



## Medications in School

The purpose of this Policy is to help ensure safe access to and use of necessary medications for students at Technology Leadership High School (School).

### **I. Definitions**

- A. "Certifying Practitioner" means a health care practitioner who issues a written certification to a qualified student.
- B. "Designated School Personnel" means a school employee the School authorizes to possess, store and administer medical cannabis to a qualified student in accordance with the provisions of this section;
- C. "Health Care Practitioner" means a person authorized under law in New Mexico to prescribe drugs for the treatment of asthma and anaphylaxis associated medical conditions.
- D. "Medical Cannabis" means cannabis that is: (a) authorized for use by qualified patients in accordance with the provisions of the Lynn and Erin Compassionate Use Act; and (b) in a form that is not an aerosol and cannot be smoked or inhaled in particulate form as a vapor or by burning;
- E. "Medication" means a drug as that term is defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) and includes inhaled bronchodilators, inhaled corticosteroids and auto-injectable epinephrine.
- F. "Primary caregiver" means a parent, guardian or other person designated by a certifying practitioner as taking responsibility for managing the well-being of a qualified student authorized as a qualified patient with respect to the medical use of cannabis pursuant to the provisions of the Lynn and Erin Compassionate Use Act.
- G. "Qualified Student" means a student who demonstrates evidence to the School that the student is authorized as a qualified patient pursuant to the Lynn and Erin Compassionate Use Act to carry and use medical cannabis in accordance with the provisions of that act;
- H. "School Setting" means any of the following locations during a school day: (1) a school building; (2) a school bus used within the state during, in transit to or in transit from a school-sponsored activity; (3) a public vehicle used within the state during, in transit to or in transit from a school-sponsored activity in the state; or (4) a public site in the state where a school-sponsored activity takes place.
- I. "Self-administration" means a student's discretionary use of his or her prescribed asthma or anaphylaxis medication, pursuant to prescription or written direction from a health care practitioner.
- J. "Written Certification" means a statement in a qualified student's medical records or a statement signed by a qualified student's certifying practitioner that, in the certifying practitioner's professional opinion, the qualified student has a debilitating medical condition and the certifying practitioner believes that the potential health benefits of the medical use of cannabis would likely outweigh the health risks for the qualified student. A written certification is not valid for more than one year from the date of issuance.

### **II. Policy – Self-administration of Medication**

- A. The School grants to any student in grades kindergarten through 12 authorization to carry and self-administer health care practitioner prescribed asthma treatment medications and anaphylaxis emergency treatment medication if the following conditions are met:
  - 1. A health care practitioner has prescribed the medication for use by the student during school hours and instructed the student in the correct and responsible use of the medication; and

2. The student has demonstrated the skill level necessary to use the medication and any device that is necessary to administer such medication as prescribed by the health care practitioner (or such practitioner's designee) and the school nurse or other school official who is a public education department licensed health care provider; and
  3. The school nurse (if available) with the health care practitioner formulates a written treatment plan for managing asthma or anaphylaxis episodes of the student and for medication use by the student during school hours; and
  4. The school has, in writing, informed the parent or guardian of the student that the school, including its employees and agents, is to incur no liability as a result of any injury arising from the self-administration of medication pursuant to this section; and
  5. The student's parent or guardian has completed and submitted to the school:
    - i. Any written documentation required by the school;
    - ii. The treatment plan formulated under this Policy; and
    - iii. A signed statement from the parent or guardian of the student acknowledging that, notwithstanding any provision of state law to the contrary, the school (including its employees and agents) is to incur no liability as a result of any injury arising from such self-administration of medication and the parent or guardian will indemnify and hold harmless the school (including its employees and agents) against any claim arising out of such self-administration of medication.
- B. Extent of authorization: An authorization granted under this Policy must allow the student involved to possess and use his/her medication:
1. While in school;
  2. While at a school-sponsored activity;
  3. During normal before-school and after-school activities such as before-school or after school care on school-operated property; and
  4. In transit to or from school or school-sponsored activities.
- C. Duration of authorization. An authorization granted under Subsection B:
1. Must be effective only for the school year for which it is granted; and
  2. Must be renewed by the parent or guardian each subsequent school year in accordance with this section.
- D. The School must ensure that back-up medication, if provided by a student's parent or guardian, be kept at the student's school at a location easily accessible to the student in event of an asthma or anaphylaxis emergency. Back up medicine shall be stored in a locked filing cabinet in the student health office. Only authorized personnel shall have access to this medication. However, at least one of these authorized personnel will be on campus anytime students are present so that the medication is easily accessible by the student. Authorized school personnel who in good faith provide a person with backup medication as provided in this paragraph are not liable for civil damages as a result of providing the medication.
- E. Information described in this Policy shall be kept on file at the student's school in a location easily accessible in the event of an asthma or anaphylaxis emergency. It shall be the policy of the School to ensure that FERPA, HIPPA, and all other applicable laws are complied with in the safekeeping and confidentiality of the required information. This Information will be stored in a locked filing cabinet to which only authorized personnel have access.
- F. This Section does not apply to medical cannabis. Medical Cannabis is addressed in this Policy at Section V.

