

**ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS**

Definitions

Authorized health care provider means an individual who is licensed by the State of California to prescribe or order medication, including, but not limited to, a physician or physician assistant. (Education Code 49423; 5 CCR 601)

Other designated school personnel means any individual employed by the district, including a nonmedical school employee, who has volunteered or consented to administer medication or otherwise assist the student and who may legally administer the medication to the student or assist the student in the administration of the medication. (5 CCR 601, 621)

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. (5 CCR 601)

Emergency medical assistance for a student suffering an epileptic seizure means the administration of an emergency antiseizure medication such as diazepam rectal gel and other emergency medications approved by the federal Food and Drug Administration for patients suffering from epileptic seizures. (Education Code 49414.7; 5 CCR 621)

Epinephrine auto-injector means a disposable drug delivery system with a spring-activated needle that is designed for emergency administration of epinephrine to provide rapid, convenient first aid for persons suffering a potentially fatal reaction to anaphylaxis. (Education Code 49414)

Anaphylaxis means a potentially life-threatening hypersensitivity to a substance, which may result from an insect sting, food allergy, drug reaction, exercise, or other cause. Symptoms may include shortness of breath, wheezing, difficulty breathing, difficulty talking or swallowing, hives, itching, swelling, shock, or asthma. (Education Code 49414)

(cf. 5141.23 - Asthma Management)

(cf. 5141.27 - Food Allergies/Special Dietary Needs)

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### Notifications to Parents/Guardians

At the beginning of each school year, the Superintendent or designee shall notify parents/guardians of the options available to students who need to take prescribed medication during the school day and the rights and responsibilities of parents/guardians regarding those options. (Education Code 49480)

(cf. 5145.6 - Parental Notifications)

In addition, the Superintendent or designee shall inform the parents/guardians of any student on a continuing medication regimen for a nonepisodic condition of the following requirements: (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 supervising physician.
- 2.With the parent/guardian's consent, the school nurse or other designated employee may communicate with the student's physician regarding the medication and its effects and may counsel school personnel regarding the possible effects of the medication on the student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose.

### Parent/Guardian Responsibilities

The responsibilities of the parent/guardian of any student who may need medication during the school day shall include, but are not limited to:

- 1.Providing parent/guardian and authorized health care provider written statements each school year as described in the sections "Parent/Guardian Statement" and "Health Care Provider Statement" below. The parent/guardian shall provide a new authorized health care provider's statement if the medication, dosage, frequency of administration, or reason for administration changes. (Education Code 49414.5, 49414.7, 49423, 49423.1; 5 CCR 600, 626)
- 2.If the student is on a continuing medication regimen for a nonepisodic condition, informing the school nurse or other designated certificated employee of the medication being taken, the current dosage, and the name of the supervising physician and updating the information when needed. (Education Code 49480)
- 3.If the student suffers from epilepsy, notifying the principal or designee whenever the student has had an emergency antiseizure medication administered to him/her within the past four hours on a school day. (Education Code 49414.7)

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4. Providing medications in properly labeled, original containers along with the authorized health care provider's instructions. For prescribed or ordered medication, the container also shall bear the name and telephone number of the pharmacy, the student's identification, and the name and phone number of the authorized health care provider. (5 CCR 606)

### Parent/Guardian Statement

When district employees are to administer medication to a student, the parent/guardian's written statement shall:

1. Identify the student

2. Grant permission for an authorized district representative to communicate directly with the student's authorized health care provider and pharmacist, as may be necessary, regarding the health care provider's written statement or any other questions that may arise with regard to the medication

3. Contain an acknowledgment that the parent/guardian understands how district employees will administer the medication or otherwise assist the student in its administration

4. Contain an acknowledgment that the parent/guardian understands his/her responsibilities to enable district employees to administer or otherwise assist the student in the administration of medication, including, but not limited to, the parent/guardian's responsibility to provide a written statement from the authorized health care provider, 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 to provide all necessary supplies and equipment

5. Contain an acknowledgment that the parent/guardian understands that he/she may terminate the consent for the administration of the medication or for otherwise assisting the student in the administration of medication at any time

In addition to the requirements in items #1-5 above, 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: (Education Code 49423, 49423.1)

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1.Consent to the self-administration

2.Release the district and school personnel from civil liability if the student suffers an adverse reaction as a result of self-administering the medication

In addition to the requirements in items #1-5 above, if a parent/guardian wishes to designate an individual who is not an employee of the district to administer medication to his/her child, the parent/guardian's written statement shall clearly identify the individual and shall state:

1.The individual's willingness to accept the designation

2.That the individual is permitted to be on the school site

3.Any limitations on the individual's authority

### **Health Care Provider Statement**

When any district employee is to administer prescribed medication to a student, or when a student is to be allowed to carry and self-administer auto-injectable epinephrine or prescribed diabetes or asthma medication during school hours, the authorized health care provider's written statement shall include:

1.Clear identification of the student (Education Code 49414.7, 49423, 49423.1; 5 CCR 602, 626)

2. The name of the medication (Education Code 49414.7, 49423, 49423.1; 5 CCR 602, 626)

3.The method, amount, and time schedules by which the medication is to be taken (Education Code 49414.7, 49423, 49423.1; 5 CCR 602, 626)

4.If a parent/guardian has requested that his/her child be allowed to self-administer medication, confirmation that the student is able to self-administer the medication (Education Code 49423, 49423.1; 5 CCR 602)

5.For medication that is to be administered on an as-needed basis, the specific symptoms that would necessitate administration of the medication, allowable frequency for administration, and indications for referral for medical evaluation

## **ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS**

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6. Possible side effects of the medication

7. Name, address, telephone number, and signature of the student's authorized health care provider

When authorizing a district employee to administer emergency antiseizure medication to a student, the authorized health care provider's written statement shall also include the following: (Education Code 49414.7; 5 CCR 626)

1. Detailed seizure symptoms, including frequency, type, or length of seizures that identify when the administration of the medication becomes necessary

2. Any potential adverse responses by the student and recommended mitigation actions, including when to call emergency services

3. A protocol for observing the student after a seizure, including, but not limited to, whether he/she should rest in the school office or return to his/her class and the length of time he/she should be under direct observation

4. A statement that, following a seizure, a school administrator or other staff member shall contact the school nurse and the student's parent/guardian to continue the observation plan

### District Responsibilities

The school nurse or other designated school personnel shall:

1. Administer or assist in administering medication in accordance with the authorized health care provider's written statement

2. Accept delivery of medications from parents/guardians and count and record them upon receipt

3. Maintain a list of students needing medication during the school day, including those authorized to self-administer medication, and note on the list the type of medication and the times and dosage to be administered

4. Maintain for each student a medication log which may:

a. Specify the student's name, medication, dose, method of administration, time of administration during the regular school day, date(s) on which the student is required to take the medication, and the authorized health care provider's name and contact information

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b. Contain space for daily recording of the date, time, and amount of medication administered, and the signature of the individual administering the medication

5. Maintain for each student a medication record which may include 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 student

6. Ensure that student confidentiality is appropriately maintained

(cf. 5125 - Student Records)

7. Coordinate and, as appropriate, ensure the administration of medication during field trips and other school-related activities

(cf. 5148.2 - Before/After School Programs)

(cf. 6145.2 - Athletic Competition)

(cf. 6153 - School-Sponsored Trips)

8. Report to a student's parent/guardian and the site administrator any refusal by the student to take his/her medication

9. Keep all medication to be administered by the district in a locked drawer or cabinet

10. As needed, communicate with a student's authorized health care provider and/or pharmacist regarding the medication and its effects

11. Counsel other designated school personnel regarding the possible effects of a medication on a student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose

12. Ensure that any unused, discontinued, or outdated medication is returned to the student's parent/guardian at the end of the school year or, if the medication cannot be returned, dispose of it in accordance with state laws and local ordinances

13. Provide or obtain immediate medical assistance if needed and report to the site administrator, the student's parent/guardian, and, if necessary, the student's authorized health care provider any instance when a medication is not administered properly, including administration of the wrong medication or failure to administer the medication in accordance with authorized health care provider's written statement

## **ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS**

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### **Additional Requirements for Management of Epileptic Seizures**

In addition to applicable provisions in the sections above, the Superintendent or designee shall make arrangements for assisting students with epilepsy who may suffer a seizure at school. Such arrangements shall include the following: (Education Code 49414.7; 5 CCR 620-627)

1.Services or Accommodations: Whenever a parent/guardian requests that a nonmedical district employee be trained to provide emergency medical assistance to his/her child, the parent/guardian shall be notified that the child may qualify for services or accommodations pursuant to 20 USC 1400-1482, the Individuals with Disabilities Education Act (IDEA), or 29 USC 794, Section 504 of the federal Rehabilitation Act of 1973 (Section 504).

(cf. 6159 - Individualized Education Program)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

(cf. 6164.6 - Identification and Education Under Section 504)

The Superintendent or designee shall assist the parent/guardian to explore that option and shall encourage him/her to adopt the option if the student is determined to be eligible for such service or accommodation.

If the student's parent/guardian refuses to have him/her assessed for services or accommodations under IDEA or Section 504, the Superintendent or designee may develop an individualized health plan, seizure action plan, or other appropriate health plan designed to acknowledge and prepare for the student's health care needs in school.

2.Request for Volunteers: The Superintendent or designee shall distribute an electronic notice to school staff no more than twice per school year per student whose parent/guardian has requested provision of emergency medical assistance pursuant to Education Code 49414.7. The notice shall be in bold print and, in accordance with Education Code 49414.7, shall contain a description of the request for a volunteer school employee, the training that such volunteer school employee will receive, the voluntary nature of the program, and the timelines for the volunteer school employee to rescind his/her offer. No other means of soliciting volunteer school employees shall be conducted.

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

If no employee volunteers to administer emergency antiseizure medication to a student, the Superintendent or designee shall again notify the student's parent/guardian of the option to have the student assessed for services and accommodations under IDEA or Section 504.

## **ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS**

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3. Training: Any employee who volunteers to administer an emergency antiseizure medication shall receive from a licensed health care professional the training specified in 5 CCR 623 before administering such medication. The training shall include, but is not limited to:

a. Recognition and treatment of different types of seizures

b. Administration of an emergency antiseizure medication

c. Basic emergency follow-up procedures, including, but not limited to, a requirement for the principal or designee to call the emergency 911 telephone number and to contact the student's parent/guardian, but not necessarily to transport the student to an emergency room

d. Techniques and procedures to ensure student privacy

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

(cf. 5022 - Student and Family Privacy Rights)

When a trained employee has not administered an emergency antiseizure medication to a student within two years after completing the training and a student who may need the administration of an emergency antiseizure medication is enrolled in the school, the employee shall be retrained in order to retain the ability to administer an emergency antiseizure medication.

4. Notification of Administration: The Superintendent or designee shall establish a process for notifying the credentialed school nurse, or the Superintendent or designee as applicable, whenever an employee administers an emergency antiseizure medication to a student at a school site.

5. Supervision of Volunteers: Volunteer school employees shall be supervised by a licensed health care professional in accordance with 5 CCR 627.

