

**COMMENTS ON PROPOSED AMENDMENTS TO  
RULES AND REGULATIONS FOR SCHOOL HEALTH PROGRAMS  
May 14, 2012**

The ten organizations listed below submit this joint testimony to raise concerns about one particular aspect of these proposed regulations. We are deeply concerned that the adoption of certain amendments being proposed would lead to a major step backward in the way your agency, and schools, address the troubling issue of “zero tolerance.”

Our focus is on proposed changes to the regulations governing a student’s possession of over the counter medication. As we read these amendments, and particularly §§1.46, 7.2.2, and 18.16, the regulations would reinstate a “zero tolerance” policy towards OTC medications by requiring formal written parental authorization for a student to be in possession of any such medication, whether it’s a Tums, a Tylenol or a skin cream.

It is extraordinarily paternalistic (not to mention potentially embarrassing) to tell a 17-year-old high school student that she must, for example, obtain and submit written permission from a parent to bring Midol to school. But that is exactly what these amendments would appear to dictate. This type of “zero tolerance” approach to OTC medication was rejected many years ago by the Department, and there is no compelling reason to be reinvigorating it at this juncture.

It is not just that such a policy is bound to end up being ignored by many students (and some parents). Worse, it is bound to end up causing them to shrug off appropriate limitations on medication use. Schools are an important place to teach students lessons about the potential dangers of drug abuse. But when they impose bans on aspirin for 16 and 17 year olds without written parental approval, some students understandably turn off all messages about drugs.

How school districts choose to discipline students when enforcing a provision like this may be beyond the Department's scope, but negative and counter-productive consequences are inevitable. Any student violating this "advance written approval" requirement will clearly be in violation of school rules and subject to disciplinary sanction. This will benefit no one.

We recognize the Department's interest in seeking to protect the health of students, but this change is unnecessary and extremely problematic. We therefore urge you to reject any amendments to these regulations that would make policies governing student possession of OTC medication stricter than they already are.

If the suggestions we have made are not adopted, we request that, pursuant to R.I.G.L. §42-35-3(a)(2), you provide us with a statement of the principal reasons for and against adoption of these rules, incorporating therein your reasons for overruling the suggestions urged by us. Thank you for considering our views.

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