



# Explanatory Notes

## Update 111

### “Local & Miscellaneous” Policies

Policy	Dept.	Action	Recommended By	REMARKS
<b>BBD Local</b>	Administration	Update	TASB	<b>BOARD MEMBERS: TRAINING AND ORIENTATION</b> As described at BBD(LEGAL), revised Administrative Code rules incorporate board member continuing education requirements from SB 1566. The law requires the board president to announce board member continuing education status at the last regular board meeting before trustee elections. The revisions to this local policy are recommended as best practice to promote transparency and clarify that the board president will annually announce the status of each board member’s continuing education at the last meeting before the district’s regular uniform election date, even if an election is not scheduled or held, such as when a district does not conduct annual elections or when an election is canceled. Please contact your policy consultant for an adjustment to this policy if your district will have a different practice for announcing continuing education credit when an election is not held.
<b>CAA Local</b>	Chief Financial Officer	Update	TASB	<b>FISCAL MANAGEMENT GOALS AND OBJECTIVES: FINANCIAL ETHICS</b> A revision to this policy on fraud and financial impropriety is recommended to clarify that reports of suspected impropriety may be made to a person who has authority to investigate the alleged activity, including the other individuals listed in the policy. This revision aligns the district's policy with Education Code 37.148, which prohibits a district from adopting a policy that requires an employee to report only to certain persons or peace officers a crime witnessed at the school. (See Reports.)
<b>CJA Local</b>	Human Resources Police/Security Services	Add New Policy	TASB	<b>CONTRACTED SERVICES: CRIMINAL HISTORY</b> As permitted by law, text at Emergencies authorizes the district employee in charge of a facility to determine whether an employee of a contracting or subcontracting entity who does not have the required criminal history review, or who has a disqualifying conviction, will be permitted to enter the facility in an emergency. Additional information on criminal history reviews of contractor employees may be found in TASB Legal Services' eSource.
<b>DEA Local</b>	Human Resources	Update	TASB	<b>COMPENSATION AND BENEFITS: COMPENSATION PLAN</b> A recommended revision to this local policy is to clarify the district's current policy provision on compensation payments to employees during emergency closings. The revised text continues to reflect that the district will pay employees for their regular duty schedule during a closing but provides the board flexibility to decide otherwise through board action. In addition, the text requires the board, following a closure, to adopt a resolution or take other board action to establish the purpose and parameters for such payments.



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Policy	Dept.	Action	Recommended By	REMARKS
<b>DEA Regulation</b>	Human Resources	Review	TASB	<b>COMPENSATION AND BENEFITS: COMPENSATION PLAN</b> TASB records indicate that The District has a regulation at this code that may need to be reviewed and revised in light of the changes in this update. Please advise: If this regulation is obsolete and should be deleted from Policy Service’s records of your localized policy manual; or If The District has revisions that you wish to submit to Policy Service for editorial and legal review and incorporation into Policy Service records.
<b>DH Local</b>	Human Resources	Review	TASB	<b>EMPLOYEE STANDARDS OF CONDUCT</b> Most districts’ policies at DH(LOCAL) provide that the district’s prohibition against firearms on district property is not violated when a district employee who holds a Texas handgun license stores a handgun or other firearm in a locked vehicle in a district parking area, provided the handgun or other firearm is not loaded and is not in plain view. However, the interplay of state and federal law would permit a district to revise this policy to allow such an employee to have a loaded handgun or firearm under these circumstances. Please contact your policy consultant if you would like to revise the district’s policy. TASB Legal Services has detailed information about firearms on school property and at school activities and the circumstances under which a school district may authorize personnel to carry firearms.
<b>DHE Local</b>	Human Resources	Update	TASB	<b>EMPLOYEE STANDARDS OF CONDUCT: SEARCHES AND ALCOHOL/DRUG TESTING</b> Recommended text clarifies that the district may remove from duty and require testing of an employee if there is reasonable suspicion that the employee is under the influence of alcohol or drugs used in violation of district policy. The text also addresses consequences for an employee’s refusal to comply with testing and for violation of the district’s drug and alcohol policy.
<b>DI Local</b>	Human Resources	Delete	TASB	<b>EMPLOYEE WELFARE</b> This local policy addressing drug-free awareness programs is recommended for deletion, as the content is adequately covered through the district’s DH(LEGAL) and (LOCAL) policies. See DH(LEGAL) for the district’s requirements under the federal Drug-Free Workplace Act.
<b>FEA Local</b>	PEIMS	Update	TASB PEIMS	<b>ATTENDANCE: COMPULSORY ATTENDANCE</b> A revision is recommended at Armed Services Enlistment to more accurately track the relevant statute, which requires a district to excuse a student 17 years of age or older for up to four days during the student’s enrollment in high school to pursue military enlistment. Response in regards to BMR LPR as per Administration on medical excuses – Email from Region one.



# Explanatory Notes

## Update 111

### “Local & Miscellaneous” Policies

Policy	Dept.	Action	Recommended By	REMARKS
FFAC Local	Health Services	Update	TASB Health Services	<p><b>WELLNESS AND HEALTH SERVICES:</b></p> <p><b>MEDICAL TREATMENT</b></p> <p>As per TASB The provision at Do Not Resuscitate Orders is unique language added by the district in 2002. Our records indicate this language was recommended by your local counsel. While it is not problematic, I’m not sure it is really necessary either. It seems to me that a student with a terminal illness would probably have a 504 plan, therefore, that information could be included there and a statement in local board policy is really unnecessary. If the district wants to retain the language, <b>TASB</b> recommends the revision for consistency with policy style.</p> <p>The provisions regarding nonprescription (over- the-counter) medication purchased by the district is recommended for deletion. This is rather outdated language and does not follow the DSHS recommendation that districts not purchase or administer over-the-counter medications. Districts that choose to do so must ensure that the medications are only used on an emergency basis and that the district has a written protocol in place from a medical advisor.</p> <p>The provisions addressing the procedures for administering medication to students should be part of the district’s administrative regulation for this policy and not in the (LOCAL) policy. Similar text is already in the existing FFAC(REG) in your District’s policy manual.</p> <p>The language is recommended for districts that employ athletic trainers since their certification does permit them to administer over-the-counter medication to student athletes to treat ill- nesses or injuries related to participation in athletics.</p>



*Current with TASB Changes*

BOARD MEMBERS  
TRAINING AND ORIENTATION

BBD  
(LOCAL)

**Public Information  
Coordinator**

The Superintendent shall fulfill the responsibilities of the public information coordinator and shall receive, on behalf of Board members, the training specified by Government Code 552.012. [See GBAA]

**Reporting Continuing  
Education Credit**

The Board President shall announce the status of each Board member's continuing education credit. The announcement shall be made annually at the last regular Board meeting before the District's uniform election date, whether or not an election is held. The announcement shall be reflected in the meeting minutes and, when necessary, posted on the District's website in accordance with law.



