

Section J: STUDENTS

JLCD ADMINISTRATION OF MEDICATION TO STUDENTS

The Board acknowledges that in certain instances it may be necessary for a student to have medication administered to them while in attendance at school. The Board discourages the administration of medication on school premises where other options exist. Whenever possible, it is recommended that the first dose of a newly-prescribed medication be given at home.

A. Requests to Administer Medications Pursuant to Health Provider Order

The following procedure must be followed for any prescription or over the counter medication to be administered to a student pursuant to a health care provider's order. Such an order must be obtained from a medical/health practitioner who has a current Maine license with a scope that includes administering medication. This section does not apply to the administration of medical marijuana; please see Section B for specific requirements.

1. The parent/legal guardian shall obtain a copy of Region 8's Request/Permission to Administer Medication in School Form and Board Policy JLCD from the school nurse.
2. The parent/legal guardian and the student's health care provider shall complete and sign the Request/Permission Form.
3. The parent/legal guardian shall return the Request/Permission Form to the school nurse along with the medication:
 - In the original container (and in the case of prescription medications, appropriately labeled by the health care provider or pharmacy);
 - Including no more than the amount of medication necessary to comply with the health provider's order;
 - The parent/guardian is responsible for bringing refills to the school nurse.
4. The school nurse shall review the Request/Permission form for completeness and clarity. If the nurse has any questions or concerns about the form, they will contact the parent/legal guardian and/or health care provider, as appropriate, for more information.
5. If there is a later change in the medical order (such as change in dose, frequency or type of medication), a new Request/Permission form must be completed.
6. Medication orders must be renewed at least annually.
7. Medication no longer required (or remaining at the end of the school year) must be removed by the parent/legal guardian. Medication not removed by the parent/legal guardian in a timely manner shall be disposed of by the school nurse.
8. The Board disclaims any and all responsibility for the diagnosis, prescription of treatment, and administration of medication for any student.

B. Administration of Medical Marijuana

The Maine Medical Use of Marijuana Act governs administration of medical marijuana in schools in Maine. The Department of Administration and Financial Services (“DAFS”) is the regulatory agency charged with implementing the Maine Medical Use of Marijuana Act. The Maine Medical Use of Marijuana Program, located within DAFS, is charged with the administrative duties associated with implementation, such as issuance of registration cards.

The following procedure must be followed for the administration of medical marijuana to students at school.

1. The student’s parent/legal guardian/legal custodian shall obtain a copy of Region 8’s Request/Permission to Administer Medical Marijuana in School Form and Board Policy JLCD from the school nurse.
2. The parent/legal guardian/legal custodian and the student’s authorized medical provider (physician, certified nurse practitioner or physician assistant) shall complete and sign the Request/Permission Form, and attach a copy of the student’s current written certification for the use of medical marijuana. The original certification must be shown to the school employee processing the request. A copy will be retained by the school.
3. The parent/legal/guardian/legal custodian must designate the caregiver who will administer medical marijuana to the student in school (including for students over the age of 18). The designated caregiver must be registered with the Maine Medical Marijuana Program. The original registry identification card and caregiver designation form must be shown to the school employee processing the request. Copies will be retained by the school.
4. If the designated caregiver is not a parent/legal guardian/legal custodian of the student, the designated caregiver must also submit verification that they are authorized by the State to administer marijuana to the student on school grounds.
5. Arrangements will be made between the school administration and the designated caregiver to schedule the administration of medical marijuana in a manner that will minimize disruption to school operations and the student’s educational program, and that will not impact other students or employees. The designated caregiver must comply with all Board policies and school rules while on school premises to administer medical marijuana to a student.
6. Medical marijuana must be brought to school by the caregiver, and may not be held, possessed or administered by anyone other than the caregiver. The student may only possess the medical marijuana during the actual administration process. Medical marijuana administered in school must be in non-smokeable form (vaporizers are not permitted).
7. The designated caregiver must check-in at the school office upon arrival for the administration of medical marijuana. Medical marijuana may only be administered in a location determined by the Director/designee.

8. The designated caregiver must check-out at the school office following administration of the medical marijuana and transport any remaining medical marijuana with them off school premises.

C. Self-Administration of Medications

Inhalers and Epi-Pens

Students shall be authorized to possess and self-administer prescribed emergency medication from an asthma inhaler or epinephrine pen (epi-pen) if the following requirements are met.

1. The student must have the prior written approval of the student's health care provider and, if the student is a minor, the prior written approval of their parent/guardian (see Request/Permission Form).
2. The student/s parent/guardian must submit written verification from the student's health care provider confirming that the student has the knowledge and the skills to safely possess and use an asthma inhaler or epi-pen in school.
3. The school nurse shall evaluate the student's technique to ensure proper and effective use of an asthma inhaler or epi-pen in school.

Topical Sunscreen

Students are allowed to possess and use topical sunscreen products on school property and at school-sponsored events without a note or prescription from a medical/health practitioner if the product is regulated by the federal Food and Drug Administration for over-the-counter use.

Other Medications

Students may be permitted to possess and self-administer prescription medications in school on a case-by-case basis. All such requests must be approved by the school nurse, who has the discretion to authorize self-medication based on the nature of the medication, the risk of abuse or transfer to other students, the capacity of the student to safely handle the medication and any other relevant factors. Students are not allowed to self-administer medical marijuana under any circumstances.

D. Stocking, Possession and Use of Naloxone Hydrochloride

The school nurse or other licensed health care professional whose scope of practice includes administration of naloxone hydrochloride is authorized to stock and possess naloxone hydrochloride prescribed by a legally authorized individual and to administer such naloxone hydrochloride to a student, staff member or visitor experiencing an apparent opioid overdose during school, during a school-sponsored activity or on school grounds.

E. Dispensation of Over the Counter Medications

With prior parental/legal guardian permission, students may receive certain over the counter medications at school: Acetaminophen, Ibuprofen

F. Personnel Authorized to Administer/Dispense Medications

Medications (other than medical marijuana) may be administered by the school nurse and/or by authorized unlicensed school personnel who have received appropriate training from a registered professional nurse or physician. Annual refresher training is required for all unlicensed personnel authorized to administer medications. The school nurse shall maintain appropriate documentation of training. Authorization to administer medications shall be made by the Director based upon the recommendations of the school nurse.

G. Confidentiality of Information

To the extent legally permissible, school staff may be provided with such information regarding a student's medication(s) as may be in the best interest of the student.

H. Storage of Medications/Recordkeeping/Annual Report

1. All medications shall be stored in a secure space in the school nurse's office or school office and locked at all times except during the actual administration of medication.
2. Clearly marked containers are provided to store all daily medications and those to be taken as needed.
3. A Medication Record Book shall be maintained by the school nurse/designee, including the Request/Permission Forms and individual medication records for each student to document the administration of all medications (dose administered, by whom, date, time and any errors).
4. The school shall provide an annual report to the Maine Department of Education summarizing and analyzing incidents involving a severe allergic reaction or administration of an epinephrine autoinjector.

I. Administrative Procedures

The Director/designee shall develop any administrative procedures necessary to implement this policy and as required by Maine Department of Education Rules.

Legal Reference: 20-A MRSA §§ 254(5); 4009(4); 6305; 6306-6307
22 MRSA §§ 2423-A; 2425-A; 2426;
Maine Public Law, Ch. 452 (2018)
Maine Department of Education Rule Chapter 40
28 CFR Part 35 (Americans with Disabilities Act of 1990)
34 CFR Part 104 (Section 504 of the Rehabilitation Act of 1973)
34 CFR Part 300 (Individuals with Disabilities Education Act)

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