### **Emergency Epinephrine Auto-Injectors**

The Superintendent or designee shall provide epinephrine auto-injectors to school nurses or other employees who have volunteered to administer them in an emergency and have received training. The school nurse, or a volunteer employee when a school nurse or physician is unavailable, may administer an epinephrine auto-injector to provide emergency medical aid to any person suffering, or reasonably believed to be suffering, from potentially life-threatening symptoms of anaphylaxis at school or a school activity. (Education Code 49414)



## **ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS**

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At least once per school year, the Superintendent or designee shall distribute to all staff a notice requesting volunteers to be trained to administer an epinephrine auto-injector and describing the training that the volunteer will receive. (Education Code 49414)

The principal or designee at each school may designate one or more volunteers, per site, to receive initial and annual refresher training, which shall be provided by a school nurse or other qualified person designated by a physician and surgeon authorized pursuant to Education Code 49414, and shall be based on the standards developed by the Superintendent of Public Instruction. Written materials covering the required topics for training shall be retained by the school for reference. (Education Code 49414)

A school nurse or other qualified supervisor of health, or a district administrator if the district does not have a qualified supervisor of health, shall obtain a prescription for epinephrine auto-injectors for each school from an authorized physician and surgeon. Such prescription may be filled by local or mail order pharmacies or epinephrine auto-injector manufacturers. Elementary schools shall, at a minimum, be provided one adult (regular) and one junior epinephrine auto-injector. Secondary schools shall be provided at least one adult (regular) epinephrine auto-injector, unless there are any students at the school who require a junior epinephrine auto-injector. (Education Code 49414)

If an epinephrine auto-injector is used, the school nurse or other qualified supervisor of health shall restock the epinephrine auto-injector as soon as reasonably possible, but no later than two weeks after it is used. In addition, epinephrine auto-injectors shall be restocked before their expiration date. (Education Code 49414)

Information regarding defense and indemnification provided by the district for any and all civil liability for volunteers administering epinephrine auto-injectors shall be provided to each volunteer and retained in his/her personnel file. (Education Code 49414)

## **ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS**

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(cf. 4112.6/4212.6/4312.6 - Personnel Files)

A school may accept gifts, grants, and donations from any source for the support of the school in carrying of the requirements of Education Code 49414, including, but not limited to, the acceptance of epinephrine auto-injectors from a manufacturer or wholesaler. (Education Code 49414)

(cf. 3290 - Gifts, Grants and Bequests)

The Superintendent or designee shall maintain records regarding the acquisition and disposition of epinephrine auto-injectors for a period of three years from the date the records were created. (Business and Professions Code 4119.2)

(cf. 3580 - District Records)

**INFECTIOUS DISEASES**

The Board of Education desires to protect students from risks posed by exposure to infectious diseases while providing an appropriate education for all students. The Board recognizes that prevention and education are the most effective means of limiting the spread of infectious diseases.

**Infectious Disease Prevention**

The Superintendent/Principal or designee shall collaborate with parents/guardians and local health agencies and organizations to develop a comprehensive approach to disease prevention that promotes preventative measures and education of students and staff.

- (cf. 1020 - Youth Services)*
- (cf. 3516 - Emergencies and Disaster Preparedness Plan)*
- (cf. 5141.21 - Administering Medication and Monitoring Health Conditions)*
- (cf. 5141.26 - Tuberculosis Testing)*
- (cf. 5141.3 - Health Examinations)*
- (cf. 5141.31 - Immunizations)*
- (cf. 5141.32 - Health Screening for School Entry)*
- (cf. 5141.6 - School Health Services)*

The Superintendent/Principal or designee shall regularly review resources available from health experts to ensure that district programs are based on the most up-to-date information.

The Superintendent/Principal or designee shall ensure that the district's comprehensive health education program provides information about the prevention of infectious diseases, including the nature of bloodborne pathogens and their transmission, as well as information to help prevent the spread of contagious diseases, such as a pandemic influenza. He/she shall also ensure that the school has sufficient infection prevention supplies that are easily accessible to staff.

- (cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)*
- (cf. 6142.8 - Comprehensive Health Education)*

**Universal Precautions**

Students and staff shall observe universal precautions in order to prevent exposure to bloodborne pathogens and to prevent the spread of infectious diseases.

- (cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)*
- (cf. 4119.43/4219.43/4319.43 - Universal Precautions)*

The Superintendent/Principal or designee shall inform students of the precautions to be used in cases of exposure to blood or other body fluids through injury, accident, or classroom instruction.

## **INFECTIOUS DISEASES (continued)**

*(cf. 5141 - Health Care and Emergencies)*  
*(cf. 6145.2 - Athletic Competition)*

### **Students with Infectious Diseases**

The Superintendent/Principal or designee shall exclude students only in accordance with law, Board policy, and administrative regulation. Because bloodborne pathogens such as hepatitis B virus, hepatitis C virus, and human immunodeficiency virus (HIV) are not casually transmitted, the presence of infectious conditions of this type is not, by itself, sufficient reason to exclude students from attending school.

*(cf. 5112.2 - Exclusions from Attendance)*  
*(cf. 6164.6 - Identification and Education Under Section 504)*

Parents/guardians are encouraged to inform the Superintendent/Principal or designee if their child has an infectious disease so that school staff may work cooperatively with the student's parents/guardians to minimize the child's exposure to other diseases in the school setting. The Superintendent/Principal or designee shall ensure that student confidentiality rights are strictly observed in accordance with law.

*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*  
*(cf. 5022 - Student and Family Privacy Rights)*  
*(cf. 5125 - Student Records)*

#### *Legal Reference:*

##### EDUCATION CODE

48210-48216 *Persons excluded*

49073-49079 *Privacy of pupil records*

49403 *Cooperation in control of communicable disease and immunization of pupils*

49405 *Smallpox control*

49406 *Examination for tuberculosis (employees)*

49408 *Information of use in emergencies*

49602 *Confidentiality of student information*

51202 *Instruction in personal and public health and safety*

##### CALIFORNIA CONSTITUTION

Article 1, Section 1 *Right to Privacy*

##### CIVIL CODE

56-56.37 *Confidentiality of Medical Information Act*

1798-1798.76 *Information Practices Act*

##### HEALTH AND SAFETY CODE

120230 *Exclusion for communicable disease*

120325-120380 *Immunization against communicable diseases*

120875-120895 *AIDS information*

120975-121022 *Mandated blood testing and confidentiality to protect public health*

121475-121520 *Tuberculosis tests for pupils*

## **INFECTIOUS DISEASES (continued)**

*Legal Reference: (continued)*

CODE OF REGULATIONS, TITLE 8

5193 California bloodborne pathogens standard

CODE OF REGULATIONS, TITLE 17

2500-2511 Communicable disease reporting requirements

UNITED STATES CODE, TITLE 20

1232g Family Educational and Privacy Rights Act

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

CODE OF FEDERAL REGULATIONS, TITLE 45

164.500-164.534 Health Insurance Portability and Accountability Act (HIPAA)

COURT DECISIONS

Thomas v. Atascadero Unified School District, (1987) 662 F.Supp. 376

*Management Resources:*

CSBA PUBLICATIONS

Saving Lives: AIDS Issues for California Schools 1994, rev. 2006

Avian Influenza, Governance and Policy Services Fact Sheet, April 2006

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

California Department of Health Services: <http://www.dhs.ca.gov>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

Contra Costa County Office of Education, Pandemic Flu Resources:

[http://www.cccoe.k12.ca.us/about/flu/resources\\_flu\\_action\\_kit](http://www.cccoe.k12.ca.us/about/flu/resources_flu_action_kit)

U.S. Government Pandemic Flu Information: <http://www.pandemicflu.gov>

**TUBERCULOSIS TESTING**

The Board of Education recognizes that tuberculosis poses a public health threat. Treatment of active cases of this disease is the most effective means of controlling its spread.

The number of tuberculosis cases in our county is on the rise. The County Public Health Officer therefore requires tuberculosis testing, and follow-up if appropriate, before students enter school.

The Superintendent/Principal or designee may require a tuberculosis skin test when qualified medical personnel reasonably suspect that a student has active tuberculosis. If there is an outbreak of tuberculosis at the school, the Superintendent/Principal or designee may require all students to undergo tuberculosis skin tests.

Students known to have had a positive tuberculosis skin test shall be excluded from school until they provide evidence of a follow-up x-ray and appropriate medical care or are no longer suspected of having active tuberculosis.

*(cf. 5112.2 - Exclusions from Attendance)*  
*(cf. 5141.3 - Health Examinations)*

All district staff shall receive information on how tuberculosis is spread and how it can be prevented and treated.

*(cf. 4119.43/4219.43/4319.43 - Universal Precautions)*  
*(cf. 5141.22 - Infectious Diseases)*

*Legal Reference:*

EDUCATION CODE

49450 Rules to insure proper care and secrecy

49451 Parent's refusal to consent

HEALTH AND SAFETY CODE

120230 Exclusion of persons from school

120875 Providing information to school districts on AIDS, AIDS-related conditions and Hepatitis B

120880 Information to employees of school district

121475-121520 Tuberculosis tests for pupils

**TUBERCULOSIS TESTING**

The following protocol shall be followed for any student who has a positive TB skin test:

1. The parent/guardian must provide the school with the results of a chest x-ray before the student enters class. If no x-ray has been done, the parent/guardian shall be given a TB follow-up form to take to his/her personal physician or to the county public health office. The student must then obtain a chest x-ray and bring proof that the film was taken for school entry.
2. If the TB form is not returned with x-ray results within two weeks, the Superintendent/Principal or designee shall contact the student and family for information about the x-ray report.
3. If the student is found to have active infectious tuberculosis on chest x-ray and sputum tests, the student shall not be admitted to school until a physician's note is presented, showing that the student is free of communicable tuberculosis. (Health and Safety Code 121485, 121495)
4. If the x-ray is negative and the student admitted, the Superintendent/Principal or designee may contact the student and family again in four to six weeks to determine that they have followed through with a medical appointment for the INH preventive medication program, if indicated.

**FOOD ALLERGIES/SPECIAL DIETARY NEEDS**

The Board of Education desires to prevent exposure of students to foods to which they are allergic and to provide for prompt and appropriate treatment in the event that a severe allergic reaction occurs at school.

The Superintendent/Principal or designee shall develop guidelines for the care of food-allergic students. Such guidelines shall include, but not be limited to, strategies for identifying students at risk for allergic reactions, avoidance measures and other means to manage allergies, education of staff regarding typical symptoms, and actions to be taken in the event of a severe allergic reaction.

- (cf. 3550 - Food Service/Child Nutrition Program)*
- (cf. 3554 - Other Food Sales)*
- (cf. 5030 - Student Wellness)*
- (cf. 5141 - Health Care and Emergencies)*
- (cf. 5141.21 - Administering Medication and Monitoring Health Conditions)*

Parents/guardians shall be responsible for notifying the Superintendent/Principal or designee, in writing, regarding any food allergies or other special dietary needs of their child in accordance with administrative regulation.

- (cf. 5125 - Student Records)*

Students with serious dietary needs that qualify as a disability under Section 504 of the federal Rehabilitation Act or the Individuals with Disabilities Education Act shall be provided reasonable accommodation or services, as appropriate, in accordance with his/her accommodation plan or individualized education program.

- (cf. 6159 - Individualized Education Program)*
- (cf. 6164.6 - Identification and Education Under Section 504)*

Students shall not be excluded from school activities based solely on their food allergy.