*Current with TASB Changes*

FISCAL MANAGEMENT GOALS AND OBJECTIVES  
FINANCIAL ETHICS

CAA  
(LOCAL)

All Trustees, employees, vendors, contractors, agents, consultants, volunteers, and any other parties who are involved in the District's financial transactions shall act with integrity and diligence in duties involving the District's fiscal resources.

**Note:** See the following policies and/or administrative regulations regarding conflicts of interest, ethics, and financial oversight:

- Code of ethics:  
for Board members—BBF  
for employees—DH
- Financial conflicts of interest:  
for public officials—BBFA  
for all employees—DBD  
for vendors—CHE
- Compliance with state and federal grant and award requirements: CB, CBB
- Financial conflicts and gifts and gratuities regarding federal funds: CB, CBB
- Systems for monitoring the District's investment program: CDA
- Budget planning and evaluation: CE
- Compliance with accounting regulations: CFC
- Activity fund management: CFD
- Criminal history record information for employees: DBAA, DC
- Disciplinary action for fraud by employees: DCD, DCE, and DF series

**Fraud and Financial  
Impropriety**

The District prohibits fraud and financial impropriety, as defined below, in the actions of its Trustees, employees, vendors, contractors, agents, consultants, volunteers, and others seeking or maintaining a business relationship with the District.

**Definition**

Fraud and financial impropriety shall include but not be limited to:

1. Forgery or unauthorized alteration of any document or account belonging to the District.

*Current with TASB Changes*

FISCAL MANAGEMENT GOALS AND OBJECTIVES  
FINANCIAL ETHICS

CAA  
(LOCAL)

2. Forgery or unauthorized alteration of a check, bank draft, or any other financial document.
3. Misappropriation of funds, securities, supplies, or other District assets, including employee time.
4. Impropriety in the handling of money or reporting of District financial transactions.
5. Profiteering as a result of insider knowledge of District information or activities.
6. Unauthorized disclosure of confidential or proprietary information to outside parties.
7. Unauthorized disclosure of investment activities engaged in or contemplated by the District.
8. Accepting or seeking anything of material value from contractors, vendors, or other persons providing services or materials to the District, except as otherwise permitted by law or District policy. [See CB, DBD]
9. Inappropriately destroying, removing, or using records, furniture, fixtures, or equipment.
10. Failure to provide financial records required by federal, state, or local entities.
11. Failure to disclose conflicts of interest as required by law or District policy.
12. Any other dishonest act regarding the finances of the District.
13. Failure to comply with requirements imposed by law, the awarding agency, or a pass-through entity for state and federal awards.

**Financial Controls  
and Oversight**

Each employee who supervises or prepares District financial reports or transactions shall set an example of honest and ethical behavior and shall actively monitor his or her area of responsibility for fraud and financial impropriety.

**Fraud Prevention**

The Superintendent or designee shall maintain a system of internal controls to deter and monitor for fraud or financial impropriety in the District.

Reports

Any person who suspects fraud or financial impropriety in the District shall report the suspicions immediately to a person with authority to investigate the suspicions, including any supervisor, the



*Current with TASB Changes*

FISCAL MANAGEMENT GOALS AND OBJECTIVES  
FINANCIAL ETHICS

CAA  
(LOCAL)

Superintendent or designee, the Board President, or local law enforcement.

Reports of suspected fraud or financial impropriety shall be treated as confidential to the extent permitted by law. Limited disclosure may be necessary to complete a full investigation or to comply with law. All employees involved in an investigation shall be advised to keep information about the investigation confidential.

*Protection from  
Retaliation*

Neither the Board nor any District employee shall unlawfully retaliate against a person who in good faith reports perceived fraud or financial impropriety. [See DG]

**Fraud Investigations**

In coordination with legal counsel and other internal or external departments or agencies, as appropriate, the Superintendent, Board President, or a designee shall promptly investigate reports of potential fraud or financial impropriety.

**Response**

If an investigation substantiates a report of fraud or financial impropriety, the Superintendent or designee shall promptly inform the Board of the report, the investigation, and any responsive action taken or recommended by the administration.

If an employee is found to have committed fraud or financial impropriety, the Superintendent or designee shall take or recommend appropriate disciplinary action, which may include termination of employment. If a contractor or vendor is found to have committed fraud or financial impropriety, the District shall take appropriate action, which may include cancellation of the District's relationship with the contractor or vendor.

When circumstances warrant, the Board, Superintendent, or designee may refer matters to appropriate law enforcement or regulatory authorities. In cases involving monetary loss to the District, the District may seek to recover lost or misappropriated funds.

The final disposition of the matter and any decision to file a criminal complaint or to refer the matter to the appropriate law enforcement or regulatory agency for independent investigation shall be made in consultation with legal counsel.

**Federal Awards  
Disclosure**

The District shall disclose, in a timely manner in writing to the federal awarding agency or pass-through entity, all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting a federal grant award. [See CBB]

**Analysis of Fraud**

*Current with TASB Changes*

FISCAL MANAGEMENT GOALS AND OBJECTIVES  
FINANCIAL ETHICS

CAA  
(LOCAL)

After any investigation substantiates a report of fraud or financial impropriety, the Superintendent or designee shall analyze conditions or factors that may have contributed to the fraudulent or improper activity. The Superintendent or designee shall ensure that appropriate administrative procedures are developed and implemented to prevent future misconduct. These measures shall be presented to the Board for review.

***Proposed New TASB Policy***

CONTRACTED SERVICES  
CRIMINAL HISTORY

CJA  
(LOCAL)

**Emergencies**

In an emergency due to a health or safety concern, a reasonably unforeseeable situation, or other exigent circumstance, the District employee who is in charge of the facility shall be authorized to determine whether an employee of a contracting or subcontracting entity who does not have the required criminal history record information (CHRI) review or who has a disqualifying conviction will be permitted to enter a District facility.

If allowed to enter the facility, the employee of the contracting or subcontracting entity shall be accompanied by a District employee at all times.



