Side Letter Agreement
Between the
Mt. Diablo Unified School District (MDUSD) And the
Clerical, Secretarial & Technical Unit Local One/AFCSME (CST) Regarding the
Voluntary Administration of Medication

MDUSD and CST entered into this agreement on August 6, 2025. This side letter agreement is nonprecedential and does not establish past practice. This agreement expires on June 30, 2026.

MDUSD may have students who need to take medication or otherwise need medical assistance during the school day. Accordingly, MDUSD wishes to use trained classified employee volunteers, including nonmedical school employees, to administer medication. CST represents the classified employees of MDUSD who may volunteer to be trained in the administration of these medications. To that end, MDUSD and CST have entered into this agreement to allow trained classified volunteers to assume these duties as needed, and is permitted under MDUSD policy and the law. (See California Education Code sections 49414, 49414.3, 49414.5, 49423 and 494.23.1, the California Code of Regulations title 5, sections 600 and 604, *American Nurses Ass'n et al. v. Torlakson* (2013) 57 Cal. 4th 570, and District Board policy ("BP") and Administrative Regulation ("AR") 5141.21-Administering Medication and Monitoring Health Conditions.)

MDUSD and CST do hereby agree as follows:

- Volunteers: Volunteers include any CST employee, including an unlicensed school employee, who has volunteered or consented to administer medication or otherwise assist a student with daily medication or intermittent medication and who may legally administer the medication to the student or assist the student in the administration of the medication. These individuals are referred to herein and under the law as "designated employees" and/or "classified volunteers." A classified employee who does not volunteer or who has not been trained to administer medication or otherwise assist a student in the administration of medication, shall not be required to and may not administer medication. All classified volunteers shall complete the online MDUSD Designated School Personnel Volunteer Interest Form; following the training the employee will receive the Indemnity Notification for Designated School Personnel Volunteer Form to complete.
- Medications: Medications prescribed or authorized by a licensed health care provider, including insulin, emergency antiseizure medication, auto-injectable epinephrine, or glucagon. This will not include marijuana disbursement to students, whether it is prescribed or not.
- Request for Volunteers: MDUSD 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. The notice shall contain a description of the requirement 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.
- Training and Related Issues: MDUSD shall ensure any unlicensed classified volunteer receives appropriate training from the school nurse or other qualified medical personnel.
- Classified volunteers shall receive training which complies with the California Education Code and any applicable training standards adopted by the California Department of Education and District BP/AR 5141.21, from a school nurse or other qualified medical personnel, regarding the administration of medications specific to the identified student and the proper documentation and storage of the medication,

before the classified volunteer is permitted to administering any medications or providing students with medical assistance.

a. At a minimum, the training shall cover how and when such medication should be administered, the recognition of symptoms and treatment, emergency follow-up procedures, and the proper documentation and storage of medication. (Education Code §§ 49414, 49414.5, 49423, 49423.1)
b. Unlicensed classified volunteers shall be supervised by and provided with timely communication access to a school nurse, physician, or other appropriate individual in accordance with the California Education Code and MDUSD policy.
c. MDUSD shall maintain documentation of the training, ongoing supervision, as well as annual written verification of competency of such classified employees.
d. A trained classified volunteer shall receive refresher training as necessary.
e. Classified volunteers shall ensure that student confidentiality is appropriately maintained in accordance with State and Federal law.
f. Employees who administer medication prescribed to be used on an emergency basis, including epinephrine auto-injectors and Diastat, or a temporary basis (e.g. antibiotics) will be compensated only during months medication is administered.

- Authorized Health Care Provider Statement, Parental/Guardian Statement and Access to Relevant Records and Information: When any classified volunteer is to administer prescribed medication to a student, MDUSD shall provide to the classified volunteer the statements detailed in items. 'b' and 'c' below:
  a. 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.
  b. Authorized Health Care Provider Statement: On an annual basis or more frequently, a copy of the written statement by the student's authorized health care provider that, as required by law, shall detail:
     1) clear identification of the student;
     2) the name of the medication;
     3) the method, amount, and time schedules by which the medication is to be taken;
     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;
     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; possible side effects of the medication; and
     6) the name, address, telephone number, and signature of the student's authorized health care provider.
  c. Parent/Guardian Statement: On an annual basis or more frequently, a copy of the written statement from the student's parent/guardian, as required by law, that includes
     1. the identity of the student;
     2. permission for an authorized District representative (who may or may not be the classified volunteer) to communicate directly with the student's authorized health care provider and pharmacist, as may be necessary, regarding the authorized health care provider's written statement or any other questions that may arise with regard to the medication;
     3. an acknowledgment that the parent/guardian understands how District employees will administer the medication or otherwise assist the student in its administration;
     4. an acknowledgement that that parent/guardian understands his/her responsibilities to enable District employees to administer or otherwise assist the student;

5. an acknowledgment that that 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 the medication at any time.

- Stipend: When required MDUSD and CST agree to one stipend per school site to administer student(s) medication as described above, of $200 per month, up to 8 students; and $400, for 9-15 students for up to 10 months (prorated based on the number of months that the member volunteers), ending on June 30 for each year of the agreement or when the service is no longer needed. The stipend may be split between two or more classified staff members, not to exceed the maximum pay per number of students ($200 per month, up to 8 students; and $400, for 9-15 students). In the event of the volunteer(s) absence the site administrator may provide the medication, if another classified volunteer, RN or LVN on campus is unavailable. This agreement is in effect to do the following:
    1. Completion of the online interest form.
    2. Receive training on how to administer medication, followed by receipt of the Indemnity form.
    3. Maintain FERPA Laws and keep student's personal information confidential, as specified above in Section D, subsection 7.
    4. Administer and document medication to student(s) per this agreement.
    5. Complete stipend timesheet for CST Volunteer Administering Medications, and then submitted to the Assistant Director of Student Services.

- MDUSD and CST agree that it is the intent of this Agreement to fully comply with all related legal requirements and standards for administering medications.

District: Ryan Sheehy
Chief of Human Resources

Date: 8/12/25

CST: Leah O' Kelley
CST Local One President

8/12/25