



73-768

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COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL
FRANKFORT
November 7, 1973

ED W. HANCOCK
ATTORNEY GENERAL

Mr. Albin L. Lee
Assistant Superintendent
Psychological Services and Special Education
Jefferson County Public Schools
P.O. Box 18325
Louisville, Kentucky 40218

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Dear Mr. Lee:

Mr. Ray Corns has referred to this office your letter of October 23, 1973, with the request that we issue an opinion to you on its subject. Your letter states that in recent weeks an increasing number of students are taking some type of medication that needs to be taken during school hours and that parents have requested that school personnel give the medication at the time specified by the physician. You point out that some children are too young to be able to take care of their medicine and take it at the proper time. You posed the following question:

"Can local school personnel keep the child's medication in a safe place and call the child to take the medication at the requested time provided there are on file letters from the parents and physicians giving directions and requesting help?"

It is the opinion of this office that such a practice is legally acceptable and appropriate under the law pertaining to the conduct of the public schools. In a general way, teachers and officials of the public schools stand in loco parentis to their pupils. Casey County Board of Education v. Luster, Ky., 282 S.W.2d 333 (1955). This means that during the school day the teachers take the place of the parents in supervising and

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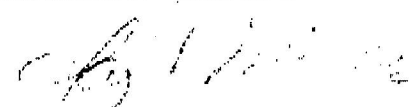
protecting the welfare of the students.

Teachers have long been recognized as professionals and have been jealous of this classification. They understandably do not want to be classified as assembly line workers who impersonally impart minute units of knowledge to children who are strangers to them. Their profession is the nurturing of the young, and this requires of them a friendly concern for each pupil and the rendering of various practical services beyond the mere offering of instruction.

Although most colleges and universities have renounced the status of in loco parentis, it is still the prevailing legal position of the common schools. It is, therefore, our opinion that a teacher may perform the service to a pupil of keeping the pupil's medicine in a safe place and call the pupil to take the medicine at the time requested by the parent and the physician.

Yours very truly,

ED W. HANCOCK
ATTORNEY GENERAL


By: Carl Miller
Assistant Attorney General

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