



October 5, 2016

Civil Grand Jury, Foreperson  
725 Court Street  
Martinez, CA 94553-0091  
epant@contracosta.courts.ca.gov

**RE: Report 1604/Are Our Schools in Compliance with the "EpiPen" Law, SB 1266?**

Dear Mr. Simmons:

Following is Orinda Union School District's (OUSD's) response to the Grand Jury's findings contained in the report referenced above and dated May 31, 2016.

- 1) **Mylan Specialty Division supplies Pens at no cost to public schools in the district. OUSD agrees with the finding.**
- 2) **Mylan Specialty Division will replace Pens at public schools in the district that have expired at a discounted cost. OUSD agrees with the 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 eighteen school districts) that may have an allergy that is unknown to parents and undiagnosed. OUSD agrees with the finding.**
- 4) **SB 1266 does not clearly address the use of Pens at off-campus school activities or events. OUSD agrees with the finding.**
- 5) **SB 1266 does not require follow up procedures for reporting the use of a Pen. OUSD agrees with the finding.**

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**Board of Trustees**  
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Following is OUSD's response to the Grand Jury's recommendations contained in the Grand Jury report:

- 1) **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.** The recommendation has been implemented. Under the direction of the Superintendent, or designee, the school nurse monitors expiration dates on all Pens throughout the school year and facilitates replacement as needed. At the beginning of each school year, the school nurse contacts each school, arranges, and provides staff trainings in accordance with SB 1266. Completion of trainings is reported by school nurse to the director of special services.
- 2) **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.** The recommendation has not yet been implemented, but will be implemented in the future. Beginning with the 2017-18 school year, the District Superintendent, or designee, will report to the board whether all schools are in compliance with SB 1266 at the September 2017 board meeting.
- 3) **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.** This recommendation requires further analysis. Concurrent with the consideration being given to this important topic by Sacramento lawmakers, OUSD is exploring the practical and legal implications of supplying epinephrine injection pens for field-trips and other off-site school events. The District is also conferring with neighboring districts on their current practices. Finally, the OUSD school nurse is working with the director of special services and school sites to assess the need for a policy and procedure covering these events. Based on this information, preliminary determinations will be presented to the Board as an information item at the January 2017 board meeting.
- 4) **The School Districts should consider working with school nurses to develop policies and procedures for reporting the use of Pens.** The recommendation has been implemented. Upon the adoption of SB 1266 in January 2015, Mylan has required all districts to report all events that result in the use of a Pen. This information is reported to Mylan at the time of the event and then compiled for a report due to them at the end of each school year.
- 5) **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.** The recommendation has been implemented. For students identified by their parents as having a severe allergy, the District staff meets with the family prior to the start of school, collects data, and develops an appropriate written plan. Typically present at this meeting are the school nurse, parent(s), school principal and a teacher. The meeting participants focus on putting preventative measures in place to avoid the use of a Pen. The team also specifies what would happen in the event of a

severe allergic reaction. In addition to this meeting, the school nurse communicates with families by phone and e-mail on topics pertaining to their child, and also to share information regarding community events. OUSD is planning an evening presentation to families in the spring of 2017 addressing the topic of food allergies.

The information contained herein will be discussed during a meeting of the Board of Trustees on October 10, 2016.

Respectfully submitted,



Carolyn Seaton, Ed.D.

Superintendent of Schools