

## Document Status: Draft Update

### Students

#### 7:270 Administering Medicines to Students

Students should not take medication during school hours or during school-related activities unless it is necessary for a student's health and well-being. When a student's licensed health care provider and parent(s)/guardian(s) believe that it is necessary for the student to take a medication during school hours or school-related activities, the parent/guardian must request that the school dispense the medication to the child and otherwise follow the District's procedures on dispensing medication.

No School District employee shall administer to any student, or supervise a student's self-administration of, any prescription or non-prescription medication until a completed and signed *School Medication Authorization Form (SMA Form)* is submitted by the student's parent(s)/guardian(s). No student shall possess or consume any prescription or non-prescription medication on school grounds or at a school-related function other than as provided for in this policy and its implementing procedures.

Nothing in this policy shall prohibit any school employee from providing emergency assistance to students, including administering medication.

The Building Principal shall include this policy in the Student Handbook and shall provide a copy to the parent(s)/guardian(s) of students.

#### Self-Administration of Medication

A student may possess and self-administer an epinephrine injector, e.g., EpiPen®, and/or asthma medication prescribed for use at the student's discretion, provided the student's parent/guardian has completed and signed an School Medication Authorization SMA Form. The Superintendent or designee will ensure an Emergency Action Plan is developed for each self-administering student. [PRESSPlus1](#)

A student may self-administer medication required under a qualifying plan, provided the student's parent/guardian has completed and signed an SMA Form. A qualifying plan means: (1) an asthma action plan, (2) an Individual Health Care Action Plan, (3) an Ill. Food Allergy Emergency Action Plan and Treatment Authorization Form, (4) a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973, or (5) a plan pursuant to the federal Individuals with Disabilities Education Act. [PRESSPlus2](#)

The ~~School~~ District shall incur no liability, except for willful and wanton conduct, as a result of any injury arising from a student's self-administration of medication, including asthma medication or epinephrine injectors, or medication required under a qualifying plan, or the storage of any medication by school personnel. [PRESSPlus3](#) A student's parent/guardian must indemnify and hold harmless the ~~School~~ District and its employees and agents, against any claims, except a claim based on willful and wanton conduct, arising out of a student's self-administration of an epinephrine injector, and/or asthma medication, and/or a medication required under a qualifying plan, or the storage of any medication by school personnel.

#### School District Supply of Undesignated Glucagon [Q1](#)

The Superintendent or designee shall implement 105 ILCS 145/27 and maintain a supply of undesignated glucagon in the name of the District in accordance with manufacturer's instructions.

When a student's prescribed glucagon is not available or has expired, a school nurse or delegated care aide may administer undesignated glucagon only if he or she is authorized to do so by a student's diabetes care plan.

#### Designated Caregiver Administration of Medical Cannabis [PRESSPlus4](#)

The Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act allows a medical cannabis infused product to be administered to a student by one or more of the following individuals:

1. A parent/guardian of a student who is a minor ~~to~~ who registers with the Ill. Dept. of Public Health (IDPH) as a *designated caregiver* to administer medical cannabis to their child. A designated caregiver may also be another individual other than the student's parent/guardian. Any designated caregiver must be at least 21 years old [PRESSPlus5](#) and is allowed to administer a *medical cannabis infused product* to a child who is a student on the premises of his or her school or on his or her school bus if:
  - a. Both the student and the designated caregiver possess valid registry identification cards issued by IDPH;
  - b. Copies of the registry identification cards are provided to the District; ~~and~~

- c. That student's parent/guardian completed, signed, and submitted a *School Medication Authorization Form - Medical Cannabis*; and
  - d. After administering the product to the student, the designated caregiver immediately removes it from school premises or the school bus. [PRESSPlus6](#)
2. A properly trained school nurse or administrator, who shall be allowed to administer the *medical cannabis infused product* to the student on the premises of the child's school, at a school-sponsored activity, or before/after normal school activities, including while the student is in before-school or after-school care on school-operated property or while being transported on a school bus. [PRESSPlus7](#)
  3. The student him or herself when the self-administration takes place under the direct supervision of a school nurse or administrator. [PRESSPlus8](#)

*Medical cannabis infused product* (product) includes oils, ointments, foods, and other products that contain usable cannabis but are not smoked or vaped. Smoking and/or vaping medical cannabis is prohibited.

