

Non-Certified Advisory Council

January 10, 2017

In regards to first responders, since they are highly relied upon with nurses in schools only part time, if something were to happen to a student and the parent may seek legal action could individual staff be sued? If so, are individuals covered legally under the school and/or district?

After consulting with our attorney, we have determined any school employee “when authorized by the Board of Education or its designee” has immunity for the following:

1. Administration of drugs or medication prescribed by a doctor upon written request of the parents;
2. Giving emergency healthcare when reasonably apparent circumstances indicate that any delay would seriously worsen the physical condition or endanger the life of the pupil; and
3. Performing any other first aid or lifesaving techniques in which the employee has been trained in a program approved by the State Board of Education.

However, no employee is required to administer drugs or medication or to attend lifesaving techniques programs; they simply have a qualified/limited immunity for doing so pursuant to the statute. See N.C.G.S. 115C-375.1. The immunity applies unless the act or omission amounts to “gross negligence, wanton conduct or intentional wrong doing.” The same limited immunity applies to volunteers as well. The statute also calls for the principal of each school to determine “at the commencement of each school year, but before the beginning of classes, and thereafter as circumstances require”, which persons will participate in the medical care program. – Steve Lassiter

There is not a county-wide policy for transportation changes or for assigning buses to new students. When new students enroll or move there is a delay in bus assignments. Some of the reasons given are: new neighborhood and a route has not been determined or staff is out at the transportation department and no one is available to assign a bus/route. There have been instances recently where students have been out of school due to these issues. This issue has affected regular education students and EC students. When the new director arrives can she provide a backup person to provide this information to avoid the loss of instruction hours and services to students?

Our new transportation director will create a plan to assist when the coordinator is out. Generally speaking, if a student moves to an area where there is an existing bus stop, schools should assign the student to a stop and send the information to transportation immediately. If the issue involves re-routing a bus, the transportation department may not be able to assign immediately, however, they will work to make the assignment as soon as possible. Even if re-routing is required, we should allow parents to get the student to the closest existing stop while the information is entered into our transportation system. – Steve Lassiter