



MT. DIABLO UNIFIED SCHOOL DISTRICT
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OFFICE OF
SUPERINTENDENT

September 15, 2016

Honorable Judge John T. Laettner
Judge of the Superior Court
725 Court Street
Martinez, CA 94553-0091

Civil Grand Jury Foreperson, 2016-17
Contra Costa County Superior Court
725 Court Street
Martinez, CA 94553-0091

RE: Response to Grand Jury Report: "Are Our Schools in Compliance with the "EpiPen" Law, SB 1266?"

Dear Judge Laettner and Foreperson:

The Mt. Diablo Unified School District ("District") Board and staff have reviewed the Facts, Findings and Recommendations in the Grand Jury Report "Are Our Schools in Compliance with the "EpiPen" Law, SB 1266?" filed on May 31, 2016. The following constitutes the response of the District and its Governing Board ("Board") to the Findings and Recommendations applicable to the District.

RESPONSE TO FINDINGS

F1. Mylan Specialty Division supplies Pens at no cost to public schools in the district.

Response: The District agrees with this finding. (Penal Code § 933.05(a)(1).)

F2. Mylan Specialty Division will replace Pens at public schools in the district that have expired at a discounted cost.

Response: The District agrees with this finding. (Penal Code § 933.05(a)(1).) We note in passing that Mylan provided replacements for used and expired Epi-Pens at no cost this year.

F3. FARE and CDC statistical information project a range of 4 percent to 7.7 percent of students (7,200 to 13,850 out of the estimated 180,000 students in Contra Costa County's eighteen school districts) that may have an allergy that is unknown to parents and undiagnosed.

Response: The District has no information in its possession on which it could base an agreement or disagreement on this Finding and, on that basis, agrees with this finding for the purposes of this Response to the extent the Grand Jury has this information. (Penal Code § 933.05(a)(1).)

F5. SB 1266 does not clearly address the use of Pens at off-campus school activities or events.

Response: The District agrees with this finding. (Penal Code § 933.05(a)(1).)

F7. SB 1266 does not require follow up procedures for reporting the use of a Pen.

Response: The District agrees with this finding. (Penal Code § 933.05(a)(1).)

RESPONSE TO RECOMMENDATIONS

R3. Each of the School District Boards should direct the School District Superintendent to contact all schools in their district at the start of each school calendar year to confirm that they are compliant with the requirements of SB 1266.

Response: The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation. (Penal Code § 933.05(b)(2).)

Explanation: The Administrator for Student Services is creating a notification system with each school nurse responsible for a particular school or schools to confirm compliance. This is expected to be implemented by October 31, 2016.

R4. Each of the School District Boards should direct their School District Superintendent to report to the Board at the start of each school calendar year that the School District is compliant with the requirements of SB 1266.

Response: The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation. (Penal Code § 933.05(b)(2).)

Explanation: The Administrator for Student Services is creating a notification system with each school nurse responsible for a particular school or schools to confirm compliance. This is expected to be implemented by October 31, 2016 and subsequently reported to the Board.

R8. The School Districts should consider the practical and legal issues of supplying Pens for field trips and other off-site school events, and working with school nurses to develop policies and procedures for their use at these events.

Response: The recommendation requires further analysis. (Penal Code § 933.05(b)(3).)

Explanation: While the Administrator for Student Services and staff nurses have discussed this issue, a number of practical and funding issues exist. A study and report is expected by December 31, 2016 and will be subsequently reported to the Board.

R10. The School Districts should consider working with school nurses to develop policies and procedures for reporting the use of Pens.

Response: The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation. (Penal Code § 933.05(b)(2).)

Explanation: The Administrator for Student Services is creating a log based on requests for refills by each school nurse responsible for a particular school or schools. This is expected to be implemented by October 31, 2016.

R12. The School Districts should consider helping parents understand the risks of anaphylaxis and the protocols in place for emergency administration of epinephrine. The School Districts should consider "identifying funds" to carry out these activities.

Response: The recommendation, in the first part, will not be implemented because it is not warranted or is not reasonable (Penal Code § 933.05(b)(4)) and the recommendation, in the second part, requires further analysis (Penal Code § 933.05(b)(3)).

Explanation: The first portion of the first sentence about helping parents to understand the risks of anaphylaxis is, based on advice of legal counsel, a function of the family's health care provider, not school district employees. The next parts about parent education on protocols for emergency administration of medicine and funding therefor are under consideration with a possible decision by October 31, 2016.

Conclusion

On behalf of the Governing Board and its staff of the Mt. Diablo Unified School District, we appreciate your concern for our District.

Sincerely,

MT. DIABLO UNIFIED SCHOOL DISTRICT



Nellie Meyer, Ed.D.
Superintendent
Secretary to the Board

