

OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF KENTUCKY

OAG 77-530

1977 Ky. AG LEXIS 278

August 23, 1977

CORE TERMS: teacher, medication, pupil, medicine, safe place, conclusion reached

REQUESTBY:

[*1]

Mr. Paul Wright, Superintendent
Lawrence County Schools
Louisa, Kentucky 41230

OPINIONBY:

Robert F. Stephens, Attorney General; By: Robert L. Chenoweth, Assistant Attorney General

OPINION:

On behalf of the Lawrence County Board of Education you, as Superintendent, have asked the Office of the Attorney General to advise you on the liability of teachers on giving prescribed medication to their students. You have asked if a child brings to school medication that has been prescribed by a physician, is it the responsibility of the teacher to give this medication.

This office considered the issue you have presented to us in OAG **73-768**, copy attached. We concluded in that 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." This opinion was premised on the concept that teachers and officials of the public common schools stand in loco parentis to the pupils. Cf. [KRS 161.180\(1\)](#).

The conclusion reached in OAG **73-768** must be viewed against the specific question asked, which was:

"Can local school personnel keep the child's medication in a safe **[*2]** 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?"

We reiterate the conclusion reached in responding to that question. However, the difference between your question and the one responded to in OAG **73-768** must be recognized. You have asked if it is the responsibility of the teacher to give medication. That is, even assuming there is on file letters from the parent and physician giving directions relative to medication to be taken by a child, does the teacher have a responsibility to see that it is taken. To this question we believe the teacher may but need not assume this responsibility.

If the teacher assumes the responsibility and does this by indicating an acceptance of the responsibility or failing to indicate otherwise to the parent, then the teacher must meet the assumed responsibility in a reasonable and prudent fashion. If the teacher, after agreeing to assume the responsibility for seeing that a student takes medication, negligently supervises the taking of the medicine by the child, the teacher, as with anyone else, may be subject to liability.