

Marie Izquierdo, Chief Academic Officer
Academics and Transformation

**SUBJECT: FINAL READING: PROPOSED NEW BOARD POLICY 5330.02,
 SUN SAFETY, AND AMENDMENTS TO BOARD POLICY 5330,
 USE OF MEDICATIONS**

**COMMITTEE: INSTRUCTIONAL EXCELLENCE AND COMMUNITY
 ENGAGEMENT**

**LINK TO STRATEGIC
FRAMEWORK: STUDENT, PARENT, AND COMMUNITY ENGAGEMENT**

Overexposure to the sun causes 90% of skin cancers, and South Florida has one of the highest skin cancer rates in the United States. In light of the risks and prevalence of skin cancers, students and employees should be made aware of the dangers of overexposure to the sun and be encouraged to protect themselves through the use of sunscreen and other protective measures.

At its September 3, 2014, regular meeting, the Board approved Board Agenda Item C-100 authorizing rulemaking to promulgate new policy 5330.02, *Sun Safety*, and amend Policy 5330, *Use of Medications*, to allow students to carry and apply sunscreen at school without the requirement of obtaining a physician's note or prescription and to exempt the use of sunscreen from existing restrictions applicable to the possession and use of over-the-counter medications. The new policy is modeled on "Billy's Bill for Sun Safety," an innovative California law that was recently enacted after a 22 year-old California student died from skin cancer.

The policy generally prohibits school staff from providing or applying sunscreen to students. However, staff may assist a student who is unable to physically apply sunscreen when requested by the student and authorized by the student's parent and the school principal in writing. In addition, the new policy requires schools to encourage students to take other protective measures such as seeking shade and wearing protective clothing and sunglasses. The new policy also requires sun safety and skin cancer prevention to be included in the District's Comprehensive Health Education Curriculum.

The policy was collaboratively developed and reviewed by the Superintendent's Office, Intergovernmental Affairs and Grants, Exceptional Student Education and Student Support, Life Skills, the Florida Department of Health, and a University of Miami expert dermatologist.

C-100

The Notice of Intended Action was published in the *Miami Daily Business Review* on September 8, 2014, in various places for public information and mailed to various organizations representing persons affected by the policy and to individuals requesting notification. The time to request a hearing or protest the promulgation of this policy has elapsed.

In accordance with the Administrative Procedure Act, the new and amended policies are presented to The School Board of Miami-Dade County, Florida, for promulgation and authorization to file the new and amended policies in the official records of The School Board of Miami-Dade County, Florida.

Attached are the Notice of Intended Action, the proposed new policy, and policy amendments. Changes from the current policy are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

RECOMMENDED:

That The School Board of Miami-Dade County, Florida, promulgate new policy 5330.02, *Sun Safety*, and amend Policy 5330, *Use of Medications*, and authorize the Superintendent to file the new and amended policies with The School Board of Miami-Dade County, Florida, to be effective October 7, 2014.

MI/DAM:Imm

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on September 3, 2014, its intention to promulgate new Board Policy 5330.02, *Sun Safety*, and to amend Board Policy 5330, *Use of Medications*, at its meeting of October 7, 2014

PURPOSE AND EFFECT: The purpose of the new policy is to encourage students and employees to protect themselves from dangerous overexposure to the sun and harmful ultraviolet rays that can cause skin cancer by allowing the use of sunscreen and protective clothing during outside activities. The new and amended policies exempt the possession and use of sunscreen from the restrictions applicable to over-the-counter medications.

SUMMARY: The new and amended policies allow students to carry and apply sunscreen at school without a physician's note or prescription and specifically exempt the possession and use of sunscreen from the restrictions applicable to over-the-counter medications in Policy 5330, *Use of Medications*. The policies generally prohibit school staff from providing or applying sunscreen to students. However, staff may assist a student who is unable to physically apply sunscreen when requested by the student and authorized by the student's parent and the school principal in writing. In addition, the new policy requires schools to encourage students to take other protective measures such as seeking shade, and wearing protective clothing and sunglasses. The new policy also requires sun safety and skin cancer prevention to be included in the District's Comprehensive Health Education Curriculum.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41 (1), (2), 1001.42 (25), 1001.43 (10), F.S.