### **III. Policy - Human Immunodeficiency Virus (HIV)**

- A. Any student infected with HIV shall have appropriate access to public education.
- B. Any student infected with HIV shall have his or her right to privacy protected.
- C. Any school employee infected with HIV shall have his or her right to privacy protected.
- D. Curricula:

1. The School shall provide instruction about HIV and related issues in the curriculum of the required health education content area to all students in the elementary grades, in the middle/junior high school grades, and in the senior high school grades.
2. Educational materials and grade levels of instruction shall be determined by the local school district and shall be appropriate to the age group being taught.
3. The instructional program shall include, but not necessarily be limited to:
  - a. Definition of HIV and acquired immune deficiency syndrome (AIDS);
  - b. the symptoms and prognosis of HIV and AIDS;
  - c. how the virus is spread;
  - d. how the virus is not spread;
  - e. ways to reduce the risks of getting HIV/AIDS, stressing abstinence;
  - f. societal implications for this disease;
  - g. local resources for appropriate medical care;
  - h. and ability to demonstrate refusal skills, overcome peer pressure, and use decision-making skills.
4. The School shall insure the involvement of parents, staff; and students in the development of policies and the review of instructional materials.

**IV. Diabetes Management:**

- A. The parent or guardian of each student with diabetes who seeks diabetes care while at school shall submit to the school a diabetes medical management plan.
- B. Each school that receives a diabetes medical management plan shall review and implement the diabetes medical management plan.
- C. The School shall ensure that all students with diabetes receive appropriate and needed diabetes care as specified in students' diabetes medical management plans.

In accordance with the request of a parent or guardian of a student with diabetes and the student's diabetes medical management plan, a school nurse or, in the absence of a school nurse, diabetes care personnel shall perform diabetes care functions that shall include, at a minimum:

1. Checking and recording the student's blood glucose levels and ketone levels or assisting the student with checking and recording these levels;
  2. Responding to blood glucose levels that are outside of the student's target range;
  3. Administering glucagon and other emergency treatments as prescribed;
  4. Administering insulin or assisting a student in administering insulin through the insulin delivery system that the student uses;
  5. Providing oral diabetes medications; and
  6. Following instructions regarding meals, snacks and physical activity.
- D. A school nurse or at least one diabetes care personnel shall be at each school where a student with diabetes is attending and shall be available to provide care to each student with diabetes as provided by this Policy during regular school hours and during all school-sponsored activities, trips, extended offsite excursions and extracurricular activities in which a student with diabetes is a participant and on buses where the bus driver has not been trained in diabetes care and a student with diabetes is a passenger.
  - E. Each year by October 15<sup>th</sup> the School shall submit a report to the Public Education Department. The report shall:
    1. State how many students with diabetes are attending the School; and
    2. Provide documentation regarding the compliance of the School with the provisions of the Student Diabetes Management Act.