- (cf. 0410 - Nondiscrimination in District Programs and Activities)*

*Legal Reference: (see next page)*



**FOOD ALLERGIES/SPECIAL DIETARY NEEDS (continued)**

*Legal Reference:*

EDUCATION CODE

49407 *Liability for treatment*

49408 *Emergency information*

49414 *Emergency epinephrine auto-injectors*

49423 *Administration of prescribed medication for student*

CODE OF REGULATIONS, TITLE 5

600-611 *Administering medication to students*

15562 *Reimbursement for meals, substitutions*

UNITED STATES CODE, TITLE 20

1232g *Family Educational Rights and Privacy Act of 1974*

1400-1482 *Individuals with Disabilities Education Act*

UNITED STATES CODE, TITLE 29

701-795a *Rehabilitation Act, including:*

794 *Rehabilitation Act of 1973, Section 504*

UNITED STATES CODE, TITLE 42

1751-1769h *National School Lunch Program*

1771-1791 *Child nutrition, especially:*

1773 *School Breakfast Program*

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 *National School Lunch Program*

220.1-220.21 *National School Breakfast Program*

225.16 *Meal programs, individual substitutions*

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Training Standards for the Administration of Epinephrine Auto-Injectors, December 2004*

FOOD ALLERGY AND ANAPHYLAXIS NETWORK (FAAN) PUBLICATIONS

*School Guidelines for Managing Students with Food Allergies*

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

*Accommodating Children with Special Dietary Needs in the School Nutrition Programs: Guidance for School Food Service Staff, Fall 2001*

WEB SITES

*American Dietetic Association: <http://www.eatright.org>*

*American School Food Service Association: <http://www.asfsa.org>*

*California Department of Education, Health Services and School Nursing:  
<http://www.cde.ca.gov/ls/he/hn>*

*Food Allergy and Anaphylaxis Network: <http://www.foodallergy.org>*

*International Food Information Council: <http://ific.org>*

*National School Boards Association, School Health Programs: <http://www.nsba.org>*

*U.S. Department of Agriculture: <http://www.fns.usda.gov>*

**FOOD ALLERGIES/SPECIAL DIETARY NEEDS**

**Definitions**

*Special dietary needs* include food intolerances, allergies, and other medical needs that may require avoidance of specific foods.

*Food allergies* are abnormal responses of the body's immune system to certain foods or ingredients.

*Anaphylaxis* is a potentially life-threatening hypersensitivity to a substance and may be caused by a food allergy. Symptoms may include shortness of breath, wheezing, difficulty breathing, difficulty talking or swallowing, hives, itching, swelling, shock, or asthma. (Education Code 49414)

In severe cases, anaphylaxis may result in lowered blood pressure, loss of consciousness, or even death. Symptoms typically appear immediately after exposure to a certain food or substance but in rare cases may occur after a few hours.

*Epinephrine auto-injector* is a disposable drug delivery system with a spring-activated concealed needle that is designed for emergency administration of epinephrine to persons suffering a potentially fatal reaction to anaphylaxis. (Education Code 49414)

**Notification by Parent/Guardian**

If their child has a known food allergy, the parents/guardians shall notify the Superintendent/Principal or designee, in writing, and provide written medical documentation, signed by a physician, that describes the nature of the student's condition, instructions, and necessary medications. If the food allergy requires food substitutions or modifications in school meals, the written statement shall also describe the specific foods to be restricted and the foods that should be substituted.

**Prevention**

To minimize students' exposure to foods to which they are allergic, the Superintendent/Principal or designee shall, at a minimum, implement the following preventive measures:

1. Notification to District Staff

When notified by the parent/guardian that a student has a food allergy, the Superintendent/Principal or designee shall inform the student's teacher(s), bus driver, school nurse, coach, substitute teacher, and/or any other personnel responsible for supervising the student.

**FOOD ALLERGIES/SPECIAL DIETARY NEEDS** (continued)

The Superintendent/Principal or designee shall notify substitute staff of any students with known food allergies and the school's response plan.

*(cf. 5125 - Student Records)*

2. Food Services

The district's food services program shall make food substitutions in breakfasts, lunches, and after-school snacks when students are considered to have a disability under Section 504 of the federal Rehabilitation Act of 1973 that restricts their diet and when a physician has signed a statement of need that includes recommended alternate foods. (7 CFR 210.10, 220.8)

*(cf. 3550 - Food Service/Child Nutrition Program)*

*(cf. 3554 - Other Food Sales)*

*(cf. 5030 - Student Wellness)*

Substitutions may be made on a case-by-case basis for students who do not have a disability under Section 504 but who cannot consume the regular breakfast, lunch, or after-school snack because of medical or other special dietary needs, when supported by a statement of need signed by a recognized medical authority. (7 CFR 210.10, 220.8, 225.16)

The district's food services staff shall check food labels or specifications to ensure that foods do not contain traces of substances to which the student is allergic.

Under no circumstances shall food services staff prescribe nutritional requirements or revise a diet order prescribed by a physician.

Food substitutions shall not result in any additional cost to the student.

3. Class Parties/School Activities

Without identifying the student, the Superintendent/Principal or teacher may notify parents/guardians of other students in the class that a student is allergic to a specific food and may request that the food not be provided at class parties or other school events.

Whenever the ingredients in any food served at class parties or other school activities are unknown, the student shall be encouraged to avoid the food.

**FOOD ALLERGIES/SPECIAL DIETARY NEEDS** (continued)

4. Sanitation and Cleaning

To avoid spreading allergens, cafeteria tables and classroom surfaces shall be cleaned with a fresh cloth or disposable paper towels and cleaning products known to effectively remove food proteins, excluding waterless cleaners or instant hand sanitizers that do not involve a wet-wash step. Cross-contact from a sponge or cloth used to clean allergen-containing tabletops shall be avoided.

Staff shall use and promote hand-washing using soap and water before and after food handling.

Students shall be notified that exchanging meals or utensils is prohibited.

5. Professional Development

Schoolwide professional development shall be provided to appropriate staff on the identification and management of food allergies, including avoidance measures, typical symptoms, the proper use of epinephrine auto-injectors, documentation and storage of medication, and emergency drills.

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

6. Supervision of Students

Staff who are trained and knowledgeable about symptoms of anaphylaxis and actions to take in an emergency shall provide supervision in the classroom and cafeteria and on the playground whenever students known to have a food allergy are on school grounds.

7. Health Education

The district's health education curriculum may include instruction on food allergies in order to assist food-allergic students in taking responsibility for monitoring their diet and to teach other students about the dangers of sharing foods or utensils with others.

*(cf. 6142.8 - Comprehensive Health Education)*

**Emergency Response**

Epinephrine auto-injectors or other medicine provided for use in the event of an anaphylactic shock reaction shall be stored and used in accordance with law and BP/AR 5141.21 - Administering Medication and Monitoring Health Conditions.

**FOOD ALLERGIES/SPECIAL DIETARY NEEDS** (continued)

*(cf. 4119.43 - Universal Precautions)*

*(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)*

In addition, staff shall call 911 and seek immediate medical attention for a student experiencing an anaphylactic shock reaction.

*(cf. 5141 - Health Care and Emergencies)*

As soon as possible, school staff shall contact the student's parents/guardians or other person identified as an emergency contact.

**HEALTH EXAMINATIONS**

The Board of Education recognizes that periodic health examinations of students may lead to the detection and treatment of conditions that impact learning. Health examinations also may help in determining whether special adaptations of the school program are necessary.

In addition to verifying that students have complied with legal requirements for health examinations and immunizations before enrolling in school, the district shall administer tests for vision, hearing and scoliosis as required by law.

- (cf. 5141.26 - Tuberculosis Testing)*
- (cf. 5141.31 - Immunizations)*
- (cf. 5141.32 - Child Health and Disability Prevention Program)*
- (cf. 5141.6 – School Health Services)*

The Superintendent/Principal or designee shall ensure that staff employed to examine students exercise proper care of each student and that examination results are kept confidential. Records related to these examinations shall be available only in accordance with law.

- (cf. 5125 - Student Records)*

Reports to the Board regarding the number of students found to have physical problems and the effort made to correct them shall in no way reveal the identity of students.

*Legal Reference:*

EDUCATION CODE

- 44871-44879 *Employment qualifications*
- 49400-49413 *General powers-school boards (re pupil health)*
- 49422 *Supervision of health and physical development*
- 49450-49457 *Physical examinations (of pupils)*
- 49460-49466 *Development of standardized health assessments*

HEALTH AND SAFETY CODE

- 120325-120380 *Immunization against communicable diseases*
- 121475-121520 *Tuberculosis tests for pupils*

CODE OF REGULATIONS, TITLE 5

- 590-596 *Vision screening*
- 3027 *Hearing and vision screening for special education*
- 3028 *Audiological screening*

**HEALTH EXAMINATIONS**

The Superintendent/Principal shall notify parents/guardians of the rights of students and parents/guardians related to health examinations. (Education Code 48980)

*(cf. 5145.6 - Parental Notifications)*

A parent/guardian may annually file a written statement with the Superintendent/Principal withholding consent to the physical examination of his/her child. The child shall be exempt from any physical examination but shall be subject to exclusion from attendance when contagious or infectious disease is reasonably suspected. (Education Code 49451)

*(cf. 5112.2 - Exclusions from Attendance)*

*(cf. 5141.22 - Infectious Diseases)*

**Vision and Hearing Tests**

Students shall have their vision and hearing tested by qualified personnel authorized by the district. (Education Code 49452, 49454)

All students shall be tested for visual acuity when they first enroll in the school and every three years thereafter until the student completes grade 8. External observations of the student's eyes, visual performance and perception shall be made by the school nurse and the classroom teacher. (Education Code 49455)

For male students, color vision shall be tested one time, after the student reaches grade 1. Results of the test shall be entered into the student's health record. (Education Code 49455)

Evaluation of a student's vision may be waived at the parent/guardian's request if the parent/guardian presents a certificate from either a medical doctor or an optometrist specifying the results of an examination of the student's vision including visual acuity, and, in male students, color vision. (Education Code 49455)

Visual defects or any other defects found as a result of the vision examination shall be reported to the parent/guardian with a request that remedial action be taken to correct or cure the defect. If made in writing, such reports shall not include a referral to any private practitioner, and the report of a visual defect shall be made on a form prescribed by the Superintendent of Public Instruction. (Education Code 49456)

The student may be referred to a public clinic or diagnostic and treatment center operated by a public hospital or by the state, county or city department of public health. (Education Code 49456)

**HEALTH EXAMINATIONS** (continued)

**Scoliosis Screening**

Each female student in grade 7 and each male student in grade 8 shall be screened for scoliosis. This screening shall comply with California Department of Education standards and shall be performed by qualified personnel as specified in law. (Education Code 49452.5)

Persons performing the screening shall not solicit, encourage or advise treatment of the student for scoliosis or any other condition discovered in the course of the screening. (Education Code 49452.5)

The parent/guardian of any student suspected of having scoliosis shall receive a notice which includes an explanation of scoliosis and describes the significance of treatment at an early age. This notice shall also describe the public services available for treatment and include a referral to appropriate community resources. (Education Code 49452.5)



**IMMUNIZATIONS**

To protect the health of all students and staff and to curtail the spread of infectious diseases, the Governing Board shall cooperate with state and local public health agencies to encourage and facilitate immunization of all district students against preventable diseases.