LAWS IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 1006.062, 1006.08, F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE SCHOOL BOARD MEETING OF October 7, 2014, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs or to provide a proposal for a lower cost regulatory alternative as provided in Section 120.54(1), F.S., must do so in writing by September 29, 2014, to the Superintendent, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED NEW POLICY AND AMENDED POLICY is available at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Ms. Marie Izquierdo
Supervisor: Mr. Alberto M. Carvalho
Date: August 20, 2014

**The School Board of Miami-Dade County
Bylaws & Policies**

5330.02 - SUN SAFETY

Students and staff are encouraged to use sunscreen and protective clothing to protect against dangerous overexposure to the sun, harmful ultraviolet (UV) rays and the development of skin cancer.

Definitions

Ultraviolet radiation, or "UV ray," from sunlight is a major risk factor for most skin cancers. Even though UV rays make up only a very small portion of the sun's rays, they are the main cause of the sun's damaging effects on the skin.

"PABA free" means that the product does not contain para-aminobenzoic acid. PABA free sunscreens are hypoallergenic. PABA has been known to cause problems with some individuals with certain allergies.

Use of Sunscreen

Students shall be allowed to carry and apply sunscreen without a physician's note or prescription. Sunscreen shall not be considered an over-the-counter medication pursuant to Policy 5330, *Use of Medications*. Unless they are siblings, students may not share sunscreen.

School staff shall not provide or apply sunscreen to students. However, staff may assist a student who is unable to physically apply sunscreen when requested by the student and authorized by the student's parent and the school principal in writing.

Other Protective Measures

Schools shall encourage students and staff to:

- Seek shade when engaged in outside activities especially from 10 a.m. to 4 p.m. when excessive UV rays are present.
- Wear protective clothing when exposed to the sun, including hats which cover the ears and back of the neck.
- Use a PABA free sunscreen product 30 minutes before engaging in outside activities.
- Wear sunglasses which block the majority of UV rays and reduce the potential for cataract formation.
- Avoid artificial sources of UV rays such as sunlamps and tanning beds.

Education and Awareness:

- Sun safety and skin cancer prevention shall be included in the District's Comprehensive Health Education Curriculum.

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USE OF MEDICATIONS

2 The School Board shall not be responsible for the diagnosis and treatment of
3 student illness. The administration of prescribed medication and/or
4 medically-prescribed treatments to a student during school hours will be permitted
5 only when failure to do so would jeopardize the health of the student, the student
6 would not be able to attend school if the medication or treatment were not made
7 available during school hours, or the child is disabled and requires medication to
8 benefit from his/her educational program.

9 Medication shall include all medicines including those prescribed by a medical
10 provider and any nonprescribed (over-the-counter) drugs, preparations, and/or
11 remedies. "Treatment" refers to the manner in which a medication is administered
12 and to health-care procedures which require special training, such as
13 catheterization. These definitions do not include sunscreen or its application. The
14 use of sunscreen is governed by Policy 5333.02, Sun Safety.

15 Written medication authorization signed by the child's medical provider and parent
16 shall be provided before any prescribed medication or treatment may be
17 administered to any student during school hours. Parents may administer
18 medication or treatment. The child's medical provider and the parent must also
19 authorize in writing any self-medication by the student such as epi-pens and
20 inhalers. Medication shall not be carried on a student's person in the school except
21 as approved by the principal. Furthermore, no student is allowed to provide or sell
22 any type of over-the-counter medication to another student.

23 Only medication in its original container labeled with the date, the student's name,
24 and exact dosage will be administered. The principal will designate person(s) to be
25 responsible for accepting, counting, and administering the medication. The
26 designated person(s) will complete a medication log for each student when
27 medication is administered. Medication will be counted and stored in the original
28 container and locked. The principal shall properly dispose of unused medication.

29 A licensed nurse is permitted to administer any medication requiring intravenous or
30 intramuscular injection or the insertion of a device into the body when both the
31 medication and the procedure are prescribed by a physician and the staff member
32 has completed any necessary training.

33 Students who may require administration of an emergency medication may have the
34 medication locked in the clinic/school office and administered according to this
35 policy.

- 1 Inservice programs will be conducted for those authorized to administer medication.
- 2 Administrative procedures implementing this policy are found in the Manual for
- 3 School Health Facilitators.

- 4 F.S. 1006.062