*Current with TASB Changes*

COMPENSATION AND BENEFITS  
COMPENSATION PLAN

DEA  
(LOCAL)

	<p>The Superintendent shall recommend an annual compensation plan for all District employees. The compensation plan may include wage and salary structures, stipends, benefits, and incentives. [See also DEAA] The recommended plan shall support District goals for hiring and retaining highly qualified employees. The Board shall review and approve the compensation plan to be used by the District. The Board shall also determine the total compensation package for the Superintendent. [See BJ series]</p>
<b>Objectives</b>	<p>The objectives for developing and administering the compensation plans shall be to:</p> <ol style="list-style-type: none"><li>1. Stay competitive with appropriate labor markets for the various categories of personnel;</li><li>2. Recognize the levels of skill, effort, and responsibility required of different jobs;</li><li>3. Reward continued length of service to the District; and</li><li>4. Be fiscally controlled and cost effective.</li></ol>
<b>Pay Administration</b>	<p>The Superintendent shall implement the compensation plan and establish procedures for plan administration consistent with the budget. The Superintendent or designee shall classify each job title within the compensation plan based on the qualifications, duties, and market value of the position.</p> <p>Copies of the District's compensation plan are available from the Superintendent's office.</p>
<b>Annualized Salary</b>	<p>The District shall pay all salaried employees over 12 months in equal monthly or bimonthly installments, regardless of the number of months employed during the school year. Salaried employees hired during the school year shall be paid in accordance with administrative regulations.</p> <p>Professional personnel employed for less than full time or less than a full year shall be paid an amount specified in the compensation plan.</p> <p>The District shall pay all monthly employees on the 25th of the month. If the 25th falls on a holiday or weekend, the District shall pay on the first business day before the 25th. Biweekly employees shall be paid every two weeks on Friday.</p>

*Current with TASB Changes*

COMPENSATION AND BENEFITS  
COMPENSATION PLAN

DEA  
(LOCAL)

Pay Increases	The Superintendent shall recommend to the Board an amount for employee pay increases as part of the annual budget. The Superintendent or designee shall determine pay adjustments for individual employees, within the approved budget following established procedures.
<i>Mid-Year Pay Increases</i> Contract Employees	A contract employee's pay may be increased after performance on the contract has begun only if authorized by the compensation plan of the District or there is a change in the employee's job assignment or duties during the term of the contract that warrants additional compensation. Any such changes in pay that do not conform with the compensation plan shall require Board approval. [See DEA(LEGAL) for provisions on pay increases and public hearing requirements]
Non-Contract Employees	The Superintendent may grant a pay increase to a noncontract employee after duties have begun because of a change in the employee's job assignment or to address pay equity. The Superintendent shall report any such pay increases to the Board at the next regular meeting.
Pay During Closing	During an emergency <del>closing for which the workdays are not scheduled to be made up at a later date,</del> <u>closure</u> all employees shall continue to be paid for their regular duty schedule <del>regardless of whether the employees are required to report to work unless provided by Board action.</del> <u>Following an emergency closures, the</u> The Board shall, <del>by adopt a</del> <u>resolution or take</u> other Board action, <del>set the parameters for payment during closings and reflect the purpose served by the expenditure establishing the purpose and parameters for such payments.</del> [See EB for the authority to close schools]

COMPENSATION AND BENEFITS  
COMPENSATION PLAN

*Current*  
DEA  
(REGULATION)

<b>Employee Compensation Plan</b>	<p>The Superintendent will develop and recommend to the Board for adoption a pay system for all District personnel, which will be incorporated into the employee compensation plan. The budget book will reflect all Board action related to employee salary or compensation.</p> <p>The Superintendent or designee will be responsible for developing procedures and guidelines for the proper implementation of an equitable pay system for employees, as established in the employee compensation plan.</p>
<b>Pay Structure</b>	<p>The pay structure for all personnel will be established and maintained by daily or hourly base rates to promote consistent treatment of employees who have different work-year periods. A pay range for each position will provide guidelines for minimum, midpoint, and maximum rates based on job worth. Employees will be paid within the range of daily rates established for the position assigned.</p> <p>The Superintendent or designee will assign responsibility for administering the pay structure. The pay structure will consist of pay range structures for the following employee groups or pay families:</p> <ol style="list-style-type: none"><li>1. Administrative and professional</li><li>2. Clerical administrative</li><li>3. Instructional support</li><li>4. Technical</li><li>5. Manual trades</li></ol>
<b>Job Classification</b>	<p>All positions will be assigned to pay grades based on the level of skills, effort, and responsibility required of the job assignment. Job classifications or reclassifications for positions will be based on an assessment of job requirements and comparability to other positions in the District.</p>
<b>Salary Advancement</b>	<p>Pay ranges are established to provide opportunities to increase employee salaries for continued satisfactory service to the District. Employee salaries will be reviewed on an annual basis. Employees may advance within the pay range according to the amount of increase approved annually by the Board.</p>





EMPLOYEE STANDARDS OF CONDUCT

**General Guidelines**

Employees shall be courteous to one another and the public, working together in a cooperative spirit to serve the best interests of the District. All District employees shall be expected to adhere to the standards of conduct set out in the Educators' Code of Ethics. [See DH(EXHIBIT)]

Each District employee shall perform his or her duties in accordance with state and federal law, District policy, and ethical standards. [See DH(EXHIBIT)]

Each District employee shall recognize and respect the rights of students, parents, other employees, and members of the community and shall work cooperatively with others to serve the best interests of the District.

An employee wishing to express concern, complaints, or criticism shall do so through appropriate channels. [See DGBA]

**Employee  
Responsibilities**

Every employee shall be responsible for:

1. Arriving at work on time every day and following attendance procedures;
2. Satisfactorily completing the duties as specified by the job description and/or contract, if any;
3. Relating to colleagues and supervisors with respect, courtesy, and in a professional manner;
4. Spending the workday on work-related activities to the exclusion of personal business;
5. Dressing in a manner that is appropriate for the job assignment, that reflects positively on the District, and that includes the use of all issued safety equipment;
6. Recognizing that employment with the District is not guaranteed, but is dependent on employee performance, budget, and need;
7. Following the established rules of behavior for the District and society in general as defined by local, state, and federal laws;
8. Conducting their duties in a safe manner, following the District's general safety policies and department rules regarding proper use of approved safety equipment and apparel; and
9. Following the directives of the supervisor.

## EMPLOYEE STANDARDS OF CONDUCT

### **Violations of Standards of Conduct**

Each employee shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to his or her status as a District employee. Violation of any policies, regulations, or guidelines may result in disciplinary action, including termination of employment. [See DCD and DF series]

### **Weapons Prohibited**

The District prohibits the use, possession, or display of any firearm, illegal knife, club, or prohibited weapon, as defined at FNCG, on District property at all times.