~~After administering the product to the student, the designated caregiver shall immediately remove it from school premises or the school bus.~~ The product may not be administered in a manner that, in the opinion of the District or school, would create a disruption to the educational environment or cause exposure of the product to other students. A school employee shall not be required to administer the product.

Discipline of a student for being administered a product by a designated caregiver, or by a school nurse or administrator, or who self-administers a product under the direct supervision of a school nurse or administrator pursuant to this policy is prohibited. The District may not deny a student attendance at a school solely because he or she requires administration of the product during school hours.

#### Void Policy

The **School District Supply of Undesignated Glucagon** section of the policy is void whenever the Superintendent or designee is, for whatever reason, unable to: (1) obtain for the District a prescription for glucagon from a qualifying prescriber. [PRESSPlus9](#) or (2) fill the District's prescription for undesignated school glucagon.

The ~~**Designated Caregiver Administration of Medical Cannabis**~~ section of the policy is void and the District reserves the right not to implement it if the District or school is in danger of losing federal funding.

#### Administration of Undesignated Medication

Upon any administration of an undesignated medication permitted by State law, the Superintendent or designee(s) must ensure all notifications required by State law and administrative procedures occur.

#### Undesignated Medication Disclaimers

Upon implementation of this policy, the protections from liability and hold harmless provisions applicable under State law apply. [PRESSPlus10](#)

No one, including without limitation, parents/guardians of students, should rely on the District for the availability of undesignated medication. This policy does not guarantee the availability of undesignated medications. Students and their parents/guardians should consult their own physician regarding these medication(s).

#### LEGAL REF.:

[105 ILCS 5/10-20.14b](#), [5/10-22.21b](#), [5/22-30](#), and [5/22-33](#).

[105 ILCS 145/](#), *Care of Students with Diabetes Act*.

410 ILCS 130/, *Compassionate Use of Medical Cannabis Pilot Program Act*, and scheduled to be repealed on July 1, 2020.

[720 ILCS 550/](#), *Cannabis Control Act*.

[23 Ill.Admin.Code §1.540](#).

CROSS REF.: 7:285 (Food Allergy Management Program)

ADOPTED: September 10, 2002

REVISED: April 4, 2019

REVIEWED: October 6, 2016

## Questions and Answers:

\*\*\*Required Question 1. Optional. 105 ILCS 145/27, added by P.A. 101-428, permits a district to maintain a supply of undesignated glucagon in any secure location that is immediately accessible to a school nurse or delegated care aide. A school board must ensure that it does not adopt this section into the policy unless it is prepared to implement it. Consult the board attorney about the consequences of informing the community that the district will obtain a prescription for a supply of undesignated glucagon, and implement a plan for their use, and then not doing it, as doing so may be fraught with legal liabilities. The superintendent is given broad authority to implement this section; however, several preliminary steps should occur with the assistance of the board attorney. They include, but are not limited to: (1) investigating the feasibility of obtaining a prescription for a supply of undesignated glucagon in the name of the district or one of its schools, and (2) outlining the advantages and disadvantages of implementing this plan based upon each district's individual resources and circumstances, and student population's needs. Has the Board adopted the School District Supply of Undesignated Glucagon subsection?

Yes (default)

No (IASB will delete the School District Supply of Undesignated Glucagon subsection and its Void Policy language)

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## PRESSPlus Comments

PRESSPlus 1. Updated in response to 105 ILCS 5/10-22.21b(d), added by P.A. 101-205, eff. 1-1-20. The plan must address actions to be taken if the student is unable to self-administer medication and the situations in which the school must call 911. For plan guidance, see 7:270-AP1, *Dispensing Medication*, available at PRESS Online by logging in at [www.iasb.com](http://www.iasb.com). **Issue 102, October 2019**

PRESSPlus 2. Updated in response to 105 ILCS 5/10-22.21b, amended by P.A. 101-205, eff. 1-1-20. A student with a qualifying plan may self-administer medication if the student's parent/guardian provides the school with: (1) written permission for the student's self-administration of medication, (2) written authorization from the student's physician, physician assistant, or advanced practice registered nurse for the student to self-administer the medication, and (3) the prescription label containing the name of the medication, the prescribed dosage, and the time(s) or circumstances under which the medication is to be administered. This does not allow a student to self-carry unless otherwise permitted. Contact the board attorney for further guidance. **Issue 102, October 2019**

PRESSPlus 3. 105 ILCS 5/10-22.21b, amended by P.A. 101-205, eff. 1-1-20, does not specifically require this information to be in a notification to parents/guardians. However, 105 ILCS 5/10-22.21b requires parents/guardians to sign a statement that includes the district's protections from liability under 105 ILCS 5/10-22.21b; the signed acknowledgment is the notice. This policy includes the liability protection information under 105 ILCS 5/10-22.21b to also inform the community.