**V. Medical Cannabis:**

- A. Possession, storage and administration of medical cannabis by parents and legal guardians, or by designated school personnel, to qualified students for use in school settings shall not be unlawful provided that a student shall not possess, store or self-administer medical cannabis in a school setting.
- B. Medical Cannabis must be in the form of a non-refrigerated capsule, extract, or concentrate that is ingested orally and that is not inhaled in particulate form as a vapor or by burning.
- C. For the purposes of this Section “School Setting” means any of the following locations during a school day:
  - 1. A school building;
  - 2. A school bus used within the state during, in transit to, or in transit from a school-sponsored activity;
  - 3. A public vehicle used within the state during, in transit to, or in transit from a school-sponsored activity in the state; or
  - 4. A public site in the state where a school-sponsored activity takes place.
- D. Duties of the Primary Caregiver and Designated School Personnel.
  - 1. A parent, legal guardian or designated school personnel shall not administer medical cannabis in a manner that creates disruption to the educational environment or causes other students to be exposed to medical cannabis.
  - 2. A written treatment plan for the administration of the medical cannabis must be agreed to and signed by the Head Administrator or her designee of the qualified student's school and the qualified student's parent or legal guardian.
  - 3. Before the first administration of medical cannabis in a school setting, the qualified student's parent or legal guardian completes and submits documentation as required by School rules that includes a:
    - a. A copy of the qualified student's written certification for use of medical cannabis pursuant to the Lynn and Erin Compassionate Use Act; and
    - b. A written statement from the qualified student's parent or legal guardian releasing the school, school volunteers, the governing council of the School, and school personnel from liability, except in cases of willful or wanton misconduct or disregard of the qualified student's treatment plan. This release will also include release of liability for and reimbursement of claims for costs associated with accidental spillage or waste of the medical cannabis, as well as that the qualified student is not entitled to use medical cannabis outside the state of New Mexico.
    - c. A copy of the patient's New Mexico Department of Health's (NMDOH) issued ID card, which includes the name of the primary caregiver.
    - d. A written treatment plan that includes:
      - 1) Affirmation of qualifying debilitating medical condition;
      - 2) Recommended dosage allotment;
      - 3) Recommended frequency of administration; and,
      - 4) Signature of the primary caregiver and the certifying practitioner; and
      - 5) A signed Health Insurance Portability and Accountability Act (HIPAA) authorization, using the HIPAA authorization form posted on the NMDOH's website that permits the school to obtain current information from the NMDOH regarding the enrollment status of the qualified student in the NMDOH's Medical Cannabis Program. The HIPAA authorization form shall be retained as a medical record.

This treatment plan and written certification shall be valid for no more than one year from the date of issuance and shall be presented to the School at, or prior to, the beginning of the school year for which they shall apply.

  - e. The primary caregiver of the qualified student shall provide a new package or container with clearly labeled identifiers including the qualified student's name, date of birth, and dosage allotment.
- E. Storage and Administration.
  - 1. The School shall store medical cannabis in a locked cabinet to which only the designated school personnel has access.
  - 2. Medical cannabis shall be administered only by a parent or legal guardian or designated school personnel.
- F. The School shall not:

1. Discipline a student who is a qualified student on the basis that the student requires medical cannabis as a reasonable accommodation necessary for the student to attend school;
  2. Deny eligibility to attend school to a qualified student on the basis that the qualified student requires medical cannabis as a reasonable accommodation necessary for the student to attend school or a school-sponsored activity; or
  3. There shall be no reprisal or repercussion for any school employee who declines the assignment of Designated School Personnel.
- G. Disposal, Spillage, or Waste
1. The eligible student's primary caregiver must pick up from the Designated School Personnel any unused medical cannabis at the end of each school year or upon disenrollment, withdrawal, transfer, or graduation of the student.
  2. In cases of spillage or waste a documented witness is required to witness the clean up or destruction. The primary caregiver must be notified the same day the spillage or waste occurs.
- H. Training.
1. The School shall provide at least annual training on the School's Medical Cannabis Policy and procedures in alignment with all applicable law.