

Attorney Note:

Two recommended changes for this Policy.

- (1) The recommended policy change is a complete re-structuring of the policy language to align with Indiana law and recommendations from the Indiana School Board Association. Our current policy is simply outdated.
- (2) The language in bold (on the new policy) reflects the new laws regarding (a) the exemption of sunscreen as a medication to be administered by the nurse and (b) the administration Low-THC products.

I recommend that the new policy be adopted in its entirety. Because Low-THC products are now legal in the state of Indiana, we need to have strict guidelines for the administration and control of any products that come onto school property.

### USE OF MEDICATIONS

~~The School Board shall not be responsible for the diagnosis and treatment of student illness. The administration of prescribed medication and/or medically prescribed treatments to a student during school hours will be permitted only when failure to do so would jeopardize the health of the student, or the student would not be able to attend school if the medication or treatment were not made available during school hours.~~

~~For purposes of this policy, "medication" shall include all medicines prescribed by a physician and any over the counter medications. "Treatment" refers both to the manner in which a medication is administered and to healthcare procedures which require special training.~~

~~Before any prescription medication or treatment may be administered by school personnel to any student during school hours, the Board shall require the medicine be sent to school in a labeled prescription container which has at least the name of the medication, child's name, and dosage and instructions on the label. This is to be accompanied by written permission from parent or guardian allowing school personnel to administer the medication as directed on the container.~~

~~The staff will not dispense herbal medicines while the child is at school. Only FDA approved medicines, either prescription or over the counter, will be dispensed from the health room.~~

~~Non-prescription medication must be sent to school in the original container along with permission from the parent or guardian that includes dosage and time of administration.~~

~~No intravenous or intramuscular injectable medication may be administered without being prescribed by a physician. Staff members must be properly trained to administer injections.~~

~~All medication must be kept in the school office. Students who may require administration of an emergency medication may have such medication, identified as aforementioned, stored in the building administrator's office and administered in accord with this policy, unless written permission from parent or guardian allows the student to self-administer emergency medications, (inhalers and Epi-pens) from an original container which they carry on their person. Documentation from parent or guardian for use of prescription and over-the-counter medications shall be kept on file in the office of the building administrator.~~

~~I.C.20-33-8-73~~

~~Revised July 1998~~

~~Revised July 2006~~

~~Revised April 2008~~

---

### **Administration of Medication at School**

No medication shall be administered to a student without the written and dated consent of the student's parent. The consent of the parent shall be valid only for the period specified on the consent form and in no case longer than the current school or program year.

All nonprescription medicine to be administered to a student must be accompanied by a statement describing the medicine, the dosage, and the time for it to be administered to the student. **USDA-approved topical, non-aerosol sunscreen products are exempt from this requirement. A school employee may assist in applying the sunscreen with written permission of the student's parent or guardian. A student may possess and use the above-described sunscreen product while at school and at school events.**

All prescription medicine, including injectable medicine, and all blood glucose tests by finger prick to be administered to a student must be accompanied by a physician's prescription, a copy of the original prescription, or the pharmacy label. If the medication is to be terminated prior to the date on the prescription, the written and dated consent or withdrawal of consent of the parent is required. The written consent of the parent and the written order of the physician shall be kept on file.

No student shall be allowed to keep medicine at school except as provided by state law. Any medicine to be administered to a student shall be brought to either the principal's or school nurse's office where it will be kept in a secure place. The medication will be administered to the student by the school nurse or a person designated by the school nurse or designated by the school principal.

Medication shall be administered in accordance with the parent's statement (in the case of nonprescription medicine) or the physician's order (in the case of prescription medicine) only by a school nurse or other employee(s) designated in writing by the school principal. All administration of medicine shall be documented in writing. Any designated employee who is

responsible for administering injectable insulin or a blood glucose test by finger prick shall receive proper training from a practitioner or a registered nurse and such training shall be documented in writing by the practitioner or registered nurse and kept on file in the school building office.

Unused medicine by a student may be sent home through the student's parent or an individual who is at least 18 years old and is designated in writing by the student's parent to receive the medication. Unused medicine may be sent home with the student only with the written permission of the student's parent.

### Low THC Hemp Extract

Low THC Hemp Indiana law defines "low THC hemp extract" as a product:

1. derived from Cannabis sativa L., that meets the definition of industrial hemp;
2. that contains not more than three-tenths percent (0.3%) delta-9-THC (including precursors); and
3. that contains no other controlled substances

Prior to school personnel administering a low THC hemp extract substance, in addition to the above requirements, the following criteria must be met:

1. Parent/Guardian has provided the school with written permission to administer the product to his/her child and has verified that the product was acquired from a retailer that meets the requirements of state law;
2. Product is in the original packaging and is UNOPENED;
3. Student's health care provider has provided the school with a prescription to administer the substance which includes the dose, route and time of administration; and
4. Product has been approved by: (1) the federal Food and Drug administration or the federal Drug Enforcement Agency as a prescription or over the counter drug or (2) meets the packaging requirements of state law.

Low THC hemp extract substance must be in packaging that contains the information required by state law. A school nurse or other trained school personnel will determine if the packaging complies with the law prior to the low THC hemp extract being administered.

- Legal Reference: IC 34-30-14  
IC 20-33-8-13  
IC 20-34-3-18  
IC 20-34-3-22  
IC 24-4-21  
511 IAC 7-36-9