#### **Exceptions**

No violation of this policy occurs when:

1. Use or possession of a firearm by a specific employee is authorized by Board action. [See CKE]
2. The use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. [See FOD]

### **Electronic Media**

Electronic media includes all forms of social media, such as text messaging, instant messaging, electronic mail (e-mail), web logs (blogs), electronic forums (chat rooms), video-sharing websites, editorial comments posted on the Internet, and social network sites. Electronic media also includes all forms of telecommunication, such as landlines, cell phones, and web-based applications.

#### **Use with Students**

In accordance with administrative regulations, a certified or licensed employee, or any other employee designated in writing by the Superintendent or a campus principal, may use electronic media to communicate with currently enrolled students about matters within the scope of the employee's professional responsibilities. All other employees are prohibited from using electronic media to communicate directly with students who are currently enrolled in the District. The regulations shall address:

1. Exceptions for family and social relationships;
2. The circumstances under which an employee may use text messaging to communicate with students; and
3. Other matters deemed appropriate by the Superintendent or designee.

Each employee shall comply with the District's requirements for records retention and destruction to the extent those requirements apply to electronic media. [See CPC]

EMPLOYEE STANDARDS OF CONDUCT

<b>Personal Use</b>	An employee shall be held to the same professional standards in his or her public use of electronic media as for any other public conduct. If an employee's use of electronic media violates state or federal law or District policy, or interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.
<b>Personal Telecommunications Devices</b>	A personal, non-District, or unauthorized telecommunications device is a piece of equipment that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor and is not issued or authorized by the District as required for the normal discharge of the employee's duties.
Definition	
Use	An employee shall not interrupt the performance of his or her duties, or leave the classroom or other work site, to answer, respond to, or use a personal, non-District, or unauthorized telecommunications device. The use of personal telecommunications devices shall not interfere with the employee's fulfillment of assigned duties. In the interest of safety, no District employee shall use a personal, non-District, or unauthorized telecommunications device while driving a District vehicle or a personal vehicle while on District business. [See CNB and CNC]
<b>Outside Activities</b>	An employee shall conduct his or her outside activities and affairs in a manner that does not adversely affect the employee's professional status or daily performance of instructional duties.
<b>Profanity</b>	When dealing with staff and students, an employee shall not use profane language nor engage in obscene conversations on the job.
<b>Reports of Misconduct</b>	The Board encourages employees and others connected with the District to bring forward reports in the form of complaints, comments, and suggestions in order to maintain effective and efficient operations, free from disruptions that detract from the District's main objective of educating children.
<b>Workplace Bullying</b>	<p>The District considers workplace bullying to be unacceptable and shall not tolerate it under any circumstances.</p> <p>Workplace bullying shall be defined as engaging in written or verbal expression, expression through electronic means, or physical conduct that occurs in the workplace that:</p> <ol style="list-style-type: none"><li>1. Has the effect or will have the effect of physically harming another employee, damaging the employee's property, or plac-</li></ol>

EMPLOYEE STANDARDS OF CONDUCT

ing the employee in reasonable fear of harm to the employee's person or of damage to the employee's property;

2. Is sufficiently severe, persistent, and pervasive that the action or threat creates an intimidating, threatening, or abusive work environment for the employee;
3. Exploits an imbalance of power between the employee perpetrator and the employee victim through written or verbal expression or physical conduct; or
4. Interferes with the victim's employment or substantially disrupts the operation of the work location.

Workplace bullying shall not include the legitimate exercise of employee management, including task assignment, employee coaching, and work-related employee discipline.

**Disruptive Activity**

A staff member who instigates or otherwise incites disruptive activity involving staff or students on school property or at a school event shall be subject to disciplinary action by the Superintendent and the Board.

**Safety Requirements**

Each employee shall adhere to District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.

**Harassment or Abuse**

An employee shall not engage in prohibited harassment, including sexual harassment, of:

1. Other employees. [See DIA]
2. Students. [See FFH; see FFG regarding child abuse and neglect.]

While acting in the course of employment, an employee shall not engage in prohibited harassment, including sexual harassment, of other persons, including Board members, vendors, contractors, volunteers, or parents.

An employee shall report child abuse or neglect as required by law. [See FFG]

**Relationships with Students**

An employee shall not form romantic or other inappropriate social relationships with students. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. [See FFH]

EMPLOYEE STANDARDS OF CONDUCT

**Tobacco and  
E-Cigarettes**

An employee shall not smoke or use tobacco products or e-cigarettes on District property, in District vehicles, or at school-related activities. [See also GKA]

**Alcohol and Drugs**

An employee shall not manufacture, distribute, dispense, possess, use, or be under the influence of any of the following substances during working hours while on District property or at school-related activities during or outside of usual working hours:

1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
2. Alcohol or any alcoholic beverage.
3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.
4. Any other intoxicant or mood-changing, mind-altering, or behavior-altering drug.

An employee need not be legally intoxicated to be considered “under the influence” of a controlled substance.

**Exceptions**

It shall not be considered a violation of this policy if the employee:

1. Manufactures, possesses, or dispenses a substance listed above as part of the employee’s job responsibilities;
2. Uses or possesses a controlled substance or drug authorized by a licensed physician prescribed for the employee’s personal use; or
3. Possesses a controlled substance or drug that a licensed physician has prescribed for the employee’s child or other individual for whom the employee is a legal guardian.

**Notice**

Each employee shall be given a copy of the District’s notice regarding drug-free schools. [See DI(EXHIBIT)]

A copy of this policy, a purpose of which is to eliminate drug abuse from the workplace, shall be provided to each employee at the beginning of each year or upon employment.