- (cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
- (cf. 5141.22 - Infectious Diseases)
- (cf. 5141.26 - Tuberculosis Testing)
- (cf. 6142.8 - Comprehensive Health Education)

Each student enrolling for the first time in a district elementary or secondary school, preschool, or child care and development program or, after July 1, 2016, enrolling in or advancing to grade 7 shall present an immunization record from any authorized private or public health care provider certifying that he/she has received all required immunizations in accordance with law. Students shall be excluded from school or exempted from immunization requirements only as allowed by law.

- (cf. 5112.1 - Exemptions from Attendance)
- (cf. 5112.2 - Exclusions from Attendance)
- (cf. 5141.32 - Health Screening for School Entry)
- (cf. 5148 - Child Care and Development)
- (cf. 5148.3 - Preschool/Early Childhood Education)

Each transfer student shall be requested to present his/her immunization record, if possible, upon registration at a district school.

- (cf. 6173 - Education for Homeless Children)
- (cf. 6173.1 - Education for Foster Youth)
- (cf. 6173.2 - Education of Children of Military Families)

The Superintendent or designee may arrange for an authorized health care provider to administer immunizations at school to any student whose parent/guardian has consented in writing. At the beginning of the school year, parents/guardians shall be notified of their right to provide consent for the administration of an immunization to their child at school. (Education Code 49403)

- (cf. 5141.3 - Health Examinations)
- (cf. 5141.6 - School Health Services)
- (cf. 5145.6 - Parental Notifications)

Legal Reference:

EDUCATION CODE

44871 Qualifications of supervisor of health

46010 Total days of attendance

48216 Immunization  
48853.5 Immediate enrollment of foster youth  
48980 Required notification of rights  
49403 Cooperation in control of communicable disease and immunizations  
49426 Duties of school nurses  
49701 Flexibility in enrollment of children of military families  
51745-51749.6 Independent study  
HEALTH AND SAFETY CODE  
120325-120380 Immunization against communicable disease, especially:  
120335 Immunization requirement for admission  
120395 Information about meningococcal disease, including recommendation for vaccination  
120440 Disclosure of immunization information  
CODE OF REGULATIONS, TITLE 5  
430 Student records  
CODE OF REGULATIONS, TITLE 17  
6000-6075 School attendance immunization requirements  
UNITED STATES CODE, TITLE 20  
1232g Family Educational Rights and Privacy Act  
UNITED STATES CODE, TITLE 42  
11432 Immediate enrollment of homeless children  
CODE OF FEDERAL REGULATIONS, TITLE 34  
99.1-99.67 Family Educational Rights and Privacy

Management Resources:

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH

California Immunization Handbook for Child Care Programs and Schools, August 2015

Guide to Immunizations Required for Child Care

Guide to Immunizations Required for School Entry

Parents' Guide to Immunizations Required for Child Care

Parents' Guide to Immunizations Required for School Entry

EDUCATION AUDIT APPEALS PANEL PUBLICATIONS

Guide for Annual Audits of Local Education Agencies and State Compliance Reporting, July 2015

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Family Educational Rights and Privacy Act (FERPA) and H1N1, October 2009

WEB SITES

California Department of Education: <http://www.cde.ca.gov>

California Department of Public Health, Immunization Branch:

<http://www.cdph.ca.gov/programs/immunize>

California Department of Public Health, Shots for Schools: <http://shotsforschools.org>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

Education Audit Appeals Panel: <http://www.eaap.ca.gov>

U.S. Department of Education: <http://www.ed.gov>

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Policy

**MOUNTAIN UNION ELEMENTARY SCHOOL DISTRICT**

Approved: February 23, 2016

Montgomery Creek, California

## **IMMUNIZATIONS**

### **Required Immunizations**

The Superintendent or designee shall provide parents/guardians, upon school registration, a written notice summarizing the state's immunization requirements.

The Superintendent or designee shall not unconditionally admit any student to a district elementary or secondary school, preschool, or child care and development program for the first time nor, after July 1, 2016, admit or advance any student to grade 7 unless the student has been fully immunized. The student shall present documentation of full immunization, in accordance with the age/grade and dose required by the California Department of Public Health (CDPH), against the following diseases: (Health and Safety Code 120335; 17 CCR 6020)

- 1.Measles, mumps, and rubella (MMR)
- 2.Diphtheria, tetanus, and pertussis (whooping cough) (DTP, DTaP, or Tdap)
- 3.Poliomyelitis (polio)
- 4.Hepatitis B
- 5.Varicella (chickenpox)
- 6.Haemophilus influenza type b (Hib meningitis)
- 7.Any other disease designated by the CDPH

(cf. 5141.22 - Infectious Diseases)  
(cf. 5148 - Child Care and Development)  
(cf. 5148.3 - Preschool/Early Childhood Education)  
(cf. 6170.1 - Transitional Kindergarten)

However, full immunization against hepatitis B shall not be a condition by which the Superintendent or designee shall admit or advance any student to grade 7. (Health and Safety Code 120335)

A student who qualifies for an individualized education program (IEP), unless otherwise exempt, shall be fully immunized in accordance with Health and Safety Code 120335 and this regulation. However, the district shall continue to implement the student's IEP and shall not prohibit the student from accessing any special education and related service required by his/her IEP regardless of whether the student is fully immunized. (Health and Safety Code 120335)

(cf. 6159 - Individualized Education Program)

The student's immunization record shall be provided by the student's health care provider or from the student's previous school immunization record. The record must show at least the month and year for each dose, except that the day, month, and year must be shown for the MMR doses given during the month of the first birthday and for the Tdap dose given during the month of the seventh birthday. (17 CCR 6070)

### **Exemptions**

Exemption from one or more immunization requirements shall be granted under any of the following circumstances:

1.The parent/guardian files with the district a written statement by a licensed physician to the effect that the physical condition of the child is such, or medical circumstances relating to the child are such, that immunization is not considered safe. The statement shall indicate the specific nature and probable duration of the medical condition or circumstances, including, but not limited to, family medical history, for which the physician does not recommend immunization. (Health and Safety Code 120370; 17 CCR 6051)

2.The student's parent/guardian files with the district, before January 1, 2016, a letter or written affidavit stating that an immunization is contrary to his/her personal beliefs, in which case the student shall be exempted from the immunization until he/she enrolls in the next applicable grade span requiring immunization (Preschool, grades Transitional K-6, grades 7-8). (Health and Safety Code 120335)

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)

When a student transfers to a different school within the district or transfers into the district from another school district in California, his/her personal beliefs exemption filed before January 1, 2016, shall remain in effect until the next applicable grade span. A student transferring from a school outside the district shall present a copy of the personal beliefs exemption upon enrollment. When a student transfers into the district from outside California and presents a personal beliefs exemption issued by another state or country prior to January 1, 2016, the Superintendent or designee may consult with legal counsel regarding the applicable immunization requirements.

3.The student is enrolled in an independent study program pursuant to Education Code 51745-51749.6 and does not receive classroom-based instruction.

(cf. 6158 - Independent Study)

### **Conditional Enrollment**

The Superintendent or designee may conditionally admit a student with documentation from an authorized health care provider that: (Health and Safety Code 120340; 17 CCR 6000, 6035)

1.The student has not received all the immunizations required for his/her age group, but has commenced receiving doses of all required vaccines and is not due for any other doses at the time of admission.

2.The student has a temporary exemption from immunization for medical reasons pursuant to item #1 in the section "Exemptions" above.

The Superintendent or designee shall notify the student's parents/guardians of the date by which the student must complete all the remaining doses as specified in 17 CCR 6035.

(cf. 5145.6 - Parental Notifications)

In addition, a transfer student may be conditionally admitted for up to 30 school days while his/her immunization records are being transferred from the previous school. If such documentation is not presented within 30 days, the student shall be excluded from school until the required immunizations have been administered. (17 CCR 6070)

The Superintendent or designee shall review the immunization record of each student admitted conditionally every 30 days until that student has received all the required immunizations. If the student does not receive the required immunizations within the specified time limits, he/she shall be excluded from further attendance until the immunizations are received. (Health and Safety Code 120375; 17 CCR 6070)

The Superintendent or designee shall immediately enroll homeless students, foster youth, and students of military families even if their immunization records are missing or unavailable at the time of enrollment. School or district staff shall work with the student's prior school to obtain the student's immunization records or shall ensure that he/she is properly immunized. (Education Code 48853.5, 49701; Health and Safety Code 120341; 42 USC 11432)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6173.2 - Education of Children of Military Families)

### **Exclusions Due to Lack of Immunizations**

Any student without the required evidence of immunization may be excluded from school until the immunization is obtained or an exemption is granted in accordance with the section "Exemptions" above.

(cf. 5112.2 - Exclusions from Attendance)

(cf. 6183 - Home and Hospital Instruction)

Before an already admitted student is excluded from school attendance because of lack of immunization, the Superintendent or designee shall notify the parent/guardian that he/she has 10 school days to supply evidence of proper immunization or an appropriate exemption. This notice shall refer the parent/guardian to the student's usual source of medical care or, if the student has no usual source of medical care, then to the county health department or school immunization program, if any. (Education Code 48216; 17 CCR 6040)

(cf. 5141.6 - School Health Services)

The Superintendent or designee shall exclude from further attendance any already admitted student who fails to obtain the required immunization within 10 school days following the parent/guardian's receipt of the notice specified above. The student shall remain excluded from school until he/she provides written evidence that he/she has received a dose of each required vaccine due at that time. The student shall also be reported to the attendance supervisor or principal. (17 CCR 6055)

### **Exclusion Due to Exposure to Disease**

If the district has good cause to believe that a student has been exposed to a disease listed in the section "Required Immunizations" above and his/her documentation of immunization does not show proof of immunization against that disease, that student may be temporarily excluded from the school until the local health officer informs the district in writing that he/she is satisfied that the student is no longer at risk of developing or transmitting the disease. (Health and Safety Code 120370)

### **Records**

The Superintendent or designee shall record each new entrant's immunizations in the California School Immunization Record and retain it as part of the student's mandatory permanent student record. District staff shall maintain the confidentiality of immunization records and may disclose such information to state and local health departments only in accordance with law. (Health and Safety Code 120375, 120440; 17 CCR 6070)

(cf. 5125 - Student Records)

The district shall also retain in the mandatory student record any physician or health officer statement, personal beliefs letter or affidavit, reason for conditional enrollment, or any other documentation related to the student's immunization record or exemptions.

### **Audits**

If an audit reveals deficiencies in the district's reporting procedures, the Superintendent or designee shall present the Board with a plan to remedy such deficiencies.

(11/10 11/12) 10/15

Regulation

Approved: February 23, 2016 MOUNTAIN UNION ELEMENTARY SCHOOL DISTRICT  
Montgomery Creek, California

**HEAD LICE**

The Board of Education believes that the district's head lice management program should emphasize the correct diagnosis and treatment of head lice in order to minimize disruption of the education process and to reduce the number of student absences resulting from infestation. In consultation with the school nurse, the Superintendent/Principal or designee may establish a routine screening program to help prevent the spread of head lice.

School employees shall report all suspected cases of head lice to the school nurse or designee as soon as possible. The nurse or designee shall examine the student and other students who are siblings of the affected student or members of the same household.

