

MEDICATIONS

Legal Requirements

State and district personnel are prohibited, pursuant to paragraph (25) of subsection (a) of § 1412 of Title 20 of the United States Code, from requiring a student with a disability to obtain a prescription for a medication that is a substance covered by the Controlled Substances Act (21 USC § 801 et seq.) as a condition of attending school, receiving an assessment under subsection (a) or (c) of § 1414 of Title 20 of the United States Code, or receiving services under the IDEA.

This does not create a federal prohibition against teachers and other school personnel consulting or sharing classroom-based observations with parents or guardians regarding a student's academic and functional performance, his/her behavior in the class or school, or the need for assessment for special education and related services under paragraph (3) of subsection (a) of § 1412 of Title 20 of the United States Code.

Legal References

EC 56040.5, 34 CFR 300.174

Local Procedures

As the law clearly states, school personnel are prohibited from requiring a student to obtain a prescription for a substance covered by the Controlled Substances Act (which includes any prescription medication) as a condition of attending school or receiving a special education assessment and/or services. This requirement was included in the 2004 re-authorization of the IDEA because of rumors and complaints about schools pressuring parents to put their student with attention deficit hyperactivity disorder (ADHD) on medication.

Schools must be sensitive to the fact that using medication to treat disorders has been, and continues to be, a controversial issue to some parents. Nothing in this part prohibits teachers or other school personnel from consulting with parents about their student's behavior, but the focus needs to be on sharing classroom-based observations regarding the student's academic and functional performance or behavior, or regarding the need for evaluation for special education or related services. When discussing possible interventions, staff should focus on school/home based behavioral interventions and avoid discussions about the use of medication. It may be helpful for an IEP team to understand a student's medication in order to plan for changes in behavior related to medication changes. However, the IEP team should be careful not to opine on medication needs of the student. In addition to the prohibition discussed above, if a district recommends that a parent get a medical evaluation, the district is responsible for the cost of the evaluation.

FAQs

Can school personnel merely suggest that a parent take their student with suspected ADHD to a doctor for an evaluation?

No, this is not a good idea. Conversations like this are easily misinterpreted and even though the intention might be to suggest, the interpretation might be to demand. The district could also be responsible for the cost of the medical evaluation.

How are we supposed to deal with a student who is destroying school property when the parent refuses to put him/her on medication?

Regardless of the cause, the needs of students with behavior problems should be addressed through the use of behavior supports, e.g., behavioral goals, behavior support plans, etc., services, and/or placement.

REMINDERS

- Schools are prohibited from requiring students to take prescription medications.
- School personnel must be cautious when consulting with parents regarding taking medication.
- Schools may not make special education services dependent upon whether a student takes a prescription medication.
- If a district recommends that a parent get a medical evaluation, the district will be responsible for the cost of the evaluation.