An employee who tests positive for prohibited drugs and/or alcohol shall be subject to termination, except when an employee voluntarily admits to alcohol or illegal drug use and commences counseling or rehabilitation prior to an event that leads to the initiation of any

EMPLOYEE STANDARDS OF CONDUCT

	alcohol or drug testing. Such an employee must thereafter refrain from using alcohol and/or illegal drugs.
<b>Unauthorized Persons on District Premises</b>	A District employee shall not bring his or her own relative, personal aide, or hired helper to assist the employee in the performance of duties on District premises or at school-sponsored activities without prior approval from the principal/work location supervisor and/or Human Resources Department.
<b>Money Lending</b>	The District prohibits loans made by one employee to another with the intent of collecting interest.
<b>Annual Criminal History Record Check</b>	An annual criminal background check shall be conducted on all active personnel who do not have electronic fingerprints on file with the Texas Department of Public Safety.
<b>Review Committee</b>	A review committee will assess the records of employees found to have criminal records that may bar them from continued employment in the District.
<b>Responsibility to Report Charges</b>	<p>An employee shall notify his or her principal or immediate supervisor within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any felony, any offense involving moral turpitude, and any of the other offenses as indicated below:</p> <ol style="list-style-type: none"><li>1. Crimes involving school property or funds;</li><li>2. Crimes involving attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator;</li><li>3. Crimes that occur wholly or in part on school property or at a school-sponsored activity; or</li><li>4. Crimes involving moral turpitude, which include:<ul style="list-style-type: none"><li>• Dishonesty; fraud; deceit; theft; misrepresentation;</li><li>• Deliberate violence;</li><li>• Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;</li><li>• Felony possession or conspiracy to possess, or any misdemeanor or felony transfer, sale, distribution, or conspiracy to transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;</li></ul></li></ol>

EMPLOYEE STANDARDS OF CONDUCT

*Current*  
DH  
(LOCAL)

- Felony driving while intoxicated (DWI); or
- Acts constituting abuse or neglect under the Texas Family Code.

**Reassignment  
Pending Final  
Disposition**

An employee shall be subject to being temporarily reassigned when the District becomes aware of any pending charge, previous conviction, or deferred adjudication. The decision to reassign an employee shall be made by the appropriate direct report to the Superintendent or designee.

**Determination Upon  
Final Disposition**

A determination regarding what action, if any, to take shall be made after the final disposition of the pending charge(s) or, in the case of a conviction or deferred adjudication, after a recommendation is made to the Administrator in charge, Human Resources (HR), by the criminal history review committee. In the case of an employee, final disposition of pending charges means a conviction, deferred adjudication, or dismissal of the charges. An employee's completion of probation or other sentencing is not required for a final disposition by the District.

**Dress and Grooming**

An employee's dress and grooming shall be clean, neat, in a manner appropriate for his or her assignment, and in accordance with the following standards of dress and hygiene:

1. An employee shall dress in neat clean clothing in good state of repair and appropriate for the assignment and safety of the job.
2. Good personal hygiene shall be expected of each employee, including well-groomed, neatly trimmed hair. Men are allowed to wear a neatly trimmed mustache or beard.

Additional standards shall be established by supervisors and approved by the Superintendent.







## Firearms on School District Property

State and federal statutes create a complex web of regulations related to the presence of firearms on school district property. Whether a firearm is permitted depends on several factors, including who is carrying the firearm, the location on school property, and local school district policy, among other factors. Both federal and state laws begin with a presumption that school premises are gun-free zones. Both federal and state laws also create certain exceptions, and allow school boards to create additional exceptions, to that general rule.

### Gun-Free School Zones

**Federal Gun-Free School Zones Act:** Originally enacted in 1990 the Gun-Free School Zones Act (GFSZA) is a federal law that requires states restrict firearms on school property. Under the GFSZA, 18 U.S.C. § 922(q)(2)(A):

It shall be unlawful for any individual knowingly to possess a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the individual knows, or has reasonable cause to believe, is a school zone.

For purposes of the GFSZA, *firearm* means any weapon, including a starter gun, which will or is designed to or which may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, any firearm muffler, a firearm silencer, or any destructive device such as an incendiary, any explosive, or poison gas. 18 U.S.C. § 921(a)(3), (4). Antique firearms and fireworks are not included in this definition. Nor are knives included in the definition; they are regulated only by state law.

*School zone* means in, or on the grounds of, or within 1,000 feet from the grounds of a public, parochial or private school. 18 U.S.C. § 921(a)(25).

The federal law prohibition does not apply to the possession of a firearm:

- **When the carrier is licensed:** If the individual possessing the firearm is licensed to do so by the state in which the school zone is located or by a political subdivision of the state, and the law of the state or political subdivision requires that, before an individual obtains such a license, the law enforcement authorities of the state or political subdivision verify that the individual is qualified under law to receive the license;
- **When the firearm is unloaded and locked up:** If the firearm is not loaded and is stored in a locked container or a locked firearms rack that is on a motor vehicle;

- **As part of an approved program:** If the firearm is carried by an individual for use in a program approved by a school in the school zone;
- **When authorized by written contract:** If the firearm is carried by an individual in accordance with a contract entered into between the school district and the individual or an employer of the individual; or
- **By law enforcement:** If the firearm is carried by a law enforcement officer acting in his or her official capacity.

18 U.S.C. § 922(q)(2)(B).

**Texas Penal Code:** Absent written authorization from the school district, the Texas Penal Code prohibits citizens, including handgun license holders, from carrying firearms on the physical premises of a school building, any grounds or building where a school activity is taking place, or on a bus or other passenger vehicle of a school.

A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm . . . on the physical premises of a school or educational institution, any grounds or building on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private, unless pursuant to written regulations or written authorization of the institution.

Tex. Penal Code § 46.03(a)(1).

It is not a defense to prosecution under this section that the actor was licensed to carry a handgun. Tex. Penal Code § 46.03(f).

Under Texas law, *firearm* means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use. Tex. Penal Code § 46.01(3). The state definition overlaps with, but is slightly different from, the federal GFSZA definition.

For purposes of Section 46.03, *premises* means a building or a portion of a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area. Tex. Penal Code §§ 46.03(c)(1), .035(f)(3). *Entry* is defined elsewhere in the Penal Code to mean going inside with a person's entire body. Texas Penal Code § 30.05.

### **Prohibited Weapons**

The Texas Penal Code provides that a person commits an offense if he or she intentionally or knowingly possesses, manufactures, transports, repairs or sells a weapon prohibited by state law, at any location including school district property. Weapons prohibited by state law include,

with some exceptions, explosive weapons, machine guns, short-barrel firearms, firearm silencers, armor-piercing ammunition, zip guns, and improvised explosive devices as those items are defined by law. Texas Penal Code § 46.05.

### **Firearm Possession by Law Enforcement and Certain Public Officials**

The federal GFSZA permits states to license qualified individuals to carry firearms on school property. 18 U.S.C. § 922(q)(2)(B)(ii).

