



# Contra Costa County Office of Education

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Karen Sakata, Superintendent of Schools

August 3, 2016

Michael Simmons, Foreperson  
Contra Costa County Civil Grand Jury  
725 Court Street  
PO Box 431  
Martinez, CA 94553-0091

Re: Response to 2015-2016 Contra Costa County Grand Jury Report No. 1604, Are our schools in compliance with "EpiPen" Law, SB 1266

Dear Foreperson Simmons;

Pursuant to California Penal Code 933.05, the Contra Costa County Office of Education files this response with regard to the 2015-2016 Grand Jury Report No. 1604, Are our schools in compliance with "EpiPen" Law, SB 1266, findings and recommendations.

## Findings

### Finding #1

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

### Response to Finding #1

CCCOE agrees with the findings

### Finding #2

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

### Response to Finding #2

CCCOE agrees with the findings

### Finding #3

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 18 school districts) that may have an allergy that is unknown to parents and undiagnosed.

Response to Finding #3

CCCOE agrees with the findings

Finding #4

Over 1,200 students in Contra Costa County's eighteen school districts have Pens with their names located in the school emergency medicine cabinet.

Response to Finding #4

CCCOE agrees with the findings

Finding #5

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

Response to Finding #5

CCCOE agrees with the findings

Finding #6

SB 1266 does not cover California Preschool Instructional Network centers

Response to Finding #6

CCCOE agrees with the findings

Finding #7

SB 1266 does not require follow up procedures for reporting the use of Pens

Response to Finding #7

CCCOE agrees with the findings

**Recommendations**

Recommendation #5

The Contra Costa County Superintendent of Schools should contact his or her schools at the start of each school year to confirm that the schools are compliant with the requirements of SB 1266

Response to Recommendation # 5

This recommendation has been implemented. School Nurses are designated to confirm that all sites are compliant with SB 1266 requirements.

Recommendation #6

Contra Costa County Superintendent of Schools should consider reporting to the board at the beginning of each school calendar year the status of compliance of the County to SB1266

Response to Recommendation # 6

This recommendation has not yet been implemented, but will be implemented in September as an information item

Recommendation #7

The CCCOE should consider recommending to the CA Preschool Instructional Network that preschools within its network first evaluate the practical and legal considerations of administering Pens to students and, if permissible, follow the mandate set forth in SB 1266 as closely as reasonably possible.

Response to Recommendation # 7

This recommendation will not be implemented because it is not warranted. The CA Preschool Instructional Network is a training and resource initiative of the CDE, it is not a network of preschools.

Recommendation #9

The CCCOE 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 to Recommendation # 9

This recommendation requires further analysis. School nurses meet monthly throughout the school year and will explore the availability of additional Pens to take on field trips and off site events by January, 2017. Students who require EpiPens on their IEPs have them available in the community and on field trips but no extra pens are currently available for emergency use.

Recommendation #11

CCCOE should consider working with the CC Superintendent of Schools and school nurses to develop policies and procedures for reporting use of the Pens.

Response to Recommendation # 11

This recommendation has been implemented. Emergency EpiPen usage is currently documented when a Pen is used as it is needed to order a replacement. Documents are kept at school sites in School Nurse's records. Procedures are included in the procedures binder that comes with the EpiPen.

Recommendation #13

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

Response to Recommendation # 13

This recommendation requires further analysis. School nurses meet monthly throughout the school year and by November 1, 2016, will consider providing parent education regarding the risks of anaphylaxis and the protocols in place for the administration of EpiPen use. This will include providing an option for parents to request to "opt out" of emergency epinephrine administration.

Respectfully submitted,



Nick Berger  
Director of Student Programs, Special Education  
Contra Costa County Office of Education