictive environment (LRE). The issues addressed may include:

- Child's medical condition and needs;
- Procedure(s) required during the school day;
- How the need is currently being met;
- What records are kept;
- What level of personnel is required to perform necessary procedures;
- What level of supervision is needed;
- What is the educational impact; and
- Where should the educational placement be.

The information from this meeting is developed into a health plan that is a part of the IEP of a child who is eligible for special education services.

The school nurse is legally responsible for supervision/provision of nursing procedures performed during the school day. They can delegate that responsibility by training licensed nursing staff or unlicensed assistive personnel as deemed appropriate. All staff having contact with the child should be informed about the child's needs and given training for services appropriate for them to provide. Review of training and care given should be evaluated regularly as needs change and information and technology is updated.

### Administering Medication and Monitoring Health Condition

Other designated school personnel may include any individual employed by the LEA who has consented to administer the medication or otherwise assist the child, and who may legally administer the medication (Title 5 of the California Code of Regulations § 601 (e)(1-2); California Education Code § 49423).

Medication may include not only a substance dispensed in the United States by prescription, but also a substance that does not require a prescription, such as over-the-counter remedies, nutritional supplements, and herbal remedies (Title 5 of the California Code of Regulations § 601(b); California Education Code § 49423).

Additionally, federal and state law prohibit LEAs from requiring a child to obtain a prescription for a substance covered by the Controlled Substance Act, as a condition of attending school, receiving an evaluation, or receiving services (Title 20 of the United States Code § 1412(a)(25)).

[Back to Table of Contents](#)

## Persons Authorized to Administer Medication at School

Based on California Education Code §§ 44871 - 44878, 49400, 49422(a), and 49423; Title 5 of the California Code of Regulations §§ 600, 601(e)(f)(h) and 604, it is recommended that medication be administered at school by the school nurse, other duly qualified supervisors of health, site administrator or designee as allowed by law, the parent/guardian or their designee as allowed by law or LEA policy, a contracted licensed health care professional whose license permits administration of the medication, or by the child under specified conditions.

## Requirements for Medication at School

In order for a pupil to be assisted by a school nurse or other designated school personnel, the school district shall obtain both a written statement from the licensed medical provider detailing:

1. The name of the medication,
2. Method,
3. Amount, and
4. Time schedules by which the medication is to be taken and
5. Another written statement from the parent, foster parent, or guardian of the pupil indicating the desire that the school district assist the pupil in the matters set forth in the statement of the licensed medical provider.

The written statements shall be provided at least annually and more frequently if the medication, dosage, frequency of administration or reason for administration changes. (California Education Code § 49423 (3))

“Medication may include not only a substance dispensed in the United States by prescription, but also a substance that does not require a prescription, such as over-the-counter remedies, nutritional supplements, and herbal remedies (Title 5 of California Code of Regulations §601 (b))

## Regarding Administration of Insulin

Based on the decision from American Nurses Association V. Torlakson, California law does permit trained, unlicensed school personnel to administer prescription

[Back to Table of Contents](#)

medications, including insulin, in accordance with written statements of individual students' treating physicians, with parental consent (Ed. Code, §§ 49423, 49423.6; tit. 5, §§ 600-611),

Because schools may administer prescription medications only in accordance with physicians' written statements (§ 49423; tit. 5, § 600, subd. (a)), state law in effect delegates to each student's physician the decision whether insulin may safely and appropriately be administered by unlicensed school personnel or instead whether a particular student's medical needs can be met only by a licensed healthcare provider. State law, however, presents no categorical obstacle to the use of unlicensed personnel for this purpose.

### Self Administration of Medication at School

Based on California Education Code § 49423: and Title 5 of the California Code of Regulations § 605, Any pupil who is required to take, during the regular school day, medication prescribed for him or her by a licensed medical provider may be assisted by the school nurse or other designated school personnel or may carry and self-administer prescription auto-injectable epinephrine and/or inhaled asthma medication if the school district receives the appropriate written statements.

In order for a pupil to carry and self-administer prescription auto-injectable epinephrine and/or inhaled asthma medication, the school district shall obtain both a written statement from the licensed medical provider detailing:

1. The name of the medication,
2. Method,
3. Amount, and
4. Time schedules by which the medication is to be taken, and
5. Confirming that the pupil is able to self-administer inhaled asthma medication, and
6. A written statement from the parent, foster parent, or guardian of the pupil consenting to the self-administration,
  - a. Providing a release for the school nurse or other designated school personnel to consult with the health care provider of the pupil regarding any questions that may arise with regard to the medication, and
  - b. Releasing the school district and school personnel from civil liability if the self-administering pupil suffers an adverse reaction by taking medication pursuant to this section.

A pupil may be subject to disciplinary action pursuant to section 48900 if that pupil uses auto-injectable epinephrine or inhaled asthma medication in a manner other than as prescribed (California Education Code § 49423 (c))

### Notifications to Parents/Guardians

At the beginning of each school year, the LEA shall notify parent/guardian that children who need to take prescribed medication during the school day may be assisted by a school nurse or designated school personnel, or allowed to self-administer certain medications as long as the LEA receives written statements from the child's physician and parent/guardian in accordance with law, Board policy and administrative regulation (California Education Code §§ 48980, 49423).