If a student is found with active, adult head lice, he/she shall be excluded from attendance. The parent/guardian of an excluded student shall receive information about recommended treatment procedures and sources of further information. The student shall be allowed to return to school the next day and shall be checked by the nurse or designee before returning to class. Once he/she is determined to be free of lice, the student shall be rechecked weekly for up to six weeks.

*(cf. 5141.3 - Health Examinations)*  
*(cf. 5141.6 - School Health Services)*

The Superintendent/Principal or designee shall send home the notification required by law for excluded students. (Education Code 48213)

*(cf. 5112.2 - Exclusions from Attendance)*  
*(cf. 5145.6 - Parental Notifications)*

The Superintendent/Principal and school nurse shall work with the parents/guardians of any student who has been deemed to be a chronic head lice case in order to help minimize the student's absences from school.

*(cf. 5113 - Absences and Excuses)*  
*(cf. 5113.1 - Truancy)*

When two or more students in any class have been identified as having a head lice infestation, all students in the class shall be examined. In consultation with the school nurse, the Superintendent/Principal may also send information about head lice home to all parents/guardians of the students in that class.

*(cf. 5125 - Student Records)*

Staff shall maintain the privacy of students identified as having head lice and excluded from attendance.

*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*

Legal Reference: (see next page)

BP 5141.33(b)

## **HEAD LICE** (continued)

Legal Reference:

EDUCATION CODE

48210-48216 Persons excluded

49451 Physical examinations: parent's refusal to consent

Management Resources:

AMERICAN ACADEMY OF PEDIATRICS

*Lice, Nits, and School Policy*, Official Journal of the American Academy of Pediatrics, May 2001

CALIFORNIA DEPARTMENT OF HEALTH SERVICES

*Guidelines for Parents on Control of Head Lice*, 2006

CALIFORNIA SCHOOL NURSES ORGANIZATION

*Position Statement: Pediculosis Management*, 2005

WEB SITES

California Department of Health Services, Infectious Diseases Branch:

<http://www.dhs.ca.gov/ps/dcdc/disb/disbindex.htm>

California School Nurses Organization: <http://www.scno.org>

Centers for Disease Control and Prevention, Parasitic Disease Information, Head Lice:

<http://www.cdc.gov/ncidod/dpd/parasites/lice>



## **CHILD ABUSE PREVENTION AND REPORTING**

### **Child Abuse Prevention**

The Board of Education recognizes the district's responsibility to educate students about the dangers of child abuse so that they will acquire the skills and techniques needed to identify unsafe situations and to react appropriately and promptly.

The district's instructional program shall include age-appropriate and culturally sensitive child abuse prevention curriculum. This curriculum shall explain students' right to live free of abuse, inform them of available support resources, and teach them how to obtain help and disclose incidents of abuse. The curriculum also shall include training in self-protection techniques.

*(cf. 6143 - Courses of Study)*

The Superintendent/Principal or designee shall seek to incorporate community resources into the district's child abuse prevention programs. To the extent feasible, the Superintendent/Principal or designee shall use these community resources to provide parents/guardians with instruction in parenting skills and child abuse prevention.

*(cf. 1020 - Youth Services)*

### **Child Abuse Reporting**

The Board recognizes that child abuse has severe consequences and that the district has a responsibility to protect students by facilitating the prompt reporting of known and suspected incidents of child abuse. The Superintendent/Principal or designee shall establish procedures for the identification and reporting of such incidents in accordance with law.

*(cf. 0450 - Comprehensive Safety Plan)*

Employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect. Mandated reporters shall not investigate any suspected incidents but rather shall cooperate with agencies responsible for investigating and prosecuting cases of child abuse and neglect.

The Superintendent/Principal or designee shall provide training regarding the reporting duties of mandated reporters.

In the event that training is not provided to mandated reporters, the Superintendent/Principal or designee shall report to the California Department of Education the reasons that such training is not provided. (Penal Code 11165.7)

Legal Reference: (see next page)

BP 5141.4(b)

## **CHILD ABUSE PREVENTION AND REPORTING (continued)**

*Legal Reference:*

EDUCATION CODE

32280-32288 *Comprehensive school safety plans*

33308.1 *Guidelines on procedure for filing child abuse complaints*

44690-44691 *Staff development in the detection of child abuse and neglect*

44807 *Duty concerning conduct of students*

48906 *Notification when student released to peace officer*

48987 *Dissemination of reporting guidelines to parents*

49001 *Prohibition of corporal punishment*

51220.5 *Parenting skills education*

PENAL CODE

152.3 *Duty to report murder, rape, or lewd or lascivious act*

273a *Willful cruelty or unjustifiable punishment of child; endangering life or health*

288 *Definition of lewd or lascivious act requiring reporting*

11164-11174.4 *Child Abuse and Neglect Reporting Act*

WELFARE AND INSTITUTIONS CODE

15630-15637 *Dependent adult abuse reporting*

CODE OF REGULATIONS, TITLE 5

4650 *Filing complaints with CDE, special education students*

*Management Resources:*

CDE LEGAL ADVISORIES

0514.93 *Guidelines for parents to report suspected child abuse*

WEB SITES

*California Attorney General's Office, Crime and Violence Prevention Center:* <http://safestate.org>

*California Department of Education, Safe Schools:* <http://www.cde.ca.gov/ls/ss>

*California Department of Social Services, Children and Family Services Division:*

<http://www.childsworld.ca.gov>

*U.S. Department of Health and Human Services, National Clearinghouse on Child Abuse and Neglect*

*Information:* <http://nccanch.acf.hhs.gov>

**CHILD ABUSE PREVENTION AND REPORTING**

**Definitions**

*Child abuse or neglect* includes the following: (Penal Code 11165.5, 11165.6)

1. A physical injury or death inflicted by other than accidental means on a child by another person
2. Sexual abuse of a child, including sexual assault or sexual exploitation, as defined in Penal Code 11165.1
3. Neglect of a child as defined in Penal Code 11165.2
4. Willful harming or injuring of a child or the endangering of the person or health of a child as defined in Penal Code 11165.3
5. Unlawful corporal punishment or injury as defined in Penal Code 11165.4

*Child abuse or neglect* does not include:

1. A mutual affray between minors (Penal Code 11165.6)
2. An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment (Penal Code 11165.6)

(*cf.* 3515.3 - District Police/Security Department)

3. An injury resulting from the exercise by a teacher, the Superintendent/Principal or designee, or other certificated employee of the same degree of physical control over a student that a parent/guardian would be privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning (Education Code 44807)
4. An injury caused by a school employee's use of force that is reasonable and necessary to quell a disturbance threatening physical injury to persons or damage to property, to protect himself/herself, or to obtain weapons or other dangerous objects within the control of the student (Education Code 49001)

(*cf.* 5144 - Discipline)

5. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by the student (Education Code 49001)

## **CHILD ABUSE PREVENTION AND REPORTING** (continued)

*Mandated reporters* include, but are not limited to, teachers; instructional aides; teacher's aides or assistants; classified employees; certificated pupil personnel employees; administrative officers or supervisors of child attendance; administrators and employees of a licensed day care facility; Head Start teachers; district police or security officers; licensed nurse or health care provider; and administrators, presenters, and counselors of a child abuse prevention program. (Penal Code 11165.7)

*Reasonable suspicion* means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his/her training and experience, to suspect child abuse or neglect. (Penal Code 11166)

### **Reportable Offenses**

A mandated reporter shall make a report using the procedures provided below whenever, in his/her professional capacity or within the scope of his/her employment, he/she has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. (Penal Code 11166)

Any mandated reporter who has knowledge of or who reasonably suspects that a child is suffering serious emotional damage or is at a substantial risk of suffering serious emotional damage, based on evidence of severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, may make a report to the appropriate agency. (Penal Code 11166.05)

Any person shall notify a peace officer if he/she reasonably believes that he/she has observed the commission of a murder, rape, or lewd or lascivious act by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury, where the victim is a child under age 14. (Penal Code 152.3, 288)

### **Responsibility for Reporting**

The reporting duties of mandated reporters are individual and cannot be delegated to another person. (Penal Code 11166)

When two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse or neglect, the report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report. (Penal Code 11166)

No supervisor or administrator shall impede or inhibit a mandated reporter from making a report. (Penal Code 11166)

**CHILD ABUSE PREVENTION AND REPORTING** (continued)

Any person not identified as a mandated reporter who has knowledge of or observes a child whom he/she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to the appropriate agency. (Penal Code 11166)

**Reporting Procedures**

1. Initial Telephone Report

Immediately or as soon as practicably possible after knowing or observing suspected child abuse or neglect, a mandated reporter shall make an initial report by telephone to any police department (excluding a school district police/security department), sheriff's department, county probation department if designated by the county to receive such reports, or county welfare department. (Penal Code 11166)

Shasta County Child Protective Services

When the initial telephone report is made, the mandated reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received.

2. Written Report

Within 36 hours of knowing or observing the information concerning the incident, the mandated reporter shall then prepare and either send, fax, or electronically submit to the appropriate agency a written follow-up report, which includes a completed Department of Justice form (SS 8572). (Penal Code 11166, 11168)

Mandated reporters may obtain copies of the Department of Justice form from either the district or the appropriate agency.

Reports of suspected child abuse or neglect shall include, if known: (Penal Code 11167)

- a. The name, business address, and telephone number of the person making the report and the capacity that makes the person a mandated reporter
- b. The child's name and address, present location and, where applicable, school, grade, and class
- c. The names, addresses, and telephone numbers of the child's parents/guardians

**CHILD ABUSE PREVENTION AND REPORTING** (continued)

- d. The information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information
- e. The name, address, telephone number, and other relevant personal information about the person(s) who might have abused or neglected the child

The mandated reporter shall make a report even if some of this information is not known or is uncertain to him/her. (Penal Code 11167)

Information relevant to the incident of child abuse or neglect may also be given to an investigator from an agency that is investigating the case. (Penal Code 11167)

3. **Internal Reporting**

Employees reporting child abuse or neglect to an appropriate agency are encouraged, but not required, to notify the Superintendent/Principal or designee as soon as possible after the initial telephone report to the appropriate agency.

The Superintendent/Principal or designee so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law, Board policy, and administrative regulation. At the mandated reporter's request, the Superintendent/Principal or designee may assist in completing and filing the necessary forms.

The mandated reporter shall not be required to disclose his/her identity to the Superintendent/Principal or designee. (Penal Code 11166)

He/she may provide or mail a copy of the written report to the Superintendent/Principal or designee without his/her signature or name.

Reporting the information to an employer, supervisor, Superintendent/Principal or designee, school counselor, co-worker, or other person shall not be a substitute for making a mandated report to the appropriate agency. (Penal Code 11166)

**Victim Interviews**

Whenever a representative of a government agency investigating suspected child abuse or neglect or the state Department of Social Services deems it necessary, a suspected victim may be interviewed during school hours, on school premises, concerning a report of suspected child abuse or neglect that occurred within the child's home or out-of-home care facility. The child shall be given the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the child. (Penal Code 11174.3)

## **CHILD ABUSE PREVENTION AND REPORTING (continued)**

A staff member or volunteer aide selected by a child may decline to be present at the interview. If the selected person accepts, the Superintendent/Principal or designee shall inform him/her of the following requirements: (Penal Code 11174.3)

1. The purpose of the selected person's presence at the interview is to lend support to the child and enable him/her to be as comfortable as possible.
2. The selected person shall not participate in the interview.
3. The selected person shall not discuss the facts or circumstances of the case with the child.
4. The selected person is subject to the confidentiality requirements of the Child Abuse and Neglect Reporting Act, a violation of which is punishable as specified in Penal Code 11167.5.

