

October 17, 2003

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Honorable Ruben Hinojosa
House of Representatives
Washington, DC 20515

Dear Congressman Hinojosa:

Thank you for your call concerning the difficulties that students with diabetes may be experiencing in bringing prescribed medications and treatment devices to schools and in administering such required medications and treatments. I was pleased to learn of your efforts to address the needs of these students and welcome the opportunity to clarify the requirements of the Safe and Drug-Free Schools and Communities Act with regard to this issue.

Let me assure you that the provisions of the Safe and Drug-Free Schools and Communities Act (SDFSCA) (Title IV of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001) do not prohibit the presence of a student's prescription drugs, or related equipment, at school.

As you know, the SDFSCA authorizes the Secretary to support a variety of programs designed to prevent youth drug use and violent activity. The statute defines drug prevention as prevention, early intervention, rehabilitation referral, or education related to the illegal use of drugs.

Many students suffer from short-term or chronic illnesses that require them to take prescription medication, and in some cases, these medications must be taken during the school day. For example, students that have been diagnosed with diabetes may have to receive insulin during the school day and as a result would need to have both the medication and a syringe for administration of the medication available. These are not illegal drugs or activities and are not prohibited by the SDFSCA. States or localities, however, may develop policies regarding the custody or control of prescription medication (or the equipment necessary to administer the medication as prescribed).

I hope that this information clarifies the provisions of the SDFSCA with regard to the presence of prescription medication at school. We will include similar information in the revised package of non-regulatory guidance for the program that will be circulated to States and posted on the Department's web site. Please let me know if I can provide any additional information on this issue or about other issues related to the creation of safe and healthy learning environments for students.

Sincerely,

/s/

Rod Paige