**School premises:** Texas law authorizes the following officials to bring firearms onto the premises of a school:

- A member of the armed forces or national guard, a guard employed by a penal institution, or an officer of the court, while in the conduct of official duties. Tex. Penal Code § 46.03(b).
- On or off duty peace officers or special criminal investigators;
- Authorized and on-duty parole officers;
- Authorized and on-duty community supervision and corrections department officers;
- Active judicial officers licensed to carry handguns;
- Honorably retired peace officers, qualified retired law enforcement officers, federal criminal investigators, or former reserve law enforcement officers, with proper identification;
- U.S. attorneys and assistant U.S. attorneys, district attorneys and assistant district attorneys, criminal district attorneys, county attorneys, the attorney general and assistant attorneys general, or municipal attorneys licensed to carry handguns;
- Bailiffs designated to escort active judicial officers and licensed to carry handguns
- Juvenile probation officers authorized to carry firearms; and
- *A volunteer emergency services personnel* if the person is carrying a handgun under the authority of his or her license and is engaged in providing emergency services. *Volunteer emergency services personnel* includes a volunteer firefighter, an emergency medical services volunteer as defined by law, and any individual who, as a volunteer, provides services for the benefit of the general public during emergency situations. The term does not include a peace officer or reserve law enforcement officer. Tex. Penal Code § 46.01(18). A school district is not liable in a civil action arising from the discharge of a handgun by a volunteer emergency services personnel who is licensed to carry a handgun; however, it is not within the course and scope of the duties of a volunteer emergency services personnel to discharge a handgun. Tex. Civ. Prac. & Rem. Code § 112.001.

Tex. Penal Code § 46.15(a).

**School events and board meetings:** A number of public officials who are handgun license holders are authorized to bring handguns on the premises where a board meeting, high school sporting event, or other interscholastic event is taking place. These individuals include state or federal judges, active judicial officers, bailiffs designated to escort active judicial officers, U.S. attorneys or assistant U.S. attorneys, district attorneys or assistant district attorneys, criminal district attorneys or assistant criminal district attorneys, the attorney general or assistant attorneys general, and county attorneys or assistant county attorneys. Tex. Penal Code § 46.035(h-1). *Volunteer emergency services personnel* may also carry handguns to school events without violating the law, but only while they are engaged in providing emergency services. Tex. Penal Code § 46.035(m).

The Texas attorney general has concluded that school board members who lawfully possess a handgun license may carry a firearm at school board meetings as long as the board has issued written authorization for this action. Tex. Att’y Gen No. GA-1051 (2014).

#### **Firearm Possession by Other Campus Visitors, Including Parents**

**School district buildings:** Unless a person has special authorization, a person commits an offense (third degree felony) if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, location-restricted knife, club, or other prohibited weapon, as defined by state law, on the physical premises of a school or educational institution. Tex. Penal Code § 46.03(a)(1), (g). It is not a defense to prosecution that the person holds a license to carry a handgun. Tex. Penal Code § 46.03(f).

The prohibition of firearms in Section 46.03 includes the physical premises of both schools and educational institutions. *Educational institution* is not specifically defined in Section 46.03. The Texas attorney general has determined that a school district is an *educational institution*; consequently, trespass warning signs could be posted at the administrative building of the Elgin Independent School District. Tex. Att’y Gen., 30.06 Ruling Letter, Complaint No. 23 (April 29, 2016) at [texasattorneygeneral.gov/files/opn/3006\\_letters/2016-04-29-Elgin\\_ISD\\_Administration\\_Bldg.pdf](https://texasattorneygeneral.gov/files/opn/3006_letters/2016-04-29-Elgin_ISD_Administration_Bldg.pdf). In reaching this conclusion, the attorney general relied on the Texas Public Information Act and its exception for student records based on the federal Family Educational Rights and Privacy Act (FERPA). See Tex. Gov’t Code § 552.114 (citing 20 U.S.C. § 1232g(a)(4)).

**School events on and off campus:** Texas law prohibits the unauthorized possession of weapons, including firearms, at school events regardless of the location of the event.

- **Unauthorized weapons:** Unless a person has special authorization, a person commits an offense (third degree felony) if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, location-restricted knife, club, or other prohibited weapon, as defined by state law, on any grounds or building on which a school-sponsored activity is being conducted. Tex. Penal Code § 46.03(a)(1), (g). It is not a defense to prosecution that the person holds a license to carry a handgun. Tex. Penal Code § 46.03(f).

This prohibition applies to all school-sponsored events, regardless of whether the events happen on or off school property. For example, a school-sponsored middle school softball game may take place on school property, but in an outdoor facility that would not meet the statutory definition of *premises*. Nevertheless, this law would prohibit all firearms at the softball game. Similarly, a high school theater performance may take place in a city auditorium, not owned or leased by the school district, but this law would still prohibit firearms at the performance.

- **Handguns:** In addition, a handgun license holder commits an offense (Class A misdemeanor) if he or she intentionally, knowingly, or recklessly carries a handgun on the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place, unless the license holder is a participant in the event and a handgun is used in the event. Tex. Penal Code § 46.035(b)(2), (g).

**Buses and other school vehicles:** Unless a person has special authorization, a person commits an offense (third degree felony) if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, location-restricted knife, club, or other prohibited weapon, as defined by state law, on a passenger transportation vehicle of a school. Tex. Penal Code § 46.03(a)(1), (g). It is not a defense to prosecution that the person holds a license to carry a handgun. Tex. Penal Code § 46.03(f).

**Board meetings:** A school board meeting is an activity sponsored by a school or educational institution; as such, an unauthorized person commits a third degree felony if he or she possesses a firearm or other prohibited weapon at a board meeting. Tex. Penal Code § 46.03(a)(1), (g). It is not a defense to prosecution that the person holds a license to carry a handgun. Tex. Penal Code § 46.03(f). Moreover, most school board meetings take place in school district buildings, where handguns are not permitted.

In addition, a handgun license holder commits an offense (Class A misdemeanor) if he or she intentionally, knowingly, or recklessly carries a handgun under the authority of the license in the room or rooms where a meeting of a governmental entity is held pursuant to the Texas Open Meetings Act, as long as the license holder was given effective notice under Texas Penal Code sections 30.06 or 30.07 that handguns were prohibited. Tex. Penal Code §§ 30.06, .07, 46.035(c), (g), (i). Volunteer emergency services personnel are not subject prosecution under this section. Tex. Penal Code §§ 30.06(f); 30.07(g); 46.035(m). See below at *Firearm Warning Signs on School District Property*.