If a staff member agrees to be present, the interview shall be held at a time during school hours when it does not involve an expense to the school. (Penal Code 11174.3)

### **Release of Child to Peace Officer**

When a child is released to a peace officer and taken into custody as a victim of suspected child abuse or neglect, the Superintendent/Principal or designee shall not notify the parent/guardian, but rather shall provide the peace officer with the address and telephone number of the child's parent/guardian. It is the responsibility of the peace officer or agent to notify the parent/guardian of the situation. (Education Code 48906)

Peace officers shall be asked to sign an appropriate release or acceptance of responsibility form.

*(cf. 5145.11 - Questioning and Apprehension)*

### **Parent/Guardian Complaints**

Upon request, the Superintendent/Principal or designee shall provide parents/guardians with a copy of the district's administrative regulation that describes how to report suspected child abuse occurring at a school site to appropriate agencies. For parents/guardians whose primary language is other than English, such procedures shall be in their primary language and, when communicating orally regarding those procedures, an interpreter shall be provided.

## **CHILD ABUSE PREVENTION AND REPORTING** (continued)

To file a complaint against a district employee or other person suspected of child abuse or neglect at the school, parents/guardians may file a report by telephone, in person, or in writing with any appropriate agency identified above under "Reporting Procedures." If a parent/guardian makes a complaint about an employee to any other employee, the employee receiving the information shall notify the parent/guardian of procedures for filing a complaint with the appropriate agency. The employee also is obligated pursuant to Penal Code 11166 to file a report himself/herself using the procedures described above for mandated reporters.

*(cf. 1312.1 - Complaints Concerning District Employees)*

In addition, if the child is enrolled in special education, a separate complaint may be filed with the California Department of Education pursuant to 5 CCR 4650.

*(cf. 1312.3 - Uniform Complaint Procedures)*

### **Notifications**

The Superintendent/Principal or designee shall provide to all new employees who are mandated reporters a statement that informs them of their status as mandated reporters, of their reporting obligations under Penal Code 11166, and of their confidentiality rights under Penal Code 11167. The district shall also provide these new employees with a copy of Penal Code 11165.7, 11166, and 11167. (Penal Code 11165.7, 11166.5)

Before beginning employment, employees shall sign the statement indicating that they have knowledge of the reporting obligations under Penal Code 11166 and that they will comply with those provisions. The signed statements shall be retained by the Superintendent/Principal or designee. (Penal Code 11166.5)

*(cf. 4112.9/4212.9/4312.9 - Employee Notifications)*

Employees who work with dependent adults shall be notified of legal responsibilities and reporting procedures pursuant to Welfare and Institutions Code 15630-15637.

The Superintendent/Principal or designee shall also notify all employees that:

1. A mandated reporter who reports a known or suspected instance of child abuse or neglect shall not be held civilly or criminally liable for making a report and this immunity shall apply even if the mandated reporter acquired the knowledge or reasonable suspicion of child abuse or neglect outside of his/her professional capacity or outside the scope of his/her employment. Any other person making a report shall not incur civil or criminal liability unless it can be proven that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11172)



**CHILD ABUSE PREVENTION AND REPORTING** (continued)

2. If a mandated reporter fails to report an incident of known or reasonably suspected child abuse or neglect, he/she may be guilty of a crime punishable by a fine and/or imprisonment. (Penal Code 11166)
3. No employee shall be subject to any sanction by the district for making a report. (Penal Code 11166)

**SCHOOL HEALTH SERVICES**

**Payment/Reimbursement for Services**

The district shall serve as a Medi-Cal provider to the extent feasible, comply with all related legal requirements, and seek reimbursement of costs to the extent allowed by law.

To further encourage student access to health care services, the Superintendent/Principal or designee shall develop and implement strategies to assist in outreach and enrollment of eligible students from low- to moderate-income families in affordable, comprehensive state or federal health coverage programs and local health initiatives. Such strategies may include, but not be limited to, providing information about the Medi-Cal program on the application for free and reduced-price meals in accordance with law and providing students and parents/guardians with information about the low-cost Healthy Families insurance program.

*(cf. 3553 - Free and Reduced Price Meals)*

*Legal Reference: (see next page)*

**SCHOOL HEALTH SERVICES (continued)**

*Legal Reference:*

EDUCATION CODE

8800-8807 *Healthy Start support services for children*

49073-49079 *Privacy of student records*

49423.5 *Specialized physical health care services*

49557.2-49558 *Eligibility for free and reduced-price meals; sharing information with Medi-Cal*

FAMILY CODE

6920-6929 *Consent by minor for medical treatment*

GOVERNMENT CODE

95020 *Individualized family service plan*

HEALTH AND SAFETY CODE

121020 *HIV/AIDS testing and treatment; parental consent for minor under age 12*

123110 *Minor's right to access health records*

123115 *Limitation on parent/guardian access to minor's health records*

123800-123995 *California Children's Services Act*

124025-124110 *Child Health and Disability Prevention Program*

124172-124174.5 *Public School Health Center Support Program*

130300-130317 *Health Insurance Portability and Accountability Act (HIPAA)*

WELFARE AND INSTITUTIONS CODE

14059.5 *Definition of "medically necessary"*

14100.2 *Confidentiality of Medi-Cal information*

14115 *Medi-Cal claims process*

14124.90 *Third-party health coverage*

14132.06 *Covered benefits; health services provided by local educational agencies*

14132.47 *Administrative claiming process and targeted case management*

CODE OF REGULATIONS, TITLE 10

2699.6500-2699.6905 *Healthy Families Program*

CODE OF REGULATIONS, TITLE 17

2951 *Testing standards for hearing tests*

6800-6874 *Child Health and Disability Prevention Program*

CODE OF REGULATIONS, TITLE 22

51009 *Confidentiality*

51050-51192 *Definitions of Medi-Cal providers and services*

51200 *Requirements for providers*

51231.2 *Wheelchair van requirements*

51270 *Local educational agency provider; conditions for participation*

51304 *Limitations on specified benefits*

51309 *Psychology, physical therapy, occupational therapy, speech pathology, audiological services*

51323 *Medical transportation services*

51351 *Targeted case management services*

51360 *Local educational agency; types of services*

51491 *Local educational agency eligibility for payment*

51535.5 *Reimbursement to local educational agency providers*

*Legal Reference continued: (see next page)*

## **SCHOOL HEALTH SERVICES (continued)**

### *Legal Reference: (continued)*

UNITED STATES CODE, TITLE 20

1232g *Family Educational and Privacy Rights Act (FERPA)*

UNITED STATES CODE, TITLE 42

1320c-9 *Prohibition against disclosure of records*

1397aa-1397jj *State Children's Health Insurance Program*

CODE OF FEDERAL REGULATIONS, TITLE 42

431.300 *Use and disclosure of information on Medicaid applicants and recipients*

CODE OF FEDERAL REGULATIONS, TITLE 45

164.500-164.534 *Health Insurance Portability and Accountability Act (HIPAA)*

### *Management Resources:*

CSBA PUBLICATIONS

*Expanding Access to School Health Services: Policy Considerations for Boards of Education*, Policy Brief, November 2008

*Promoting Oral Health for California's Student: New Role, New Opportunities for Schools*, Policy Brief, November 2008

*Providing School Health Services in California: Perceptions, Challenges and Needs of District Leadership Teams*, 2008

DEPARTMENT OF HEALTH SERVICES PUBLICATIONS

*LEA Medi-Cal Provider Manual*

*California School-Based Medi-Cal Administrative Activities Manual*

DEPARTMENT OF HEALTH SERVICES POLICY LETTERS

00-06 *Managed Care Plan Relationships with Local Education Agency Providers*, December 11, 2000

NATIONAL ASSEMBLY ON SCHOOL-BASED HEALTH CARE PUBLICATIONS

*A Guidebook for Evaluating School-Based Health Centers*

NATIONAL CENTER FOR YOUTH LAW PUBLICATIONS

*Minor Consent, Confidentiality, and Child Abuse Reporting in California*, October 2006

WEB SITES

CSBA: <http://www.csba.org>

CSBA, PractiCal Program: <http://www.csba.org/Services/Services/DistrictServices/PractiCal.aspx>

California County Superintendents Educational Services Association: <http://www.ccsesa.org>

California Department of Education, Health Services and School Nursing:

<http://www.cde.ca.gov/ls/he/hn>

California Department of Health Care Services: <http://www.dhcs.ca.gov>

California Department of Public Health: <http://www.cdph.ca.gov>

California School Health Centers Association: <http://www.schoolhealthcenters.org>

California School Nurses Organization: <http://www.csno.org>

Center for Health and Health Care in Schools: <http://www.healthinschools.org>

Centers for Disease Control and Prevention, School Health Policies and Programs (SHPPS) Study: <http://www.cdc.gov/HealthyYouth/shpps>

Centers for Medicare and Medicaid Services: <http://www.cms.hhs.gov>

Healthy Families Program: <http://www.healthyfamilies.ca.gov>

National Assembly on School-Based Health Care: <http://www.nasbhc.org>

National Center for Youth Law: <http://www.youthlaw.org>

**SCHOOL HEALTH SERVICES**

**Medi-Cal Billing**

In order to provide services as a Medi-Cal provider, the district shall enter into and maintain a contract with the California Department of Health Care Services (DHCS). (Welfare and Institutions Code 14132.06; 22 CCR 51051, 51270)

The Superintendent/Principal or designee shall submit a claim for Medi-Cal reimbursement whenever the district provides a covered preventive, diagnostic, therapeutic, or rehabilitative service specified in 22 CCR 51190.4 or 51360 to a Medi-Cal-eligible student under age 22 and/or a member of his/her family. (Welfare and Institutions Code 14132.06; 22 CCR 51096, 51098, 51190.1, 51190.4, 51309, 51360, 51535.5)

*(cf. 5141.24 - Specialized Health Care Services)*

*(cf. 6159 - Individualized Education Program)*

The district shall maintain records including, but not limited to, records of the type and extent of services provided to a Medi-Cal beneficiary in accordance with law. (22 CCR 51270)

*(cf. 3580 - District Records)*

*(cf. 5125 - Student Records)*

The Superintendent/Principal or designee shall ensure that all practitioners employed by or under contract with the district possess the appropriate license, certification, registration, or credential and provide only those services that are within their scope of practice. (22 CCR 51190.3, 51270, 51491)

Any federal funds received by the district as reimbursement for the costs of services under the Medi-Cal billing option shall be reinvested in services for students and their families as specified in Education Code 8804(g). The Superintendent/Principal or designee shall consult with a local school-linked services collaborative group, such as that defined in Education Code 8806, regarding decisions on reinvestment of federal funds. (22 CCR 51270)

**Medi-Cal Administrative Activities**

Designated school staff shall document, on a time survey form, the amount of time spent on activities identified by DHCS which are related to the administration of the Medi-Cal program. Such activities include, but are not limited to:

1. Outreach
2. Referral of health and mental health services
3. Translation services
4. Facilitation of applications

**SCHOOL HEALTH SERVICES** (continued)

5. Scheduling and arranging emergency and medical transportation of eligible individuals
6. Contracting for services
7. Program planning and policy development
8. Claims administration
9. General administration

The Superintendent/Principal or designee shall, on a quarterly basis, submit an invoice to the local educational consortium or local governmental agency through which the district has contracted to receive reimbursement.