The storage of medication is not addressed in the applicable statutes and may not be covered as part of the district's protections from liability and hold harmless provisions. Contact the board attorney and the board's liability insurance carrier for further discussion about the district's liability and coverage in this area. **Issue 102, October 2019**

PRESSPlus 4. 105 ILCS 5/22-33(g), added by P.A. 100-660 (*Ashley's Law*), requires school boards to adopt a policy and implement it by:

1. Authorizing a parent/guardian and/or a *designated caregiver* of a student who is a *registered qualifying patient* to administer a medical cannabis infused product to that student at school or on the school bus (105 ILCS 5/22-33(b)).
2. Allowing a school nurse or administrator to administer a medical cannabis infused product to a student who is a *registered qualifying patient* while at school, a school-sponsored activity, or before/after normal school activities, including while the student is in before-school or after-school care, on school-operated property or while being transported on a school bus (105 ILCS 5/22-33(b-5), added by 101-370, eff. 1-1-20)).
3. Authorizing a student who is a *registered qualifying patient* to self-administer a medical cannabis infused product if the self-administration takes place under the direct supervision of a school nurse or school administrator (ld).

**Important: If a district would lose federal funding as a result of the board adopting this policy, the board may not authorize the use of a medical cannabis infused product under Ashley's Law and not adopt this subsection. 105 ILCS 5/22-33(f).** Consult the board attorney about the issue of federal funding.

## Issue 102, October 2019

PRESSPlus 5. A student under the age of 18 may have up to three designated caregivers as long as at least one is a biological

parent or a legal guardian. A student 18 years of age or older may appoint up to three designated caregivers who meet the requirements of the Compassionate Use of Medical Cannabis Program Act. **Issue 102, October 2019**

PRESSPlus 6. Text moved from below. **Issue 102, October 2019**

PRESSPlus 7. 105 ILCS 5/22-33(b-5), added by P.A. 101-370, eff. 1-1-20. A school nurse or administrator must annually complete a training curriculum to be developed by ISBE in consultation with the Ill. Dept. of Public Health prior to administering a medical cannabis infused product to a student in accordance with this section. 105 ILCS 5/22-33(f-5), added by P.A. 101-370, eff. 1-1-20. **Issue 102, October 2019**

PRESSPlus 8. Any medical cannabis infused product administered by a school nurse or administrator, or self-administered under the supervision of a school nurse or administrator, must be stored with the school nurse at all times in a manner consistent with storage of other student medication at the school and may be accessible only by the school nurse or a school administrator. 105 ILCS 5/22-33(b-10), added by P.A. 101-370, eff. 1-1-20. **Issue 102, October 2019**

PRESSPlus 9. 105 ILCS 145/27, added by P.A. 101-428, provides that a physician, a physician assistant who has prescriptive authority under the Physician Assistant Practice Act of 1987 (225 ILCS 95/7.5), or an advanced practice registered nurse who has prescriptive authority under the Nurse Practice Act (225 ILCS 65-40) may prescribe undesignated glucagon in the name of the district to be maintained for use when necessary. **Issue 102, October 2019**

PRESSPlus 10. 105 ILCS 5/22-30(c). The school, and its employees and agents, incur no liability, except for willful and wanton conduct, as a result of an injury to a student arising from the administration of asthma medication, epinephrine injectors, or an opioid antagonists, a student's self-administration of medication, or administration of undesignated glucagon (insofar as it would be considered part of the care of a student with diabetes).

105 ILCS 5/22-30(c) requires the district to inform parents/guardians in writing of the protections from liability and hold harmless provisions that apply to the administration of asthma medication, epinephrine injectors, and opioid antagonists. In addition, a statement must be signed by a student's parent/guardian acknowledging the district's protections from liability and hold harmless provisions for these undesignated medications. A similar acknowledgment must be signed by a student's parent/guardian for the self-administration of medication. 105 ILCS 5/10-22.21(c), added by P.A. 101-205, eff. 1-1-20. See 7:270-E1, *School Medication Authorization Form*, available at PRESS Online by logging in at [www.iasb.com](http://www.iasb.com), for a sample acknowledgement. **Issue 102, October 2019**