The LEA shall inform the parent/guardian of any child on a continuing medication regimen for a non-episodic condition of the following requirements (California Education Code § 49480):

1. The parent/guardian is required to inform the school nurse or other designated employee of the medication being taken, the current dosage, and the name of the licensed medical provider ; and
2. With the parent/guardian's written consent, the school nurse or other designated employee may communicate with the child's licensed medical provider regarding the medication and its effect, and may counsel school personnel regarding the possible effects of the medication on the child's physical, intellectual and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose.

### Parent/Guardian Responsibilities

Before a designated employee administers or assists in the administration of any prescribed medication to any child, or any child is allowed to carry and self-administer prescription auto injectable epinephrine or prescription inhaled asthma medication during school hours, the LEA shall have a written statement from the child's licensed medical provider and a written statement from the child's parent/guardian (California Education Code §§ 49414.5, 49423, 49423.1; Title 5 of the California Code of Regulations § 600).

The licensed medical provider's written statement shall clearly (California Education Code §§ 49423, 49423.1; Title 5 of the California Code of Regulations § 602):

1. Identify the child;
2. Identify the medication;
3. Specify the method, amount, and time schedules by which the medication is to be taken;
4. Contain the name, address, telephone number, and signature of the physician; and
5. If a parent/guardian has requested that his/her child be allowed to self-administer prescription auto-injectable epinephrine or prescription inhaled asthma medication, confirm that the child is able to self-administer the medication.

The parent/guardian's written statement shall:

1. Identify the child;
2. Grant permission for the authorized LEA representative to communicate directly with the child's physician, as may be necessary, regarding the physician's written statement or any other questions that may arise with regard to the medication;
3. Contain an acknowledgement that the parent/guardian understands how LEA employees will administer or otherwise assist the child in the administration of medication;
4. Contain an acknowledgement that the parent/guardian understands his/her responsibilities to enable LEA employees to administer or otherwise assist the child in the administration of medication including, but not limited to, the parent/guardian's responsibility to provide a written statement from the physician and to ensure that the medication is delivered to the school in a proper container by an individual legally authorized to be in possession of the medication; and
5. Contain an acknowledgement that the parent/guardian may terminate consent for such administration at any time.

If a parent/guardian has requested that his/her child be allowed to carry and self-administer prescription auto-injectable epinephrine or prescription inhaled asthma medication, the parent/guardian's written statement shall also (California Education Code §§ 49423, 49423.1):

1. Consent to the self-administration; and
2. Release the LEA and school personnel from civil liability if a child suffers an adverse reaction as a result of self-administering the medication.

The parent/guardian shall annually provide the LEA a new written statement from himself/herself and the child's physician. In addition, the parent/guardian shall provide a new prescriber's statement if the medication, dosage, frequency of administration, or reason for administration changes (California Education Code §§ 49423, 49423.1).

The parent/guardian shall provide medications in a properly labeled, original container along with the instructions from the licensed medical provider. For prescribed medication, the container shall bear the name and telephone number of the pharmacy, the child's identification, name and phone number of the prescriber, and the prescriber's instructions. Medications that are not in their original container shall not be accepted or administered. Medications shall be delivered to the school by the parent/guardian, unless the LEA authorizes another method of delivery.

The parent/guardian of a child on a continuing medication regimen for a non-episodic condition shall inform the school nurse or other designated certificated employee of the medication being taken, the current dosage, and the name of the licensed medical provider. (California Education Code § 49480).

#### LEA Responsibilities

The school nurse or other designated school personnel may, according to their LEA guidance:

1. Administer or assist in administering the medication in accordance with the licensed medical provider's written statement;
2. Accept delivery of medication from the child's parent/guardian, including counting and recording the medication upon receipt;
3. Maintain a list of children needing medication during the school day, including the type of medication, times and dosage, as well as a list of children who are authorized to self-administer medication;
4. Maintain a medication log documenting the administration of medication including the child's name; name of medication the child is required to take; dose of medication; method by which the child is required to take the medication; time the medication is to be taken during the regular school day; date(s) on which the child is required to take the medication; prescriber's name and contact information; and a space for daily recording of medication administration (Title 5 of the California Code of Regulations § 601 (c)(1-8) and California Education Code § 49423). The daily record, as determined by the LEA, may contain the



date, time, amount of medication administered, and signature of the individual administering the medication;

5. Maintain a medication record including the authorized health care provider's written statement, the parent/guardian's written statement, the medication log, and any other written documentation related to the administration of medication to the child (Title 5 of the California Code of Regulations § 601 (d)(1-4));
6. Ensure that student confidentiality is appropriately maintained;
7. Coordinate the administration of medication during field trips and after-school activities;
8. Report any refusal of a child to take his/her medication to the parent/guardian;
9. Keep all medications to be administered by the LEA in a locked drawer or cabinet;
10. Communicate with the prescriber regarding the medication and its effects;
11. Counsel school personnel regarding the possible effects of the medication on the child's physical, intellectual and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose; and
12. By the end of the school year, ensure that unused, discontinued, and outdated medication is returned to the child's parent/guardian where possible or, if the medication cannot be returned, is disposed of in accordance with state laws and local ordinances.

### Delivery and Storage of Medication

According to Title 5 of the California Code of Regulations § 606, A local education agency may establish policies governing the delivery of medication to the school site (other than medication a pupil is allowed to carry for purposes of self-administration), as well as the storage of medication in a manner that is secure and maintains the medication's effectiveness. (California Education Code § 33031 49423 and 49423.6)

### References

- [California Department of Education \(CDE\) K.C. Settlement Agreement and Legal Advisory](#)
- [American Nurses Association v. Torlakson 57 Cal. 4th 570 \(PDF\)](#)