Staff responsible for completing the time survey shall annually participate in training regarding eligible activities and the time survey methodology, and shall receive additional training whenever there are changes or updates in administrative claiming categories and activities. New or reassigned staff shall receive training before beginning their duties completing time surveys.

The Superintendent/Principal or designee shall maintain an audit file containing original time survey documentation and other records specified by DHCS. Such documentation shall be kept for three years after the end of the quarter in which expenditures were incurred or, if an audit is in progress, until the completion of the audit.

**SCHOOL HEALTH SERVICES**

**BOARD RESOLUTION ON STUDENT HEALTH AND LEARNING**

WHEREAS, the Board of Education of the Mountain Union Elementary School District recognizes that good health is a prerequisite to optimal learning and that absenteeism among students is clearly associated with school failure; and

WHEREAS, health is defined in a broad sense as a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity; and

WHEREAS, health services are an important element of a comprehensive approach to promoting health and preventing disease and disability in children and youth; and

WHEREAS, access to regular medical care is improved through health insurance, inasmuch as children without health insurance are less likely to have a family doctor, receive timely preventive care, and receive medical treatment; and

WHEREAS, nearly one in five of California's children has no health care coverage, and nearly one in five children without health care coverage do not receive necessary medical treatment for a chronic illness that was serious enough to keep the child from functioning in school; and

WHEREAS, families have a variety of options for health care coverage, including but not limited to California's low-cost Healthy Families program, no-cost Medi-Cal for Children program and local county health initiatives such as Healthy Kids, which provide comprehensive health, dental and vision care coverage to low-income, uninsured children under 19 years of age who represent the state's most vulnerable population; and

WHEREAS, after one year of coverage in the Healthy Families program, California children in the poorest health significantly improved their health, missed less school and improved their school performance; and

WHEREAS, schools can help students achieve academic success by participating in efforts that promote good health and have already demonstrated their commitment to students' health through the institution of such programs as Healthy Start and after-school programs, early care and education programs, school-based/school-linked health services, child nutrition services, school readiness, counseling services, and immunization programs; and

WHEREAS, children's access to health care services requires collaboration with local agencies and community-based organizations so that, through the shared responsibility and collective action of schools, local agencies and/or community-based organizations, we can ensure positive outcomes for our children and youth;

**SCHOOL HEALTH SERVICES** (continued)

NOW THEREFORE BE IT RESOLVED that the Board of the Mountain Union Elementary School District will work to improve children’s health, thereby improving their academic performance, by helping to ensure that all children have health insurance coverage. To this end, the district will participate in outreach and enrollment efforts related to California’s low-cost Healthy Families Program, no-cost Medi-Cal for Children, and other affordable health programs including local county health initiatives such as Healthy Kids. This will help assure optimal learning for every child by addressing children’s health problems and maximizing school attendance.

PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at a regular meeting, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

Attest:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
President



**SAFETY**

The Board of Education recognizes the importance of providing a safe school environment that is conducive to learning and helps ensure student safety and the prevention of student injury. The Superintendent/Principal or designee shall implement appropriate practices to minimize the risk of harm to students, including, but not limited to, practices relative to school facilities and equipment, the outdoor environment, educational programs, and school-sponsored activities.

- (cf. 0450 - Comprehensive Safety Plan)*
- (cf. 3320 - Claims and Actions Against the District)*
- (cf. 3514 - Environmental Safety)*
- (cf. 3514.1 - Hazardous Substances)*
- (cf. 3514.2 - Integrated Pest Management)*
- (cf. 3516 - Emergencies and Disaster Preparedness Plan)*
- (cf. 3530 - Risk Management/Insurance)*
- (cf. 3542 - School Bus Drivers)*
- (cf. 3543 - Transportation Safety and Emergencies)*
- (cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)*
- (cf. 4119.43/4219.43/4319.43 - Universal Precautions)*
- (cf. 5131 - Conduct)*
- (cf. 5131.1 - Bus Conduct)*
- (cf. 5141 - Health Care and Emergencies)*
- (cf. 5141.22 - Infectious Diseases)*
- (cf. 5142.1 - Identification and Reporting of Missing Children)*
- (cf. 5143 - Insurance)*
- (cf. 5144 - Discipline)*
- (cf. 5144.1 - Suspension and Expulsion/Due Process)*
- (cf. 6145.2 - Athletic Competition)*
- (cf. 6161.3 - Toxic Art Supplies)*
- (cf. 6163.2 - Animals at School)*
- (cf. 7111- Evaluating Existing Buildings)*

Staff shall be responsible for the proper supervision of students during school hours, during school-sponsored activities, and while students are using district transportation to and from school.

The Superintendent/Principal or designee shall ensure that students receive appropriate instruction on topics related to safety, as well as injury and disease prevention.

- (cf. 5141.7 - Sun Safety)*
- (cf. 6142.8 - Comprehensive Health Education)*

*Legal Reference: (see next page)*

**SAFETY** (continued)

*Legal Reference:*

EDUCATION CODE

8482-8484.6 *After School Education and Safety Program*  
17280-17317 *Building approvals (Field Act)*  
17365-17374 *Fitness of school facilities for occupancy*  
32001 *Fire alarms and drills*  
32020 *School gates; entrances for emergency vehicles*  
32030-32034 *Eye safety*  
32040 *First aid equipment*  
32225-32226 *Two-way communication devices in classrooms*  
32240-32245 *Lead-free schools*  
32250-32254 *CDE school safety and security resources unit*  
32280-32289 *Safety plans*  
44807 *Duty of teachers concerning conduct of students*  
44808 *Exemption from liability when students are not on school property*  
44808.5 *Permission for students to leave school grounds; notice (high school)*  
45450-45451 *Crossing guards*  
48900 *Hazing*  
49300-49307 *School safety patrol*  
49330-49335 *Injurious objects*  
49341 *Hazardous materials in school science laboratories*  
51202 *Instruction in personal and public health and safety*

GOVERNMENT CODE

810-996.6 *California Tort Claims Act*

HEALTH AND SAFETY CODE

115725-115735 *Playground safety*  
115775-115800 *Wooden playground equipment*  
115810-115816 *Playground safety and recycling grants*

PENAL CODE

245.6 *Hazing*

PUBLIC RESOURCES CODE

5411 *Purchase of equipment usable by physically disabled persons*

VEHICLE CODE

21100 *Rules and regulations; crossing guards*  
21212 *Use of helmets*  
42200 *Fines and forfeitures, disposition by cities*  
42201 *Fines and forfeitures, disposition by counties*

*Legal Reference continued: (see next page)*

**SAFETY** (continued)

*Legal Reference: (continued)*

CODE OF REGULATIONS, TITLE 5

202 Exclusion of students with a contagious disease

570-576 School safety patrols

5531 Supervision of social activities

5552 Playground supervision

5570 When school shall be open and teachers present

14103 Bus driver; authority over pupils

COURT DECISIONS

Wiener v. Southcoast Childcare Centers, (2004) 32 Cal.4th 1138

Kahn v. East Side Union High School District, (2003) 31 Cal.4th 990

Hoyem v. Manhattan Beach City School District, (1978) 22 Cal. 3d 508

Dailey v. Los Angeles Unified School District, (1970) 2 Cal 3d 741

*Management Resources:*

AMERICAN SOCIETY FOR TESTING AND MATERIALS

F 1487-05, *Standard Consumer Safety Performance Specification for Playground Equipment for Public Use*, 2005

U.S. CONSUMER PRODUCT SAFETY COMMISSION PUBLICATIONS

Handbook for Public Playground Safety, Pub. No. 325, 1994, rev. 1997

WEB SITES

American Society for Testing and Materials: <http://www.astm.org>

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/ls/ss>

California Department of Health Services: <http://www.dhs.ca.gov>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

Environmental Protection Agency: <http://www.epa.gov>

U.S. Consumer Product Safety Commission: <http://www.cpsc.gov>

U.S. Department of Education, Safe Schools: <http://www.ed.gov/about/offices/list/osers/osep/gtss.html>

## **Students**

AR 5142(a)

### **SAFETY**

The Superintendent/Principal or designee shall establish school rules for the safe and appropriate use of school equipment and materials and for student conduct consistent with law, Board policy, and administrative regulation. Copies of the rules shall be distributed to parents/guardians and shall be readily available at the school at all times.

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 5131 - Conduct)*

*(cf. 5144 - Discipline)*

### **Release of Students**

Students shall be released during the school day only to the custody of an adult if:

1. The adult is the student's custodial parent/guardian.

*(cf. 5021 - Noncustodial Parents)*

2. The adult has been authorized on the student's emergency card as someone to whom the student may be released when the custodial parent/guardian cannot be reached, and the principal or designee verifies the adult's identity.

*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*

3. The adult is an authorized law enforcement officer acting in accordance with law.

*(cf. 5141.4 - Child Abuse Prevention and Reporting)*

*(cf. 5145.11 - Questioning and Apprehension)*

4. The adult is taking the student to emergency medical care at the request of the principal or designee.

*(cf. 5141 - Health Care and Emergencies)*

### **Supervision of Students**

Every teacher shall hold students accountable for their conduct on the way to and from school, on the playgrounds, and during recess. (Education Code 44807)

The Superintendent/Principal or designee shall require all individuals supervising students to remain alert in spotting dangerous conditions, promptly report any such conditions to the principal or designee, and file a written report on such conditions as appropriate.

*(cf. 3530 - Risk Management/Insurance)*

**SAFETY** (continued)

In arranging for appropriate supervision on playgrounds, the principal or designee shall:

1. Where playground supervision is not otherwise provided, provide for certificated employees to supervise the conduct and safety, and direct the play, of students who are on school grounds before and after school and during recess and other intermissions (5 CCR 5552)
2. Clearly identify supervision zones on the playground and require all playground supervisors to remain outside at a location from which they can observe their entire zone of supervision
3. Consider the size of the playground area, the number of areas that are not immediately visible, and the age of the students to determine the ratio of playground supervisors to students

The Superintendent/Principal or designee shall ensure that teachers, teacher aides, playground supervisors, yard aides, and volunteers who supervise students receive training in safety practices and in supervisory techniques that will help them to forestall problems and resolve conflicts. Such training shall be documented and kept on file.

