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ARIZONA ATTORNEY GENERAL

Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert R. Corbin

January 12, 1984

Ms. Donna J. Grimsley:
Deputy Apache County Attorney
P.O. Box 637
St. Johns, AZ 85936

Re: I84-007 (R83-167)

Dear Ms. Grimsley:

Pursuant to A.R.S. § 15-253.B, we decline to review the opinion expressed in your letter to the Superintendent of Red Mesa Unified School District #27 concerning transporting students for medical care.

Sincerely,

A handwritten signature in cursive script that reads "Bob Corbin".

BOB CORBIN
Attorney General

BC/VBW/pd

OFFICE OF
APACHE COUNTY ATTORNEY

STEPHEN G. UDALL
COUNTY ATTORNEY

P. O. BOX 637
ST. JOHNS, ARIZONA 85936

TELEPHONE (602) 337-4264
EXTENSION 241

WELL H. MURDICK, JR.
CHIEF DEPUTY

November 16, 1983

whitehead 11-29-83
R83-167

Dr. R.J. Chambers, Jr.
Superintendent
Red Mesa Unified School District #27
Star Rt. 1 Box 40
TeeNosPos, Az. 86514

Dear Dr. Chambers:

I am writing regarding your question concerning transporting students to a nearby clinic for medical care without parental permission. As indicated in our phone conversation, it is advisable to discontinue this practice.

Research of the law in this area has indicated that there are several applicable statutes. First of all A.R.S. §§15-342 (3) states:

"The governing board may: provide transportation for any child or children if deemed for the best interest of the district whether within or without the district, county or state."

Under this section, the governing board does have the authority to provide transportation to the clinic for children who are unable to be transported by their parents, if the governing board deems that it is the best interest of the district. However, A.R.S. §§15-344, prohibits the school district from administering or giving medication to students without the written request or authorization from the parents. So, even though the district has the authority to transport the students, parental permission is a prerequisite.

I realize that your situation is unique in that many times it is impossible to contact parents for permission to give medication and medical treatment to students. My suggestion would be to have each parent sign a permission slip at the beginning of the year, permitting the school district to transport and give medication and treatment to students in emergency situations. This blanket permission slip would protect the school district from liability, if an emergency exists. Of course there will be those occasions where medical treatment is needed but is not an emergency situation. If

this is the case the school would be better off to send a request home with the student for medical treatment, to be signed and returned by the parents the following day.

I am attaching a draft of a blanket permission slip for your review. If you have any further questions on this matter, please feel free to contact me.

Sincerely,

STEPHEN G. UDALL
Apache County Attorney

BY:

Donna J. Grimsley
DONNA J. GRIMSLEY
Deputy County Attorney

DJG/km
enclosure
cc: Attorney General

- PERMISSION SLIP

I _____ AM THE PARENT OR LEGAL
GUARDIAN OF _____ WHO IS ATTENDING
SCHOOL AT THE RED MESA UNIFIED SCHOOL DISTRICT #27.

I give my permission for the school district to provide
emergency medical treatment and medication for my child.

I give my permission for my child to be transported by
the school district to the clinic in _____ for
emergency treatment.

Signature parent/guardian

Date