**Polling places:** Unless the person is authorized by state law to carry the weapon, a person commits an offense (third degree felony) if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, location-restricted knife, club, or other prohibited weapon, as defined by state law, on the premises of a polling place on the day of an election or while early voting is in progress. Tex. Penal Code § 46.03(a)(2), (g). It is not a defense to prosecution that the person holds a license to carry a handgun. Tex. Penal Code § 46.03(f).



**Parking lots and sidewalks:** Questions frequently arise about the legality of transporting or carrying a handgun or other firearm in school district parking lots or on school district sidewalks.

- **Firearms other than handguns:** If federal law applies because the firearm has moved in or has affected interstate or foreign commerce, the parking lot is the only place an unauthorized individual can carry a firearm. The unauthorized person must have the firearm unloaded and in a locked container or in a locked firearms rack on a vehicle. 18 U.S.C. § 922(q)(2)(B)(iii).
- **Concealed handguns:** A handgun license holder may transport a handgun in a private vehicle or concealed on his or her person only in accordance with the license. Absent special permission from the school district, handguns may not be carried inside of school district buildings, vehicles, or on the grounds where a school activity is taking place. Tex. Penal Code § 46.03(f).
- **Open carry:** As of January 1, 2016, a handgun license holder in Texas may choose to wear his or her firearm in a shoulder or belt holster rather than concealing the handgun. Except for authorized individuals, both open and concealed carry are prohibited on the physical premises of a school or educational institution, any grounds or building where a school-sponsored activity is taking place, or a school passenger vehicle. A 2015 Texas attorney general opinion offers insight into the extent of open carry on school property. On September 22, 2015, Senator John Whitmire asked Texas Attorney General Ken Paxton whether school districts must permit the open carry of handguns on any part of school district property. Senator Whitmire further inquired about the definition of *educational activity* with regard to both the open and concealed carrying of handguns on school district property. Tex. Att’y Gen. RQ-0054-KP (2015). On December 21, 2015, Texas Attorney General Ken Paxton responded that openly carried firearms must be permitted in the portions of school property not covered by Texas Penal Code sections 46.03 and 46.035, which would include outdoor property not currently in use for a school-sponsored activity. However, firearms are prohibited wherever a school-sponsored activity is happening; this would include not only school district premises (the buildings), but also on any grounds where a school-sponsored activity is taking place including parking lots and sidewalks. Op. Tex. Att’y Gen. No. KP-50 (2015).

**School-sponsored activities:** In Texas Attorney General Opinion number KP-50, the attorney general opined that whether and where on school grounds an activity is taking place is a factual inquiry that must be determined on a case-by-case basis. He offered one example of the use of school grounds for a school-sponsored activity: If a high school marching band uses a parking lot for rehearsal, the parking lot is an area where the district may restrict firearms during the time of rehearsal. Other determinations about when and where school activities are happening are left to local school officials; however, if an aggrieved individual files a legal challenge to how a school district interprets the law, the district’s choices will be subject to judicial review.

Because when and whether a school activity is taking place is a factual determination, school districts may want to begin by assessing, campus by campus, the use of the exterior portions of each school district building for school sponsored activities. Consider band practices, athletics, and other extracurricular uses; classroom uses (like outdoor science experiments); recess and physical education; lunch breaks; and so forth. Perhaps the most important judgment the district will have to make is whether to deem school pick-up and drop-off periods school-sponsored activities. Certainly there are good faith arguments that these activities are school-sponsored, as the district is operating school transportation and providing staff to oversee the safety and security of the students, grounds, and vehicles during these times.

Once a district has assessed its use of school grounds for school-sponsored activities, the district may consider options for clarifying and communicating with staff, parents, and the public when and where firearms are prohibited on school property. State law does not require the district to publish or post a determination about when firearms are prohibited or what constitutes school-sponsored activities. As a result, one option will be to take no further action and rely on current law and policy. Policy GKA(LEGAL) recites Texas Penal Code section 46.03, which states that it is a felony to bring a firearm onto any grounds on which a school activity is being conducted. In addition, most Texas school boards have adopted a local policy at GKA(LOCAL), which states that the district prohibits the unauthorized use, possession, or display of any firearm on all district property at all times.

#### **Firearm Possession on School District Property**

The ability of a visitor to carry a firearm openly on school district property raises two important questions.

First, may a school official approach an individual who is openly carrying a firearm and request verification that the firearm is properly licensed? School resource officers and other peace officers are authorized by law to verify an individual's handgun license when they are verifying the individual's identification. Tex. Gov't Code § 411.205. A peace officer is in the best position to seek verification of a visitor's purpose, identity, and licensure. Peace officers are also trained to know when Texas honors out-of-state handgun licenses through reciprocity agreements with neighboring states, and they are authorized to temporarily disarm license holders under certain conditions. Tex. Gov't Code § 411.206.

Other school officials are not specifically authorized to (or prohibited from) inquiring about a visitor's handgun license. That said, a lawfully licensed individual who is questioned by school staff merely because he or she is carrying openly might raise a concern. A better practice whenever possible is for school staff who are monitoring outdoor areas to approach all unfamiliar visitors, regardless of whether they are armed, to greet them and ascertain the purpose of their visit. If an individual is behaving in an unusual manner or reacts strangely to the school official's greeting, the school official should alert law enforcement.

A second question is whether an individual carrying a firearm would ever be authorized to draw the firearm from its holster. Texas law is clear that a licensed firearm must remain concealed or in its holster absent the rare circumstances in which a gun owner would be justified in responding with force or deadly force. Under ordinary circumstances, a license holder is obligated to keep the firearm concealed or in its holster. An individual commits the offense of disorderly conduct if he or she displays a firearm in a manner calculated to cause alarm.

Texas Education Code section 37.125 makes it a third degree felony for an individual with immediate access to a firearm to intentionally exhibit, use, or threaten to exhibit or use the firearm in a manner intended to cause alarm or personal injury to another person or to damage school property, on any public or private school property or on a school bus being used to transport children to or from public or private school-sponsored activities. If an individual engages in this conduct but does not have access to a firearm, the offense is punishable as a Class A misdemeanor.

#### **Firearm Warning Signs on School District Property**

Since the passage of state laws permitting the concealed carry of handguns back in 1995, most Texas school districts have posted signs on school district buildings indicating that carrying concealed handguns into school building is not permitted. These signs were not necessary to make it illegal to carry a handgun into a school; that was already established by other law. See Tex. Penal Code §§ 46.03 (prohibiting unauthorized individuals from carrying weapons into school district buildings, in school district passenger vehicles, at school events, and at polling places) and 46.035 (prohibiting all but certain authorized handgun license holders from possessing a handgun at school board meetings and interscholastic or high school sporting events). Rather, school districts posted signs both as a warning and so that violators could be charged with the additional offense of Trespass by License Holder with a Concealed Handgun. Tex. Penal Code § 30.06.