*(cf. 1240 - Volunteer Assistance)*

*(cf. 3515.2 - Disruptions)*

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 5131.4 - Student Disturbances)*

*(cf. 5138 - Conflict Resolution/Peer Mediation)*

**Playground Safety**

Any new playground or any replacement of equipment or modification of components inside an existing playground shall conform to standards set forth by the American Society for Testing and Materials and the guidelines set forth by the U.S. Consumer Product Safety Commission. (Health and Safety Code 115725)

Any playground installed between January 1, 1994, and December 31, 1999, shall conform to these standards not later than 15 years after the date of installation. (Health and Safety Code 115725)

**Eye Safety Devices**

The Superintendent/Principal or designee shall provide the school with eye safety devices for use whenever students, teachers, or visitors are engaged in or observing an activity or using hazardous substances likely to cause injury to the eyes. Eye safety devices may be sold to students for an amount not to exceed their actual cost to the district. (Education Code 32030, 32031, 32033)

**SAFETY** (continued)

*(cf. 3260 - Fees and Charges)*

**IDENTIFICATION AND REPORTING OF MISSING CHILDREN**

District personnel, including but not limited to teachers, administrators, school aides, school playground workers and school bus drivers, are encouraged to report missing children to a law enforcement agency in a timely manner in order to provide those children a necessary level of protection.

*Legal Reference:*

EDUCATION CODE

32390 Voluntary program for fingerprinting students

38139 Posting of information about missing children

48980 Parental notification of district programs, rights and responsibilities

49068.5-49068.6 Missing children; transfers

49370 Legislative intent re: reporting of missing children

CODE OF REGULATIONS, TITLE 5

640-641 Student fingerprinting program

*Management Resources:*

WEB SITES

Department of Justice/Attorney General's Office: <http://www.caag.state.ca.us/app>

**IDENTIFICATION AND REPORTING OF MISSING CHILDREN**

**Notices About Missing Children**

The school shall post in an appropriate area information provided by the Department of Justice on missing children. For elementary schools, such information shall be posted in an area restricted to adults. (Education Code 38139)

The Superintendent/Principal is urged to review missing children's pictures whenever a new student enrolls or transfers into the school. (Education Code 49068.5)

*(cf. 5111 - Admission)*

If the school receives notice from a law enforcement agency that a child enrolled in the school has been reported missing, the Superintendent/Principal or designee shall place a notice that the child has been reported missing on the front of the child's school record. If the school receives a record inquiry or request from any person or entity regarding a missing child about whom the school has been notified, the Superintendent/Principal or designee shall immediately notify the law enforcement authorities who informed the school of the missing child's status. (Education Code 49068.6)

*(cf. 5125 - Student Records)*



**INSURANCE**

The Board of Education believes that all students should have health and accident insurance protection to ensure that they receive needed health care services in the event of illness or injury.

The Superintendent/Principal or designee shall provide information to students and their parents/guardians about available insurance against injuries occurring during school-related activities, which may include printed matter furnished by the insurer or membership corporation. Parents/guardians shall not be required to enroll their children in insurance programs offered by the district.

- (cf. 3530 - Risk Management/Insurance)*
- (cf. 3540 - Transportation)*
- (cf. 3543 - Transportation Safety and Emergencies)*
- (cf. 5141 - Health Care and Emergencies)*
- (cf. 5141.6 - School Health Services)*
- (cf. 6142.7 - Physical Education)*
- (cf. 6178 - Career Technical Education)*
- (cf. 6178.1 - Work Experience Education)*

*Legal Reference:*

- EDUCATION CODE
- 10900-10914.5 Community recreation activities*
- 32220-32224 Insurance for athletic teams*
- 33353.5 Interscholastic federation; insurance program; nontransaction of insurance*
- 35331 Insurance for field trips and excursions*
- 48980 Parental notifications*
- 48985 Notices to parents in language other than English*
- 49470-49474 District medical services and insurance*
- 51760 Insurance, work experience programs*
- 52530 Insurance for healing arts program students*
- INSURANCE CODE
- 10493 Benefit and relief association*
- CODE OF REGULATIONS, TITLE 22
- 51050-51190.5 Definitions of Medi-Cal providers and services*

*Management Resources:*

- WEB SITES
- CSBA, Medi-Cal Services Program: [http://www.csba.org/ds/medi\\_cal.htm](http://www.csba.org/ds/medi_cal.htm)*
- California Department of Health Services, Medical Care Services: <http://www.dhs.ca.gov/mcs>*
- California Department of Insurance: <http://www.insurance.ca.gov>*
- Centers for Medicare and Medicaid Services: <http://www.cms.hhs.gov>*
- Healthy Families Program: <http://www.healthyfamilies.ca.gov>*
- Medi-Cal: <http://www.medi-cal.ca.gov>*

**DISCIPLINE**

The Board of Education desires to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The Board believes that high expectations for student behavior, effective classroom management and parent involvement can minimize the need for discipline. Staff shall use preventative measures and positive conflict resolution techniques whenever possible.

*(cf. 5020 - Parent Rights and Responsibilities)*  
*(cf. 5137 - Positive School Climate)*  
*(cf. 5145.3 - Nondiscrimination/Harassment)*  
*(cf. 5145.9 - Hate-Motivated Behavior)*  
*(cf. 6020 - Parent Involvement)*

Board policies and regulations shall delineate acceptable student conduct and provide the basis for sound disciplinary practices.

*(cf. 5131 - Conduct)*  
*(cf. 5131.1 - Bus Conduct)*

When misconduct occurs, staff shall implement appropriate discipline and attempt to identify and address the causes of the student's behavior. Continually disruptive students may be assigned to alternative programs or removed from school in accordance with law, Board policy and administrative regulation. At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline.

*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 3515 - Campus Security)*  
*(cf. 3515.3 - District Police/Security Department)*  
*(cf. 3515.4 - Recovery for Property Loss or Damage)*  
*(cf. 4158/4258/4358 - Employee Security)*  
*(cf. 5136 - Gangs)*  
*(cf. 5144.1 - Suspension and Expulsion/Due Process)*  
*(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*  
*(cf. 6164.5 - Student Success Teams)*  
*(cf. 6159.4 - Behavioral Interventions for Special Education Students)*  
*(cf. 6184 - Continuation Education)*  
*(cf. 6185 - Community Day School)*

Staff shall enforce disciplinary rules fairly, consistently and without discrimination.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*  
*(cf. 5145.3 - Nondiscrimination/Harassment)*

The Superintendent/Principal or designee shall provide professional development as necessary to assist staff in developing classroom management skills and implementing effective disciplinary techniques.

**DISCIPLINE** (continued)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

*Legal Reference:*

CIVIL CODE

1714.1 Parental liability for child's misconduct

EDUCATION CODE

32280-32288 School safety plans

35146 Closed sessions

35291 Rules

35291.5-35291.7 School-adopted discipline rules

37223 Weekend classes

44807.5 Restriction from recess

48900-48926 Suspension and expulsion

48980-48985 Notification of parents or guardians

49000-49001 Prohibition of corporal punishment

49330-49335 Injurious objects

CODE OF REGULATIONS, TITLE 5

307 Participation in school activities until departure of bus

353 Detention after school

*Management Resources:*

CSBA PUBLICATIONS

*Protecting Our Schools: Board of Education Strategies to Combat School Violence, 1999*

CDE PROGRAM ADVISORIES

1010.89 Physical Exercise as Corporal Punishment, CIL 89/9-3

1223.88 Corporal Punishment, CIL: 88/9-5

WEB SITES

CDE: <http://www.cde.ca.gov>

USDOE: <http://www.ed.gov>

**DISCIPLINE**

**Disciplinary Rules**

In developing disciplinary rules, the Superintendent/Principal shall solicit the participation, views and advice of one representative selected by each of the following groups: (Education Code 35291.5)

1. Parents/guardians
2. Teachers
3. School administrators
4. School security personnel, if any

*(cf. 3515.3 - District Police/Security Department)*

The final version of the rules shall be adopted by a panel comprised of the Superintendent/Principal or designee and a representative selected by the school's classroom teachers.

The rules shall be consistent with law, Board policy and district regulations. The Board of Education may review, at an open meeting, the approved school discipline rules for consistency with Board policy and state law. (Education Code 35291.5)

The school shall review its discipline rules at least every four years.

It shall be the duty of each employee to enforce the school rules on student discipline. (Education Code 35291)

Disciplinary strategies provided in Board policy, regulation and law may be used in developing rules. These strategies include but are not limited to:

1. Referral of the student for advice and counseling

*(cf. 6164.2 - Guidance/Counseling Services)*

2. Discussion or conference with parents/guardians

*(cf. 5020 - Parent Rights and Responsibilities)*  
*(cf. 6020 - Parent Involvement)*

3. Recess restriction
4. Detention during and after school hours

**DISCIPLINE** (continued)

5. Community service
6. Reassignment to an alternative educational environment

*(cf. 6158 - Independent Study)*  
*(cf. 6181 - Alternative Schools)*  
*(cf. 6184 - Continuation Education)*  
*(cf. 6185 - Community Day School)*

7. Removal from the class in accordance with Board policy, administrative regulation and law
8. Suspension and expulsion

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*  
*(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*

**Corporal Punishment**

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of, or willfully causing the infliction of, physical pain on a student. (Education Code 49001)

For purposes of this policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to property or to obtain possession of weapons or other dangerous objects within the control of the student. (Education Code 49001)

*(cf. 4158/4258/4358 - Employee Security)*  
*(cf. 5131.7 - Weapons and Dangerous Instruments)*

**Recess Restriction**

A teacher may restrict a student's recess time when he/she believes that this action is the most effective way to bring about improved behavior, subject to the following conditions:

1. The student shall be given adequate time to use the restroom and get a drink or eat lunch, as appropriate.
2. The student shall remain under a certificated employee's supervision during the period of restriction.
3. Teachers shall inform the Superintendent/Principal of any recess restrictions they impose.

**DISCIPLINE** (continued)

**Detention After School**

Students may be detained for disciplinary reasons up to one hour after the close of the maximum school day. (5 CCR 353)

If a student will miss his/her school bus on account of being detained after school, or if the student is not transported by school bus, the Superintendent/Principal or designee shall notify parents/guardians of the detention at least one day in advance so that alternative transportation arrangements may be made. The student shall not be detained unless the Superintendent/Principal or designee notifies the parent/guardian.

In cases where the school bus departs more than one hour after the end of the school day, students may be detained until the bus departs. (5 CCR 307, 353)

Students shall remain under the supervision of a certificated employee during the period of detention.

Students may be offered the choice of serving their detention on Saturday rather than after school.

*(cf. 6176 - Weekend/Saturday Classes)*

**Community Service**

As part of or instead of disciplinary action, the Board or Superintendent/Principal may, require a student to perform community service on school grounds, or with written permission of the student's parent/guardian off school grounds, during nonschool hours. Such service may include, but is not limited to, community or school outdoor beautification, campus betterment, and teacher, peer or youth assistance programs. (Education Code 48900.6)

This community service option is not available for a student who has been suspended, pending expulsion, pursuant to Education Code 48915. However, if the recommended expulsion is not implemented or the expulsion itself is suspended, then a student may be required to perform community service for the resulting suspension pursuant to this section. (Education Code 48900.6)

**Notice to Parents/Guardians and Students**

At the beginning of the school year, the Superintendent/Principal or designee shall notify parents/guardians, in writing, about the availability of district rules related to discipline. (Education Code 48980)

*(cf. 5145.6 - Parental Notifications)*

**DISCIPLINE** (continued)

The Superintendent/Principal or designee shall also provide written notice of the rules related to discipline to transfer students at the time of their enrollment in the district.

Regulation  
approved: January 27, 2010

**MOUNTAIN UNION ELEMENTARY SCHOOL DISTRICT**  
Montgomery Creek, California