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June 28, 2016

Michael Simmons, Foreperson  
Contra Costa County Civil Grand Jury  
725 Court Street  
Martinez, CA 94553-0091

**Re: Response to Grand Jury Request, Report No. 1604, “Are our Schools in Compliance with the “EpiPen” law, SB 1266? By the 2015-2016 Contra Costa grand Jury, per the June 6, 2016 Letter from Foreperson Michael Simmons**

Dear Foreperson Simmons,

Pursuant to your request in the letter dated June 6, 2016, the Moraga School District (respondent) responds accordingly to **Findings 1-3, 5 and 7**:

- 1. Per **Finding #1**: “Mylan Specialty Division supplies Pens at no cost to public schools in the district.”

The District replies to Finding #1 accordingly: The respondent agrees with Finding #1.

- 2. Per **Finding #2**: “Mylan Specialty Division will replace Pens at public schools in the district that have expired at a discounted price.”

The District replies to Finding #2 accordingly: The respondent agrees with Finding #2.

- 3. Per **Finding #3**: “FARE and CDC statistical information project a range of 4 percent to 7.7 percent of students (7,200 to 13,850 out of the estimated 180,000 students in Contra Costa County’s eighteen school districts) that may have an allergy that is unknown to parents and undiagnosed.”

The District replies to Finding #3 accordingly: The respondent agrees with Finding #3.

4. Per **Finding #5**: “SB 1266 does not clearly address the use of Pens at off-campus school activities or events.”

The District replies to Finding #3 accordingly: The respondent agrees with Finding #5.

5. Per **Finding #7**: “SB 1266 does not require follow up procedures for reporting the use of a Pen.”

The District replies to Finding #7 accordingly: The respondent agrees with Finding #7.

Pursuant to your request in the letter dated June 6, 2016, the Moraga School District (MSD) responds accordingly to **Recommendations 3, 4, 8, 10 and 12**:

1. Per **Recommendation #3**: “Each of the School District Boards should direct the School District Superintendent to contact all schools in their district at the start of each school calendar year to confirm that they are compliant with the requirements of SB 1266.”

The District replies to Recommendation #3 accordingly: The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation. Recommendation #3 will be implemented annually on the first day of school.

2. Per **Recommendation #4**: “Each of the School District Boards should direct their School District Superintendent to report to the Board at the start of each school calendar year that the School District is compliant with the requirements of SB 1266.”

The District replies to Recommendation #4 accordingly: The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation. Recommendation #4 will be implemented annually at the first September School District Governing Board meeting.

3. Per **Recommendation #8**: “The School Districts should consider the practical and legal issues of supplying Pens for field trips and other off-site school events, and working with school nurses to develop policies and procedures for their use at these events.”

The District replies to Recommendation #8 accordingly: The recommendation has been partially implemented. Student Health Plans currently include plans for supplying Pens for field trips. Plans will need to be developed for other off-site events. Recommendation #8 will be fully implemented annually on the first day of school or prior to field trips or other off-site events.

4. Per **Recommendation #10**: “The School Districts should consider working with school nurses to develop policies and procedures for reporting the use of Pens.”

The District replies to Recommendation #10 accordingly: The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation. Recommendation #10 will be implemented annually by the first day of school.

5. Per **Recommendation #12**: “The School Districts should consider helping parents understand the risks of anaphylaxis and the protocols in place for emergency administration of epinephrine. The School Districts should consider “identifying funds” to carry out these activities.”

The District replies to Recommendation #12 accordingly: The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation. Recommendation #12 will be implemented annually by the first day of school.

Sincerely,

*Bruce K. Burns*

Bruce K. Burns  
Superintendent  
Secretary to the Governing Board