



APRIL 2003 AGENDA

SUBJECT: Title 5 Regulations on Administration of Medication to Pupils at Public Schools.	<input type="checkbox"/> ACTION
	<input checked="" type="checkbox"/> INFORMATION
	<input type="checkbox"/> PUBLIC HEARING

RECOMMENDATION:

Information only. Purpose of item is to inform the State Board that the current rule-making process has been withdrawn, and to give notice that a new rule-making process will be commenced with the submission of an agenda for that purpose at the May 2003 meeting.

Summary of Previous State Board of Education Discussion and Action.

At the November 2002 meeting, the State Board determined to commence the formal rule-making process for regulations relating to the administration of medication (and the providing of assistance with administration of medication) to pupils. The 45-day (minimum) public review period for the original set of proposed regulations culminated in a public hearing held at the February 2003 meeting, at which time the State Board approved a set of amendments to the original proposal to be sent out for 15-day public review. Since that time, staff have collected and analyzed all comments and met with representatives of the Board of Registered Nursing and the state Department of Finance. A second set of amendments was prepared, but staff were advised that the second set of amendments was so extensive as to necessitate withdrawal of the existing rule-making effort and beginning anew.

Summary of Key Issue(s).

Among the key issues relating to regulations are (1) the extent of legal authorization for individuals who do not possess professional health care licenses to administer medication (or provide assistance with the administration of medication) to pupils and (2) at what point(s) the regulations would create a state-mandated local program and, thus, become unapprovable because no reimbursement for the mandate has been funded.

Fiscal Analysis (as appropriate).

These regulations may not establish a state-mandated local program.

Background Information attached to this Agenda Item.

NOTICE OF DECISION NOT TO PROCEED.



JACK O'CONNELL
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Title 5. EDUCATION

California State Board of Education

NOTICE OF DECISION NOT TO PROCEED

Pursuant to Government Code section 11347, the California State Board of Education (State Board) has been advised not to proceed with Title 5, Division 1, Chapter 2, Subchapter 3, Sections 600 - 612, Chapter 4, Subchapter 3, Administration of Medication to Pupils at School, (Notice File No. Z02-1121-02, published December 6, 2002, in the California Regulatory Notice Register 2002, No. 49-Z, page 2285), because, based on comments received, necessary revisions to the original proposal are too extensive to qualify as amendments. Therefore, this proposed action is withdrawn from further consideration.

The State Board will initiate at a later date, with notice as required by law, a new proposal to adopt regulations pertaining to the same or similar subject matter. The California Department of Education will also publish this Notice of Decision Not to Proceed on the Department's website at www.cde.ca.gov/regulations.