In 2015, the Texas Legislature created a new offense, Trespass by License Holder with an Openly Carried Handgun, effective January 1, 2016. Tex. Penal Code § 30.07. To charge violators with this offense, school districts must post a second sign or otherwise give notice to license holders that open carry is not permitted in certain locations.

In addition, the Texas Legislature has created a civil offense for school districts and other political subdivisions that give notice under Section 30.06 for Trespass by License Holder with a Concealed Handgun or by any sign expressly referring to that law or to a license to carry a handgun in locations other than a building or other location where handguns are already prohibited by Texas Penal Code sections 46.03 and 46.035. Tex. Gov't Code § 411.209. In other words, if Sections 46.03 and 46.035 do not prohibit carrying handguns in a location on school district property, school district signage cannot state that it would violate Section 30.06 or Section 30.07 for an individual to carry a handgun in that location.



Due to the expense and administrative difficulty of posting more signs, and due to the threat of civil penalties for posting signs in incorrect locations, school districts are reexamining the need for and location of warning signs about firearms.

**Where are firearms illegal, even without posted notice?**

**Notice is not required for firearms to be illegal in school district buildings, at school-sponsored events, or in school district passenger vehicles:** Texas law makes it clear that it is not legal for an unauthorized individual to carry a firearm into the premises of a school district building:

“A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm . . . on the physical premises of a school or educational institution, any grounds or building on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private, unless pursuant to written regulations or written authorization of the institution.” Tex. Penal Code § 46.03(a)(1).

For this purpose, *premises* means a building or a portion of a building, and not a public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area. Tex. Penal Code § 46.03(c)(1), .035(f)(3). It is not a defense to prosecution under this section that the actor was licensed to carry a handgun, and an offense under this section is a third degree felony. Tex. Penal Code § 46.03(f)-(g).

**Notice is not required for firearms to be illegal at polling places:** Texas law specifies that carrying a firearm on the premises of a polling place on election day or while early voting is taking place is a third degree felony. Tex. Penal Code §§ 46.03(a)(2), (g). In addition, the offense may be enhanced to a second degree felony if the actor knew he or she were within 300 feet of school premises, with premises defined by Health and Safety Code section 481.134 to include the entire real property and all buildings on the campus.

**Notice is not required for firearms to be illegal at high school sports or interscholastic events:** Texas law specifies that a handgun license holder commits a Class A misdemeanor offense if he or she brings a firearm, under the authority of the handgun license, on the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place, unless the license holder is a participant in the event and a handgun is used in the event. Tex. Penal Code § 46.035(b)(2), (g). For this purpose, *premises* means a building or a portion of a building, and not a public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area. Tex. Penal Code § 46.035(f)(3). In addition, the offense may be enhanced to the next higher category of offense if the actor knew he or she were within 300 feet of school premises, with premises defined by Health and Safety Code section 481.134 to include the entire real property and all buildings on the campus.

### **When are signs or other notice required?**

Signs or other forms of notice are considered valuable as a warning to the public that firearms are not permitted. Written or oral communication is not required, however, to make it illegal for an unauthorized person to take a handgun into a school district building, the building or grounds where a school-sponsored activity is taking place, a school district passenger vehicle, a polling place, an open meeting of the school board, or the location of a high school sport or interscholastic event (i.e., the places firearms are not allowed under Texas Penal Code sections 46.03 and 46.035). Signage or other notice is only required if the school district wishes to establish that a handgun license holder has committed one of the following offenses.

**Unlawful Carrying of Handgun at Open Meeting of School Board:** A handgun license holder commits an offense (Class A misdemeanor) if he or she intentionally, knowingly, or recklessly carries a handgun under the authority of the license into the room or rooms where an meeting of a governmental entity is held pursuant to the Texas Open Meetings Act, as long as the license holder was given effective notice that handguns were prohibited. Tex. Penal Code §§ 30.06, .07, 46.035(c), (g), (i).

In order to seek prosecution of a license holder who violates this section, the district would have to show that the license holder received notice, as described below under Texas Penal Code sections 30.06 and 30.07, that handguns were prohibited in the meeting room. However, in light of other statutes making it a felony to carry a firearm into school district buildings (i.e., the premises of a school or educational institution) or onto the grounds where a school-sponsored event is taking place, the absence of notice to a license holder should rarely affect the ability of a school district to exclude firearms from school board meetings. If a school board conducts an open meeting in a building that is not owned by the district, however, the district might consider posting notice with signs or printing notice on the open meeting agenda, in accordance with Sections 30.06 and 30.07.

**Trespass by License Holder with a Concealed Handgun:** A license holder commits a Class C misdemeanor offense if he or she carries a concealed handgun, under the authority of the license and without effective consent, onto school district property where firearms are prohibited by either Section 46.03 or Section 46.035, if the license holder received notice by written communication that entry with a concealed handgun is forbidden. In addition, if the license holder receives oral notice that handguns are prohibited and fails to depart, the offense is a Class A misdemeanor. Tex. Penal Code § 30.06.

Under Section 30.06, notice by *written communication* means either: (1) a card or other document with specific text; or (2) a sign that meets the statutory requirements.

- **Card or other document:** Written notice may be given through a card or other document containing this exact language: "Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under

Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.”

Due to districts’ use of signs, as opposed to other documents, for notice, school districts have few examples of how to provide written notice through means other than signs. To be effective, any alternative means of providing written (or, for that matter, oral) notice would need to include a means of proving that notice was received by the license holder. One option might be to print out the required language whenever a building visitor receives a visitor badge. This might work well for campus visitors, but be less effective for events that are open to the public, where check in is not required.

- **Sign:** Written notice may be given through a sign posted on the property that includes the precise language above in both English and Spanish; appears in contrasting colors with block letters at least one inch in height; and is displayed in a conspicuous manner clearly visible to the public.

**Trespass by License Holder with an Openly Carried Handgun:** A license holder commits a Class C misdemeanor offense if he or she openly carries a handgun, under the authority of the license and without effective consent, onto school district property where firearms are prohibited by either Section 46.03 or Section 46.035, if the license holder received notice by written communication that entry with an openly carried handgun is forbidden. In addition, if the license holder receives oral notice that openly carried handguns are prohibited and fails to depart, the offense is a Class A misdemeanor. Tex. Penal Code § 30.07.

Under Section 30.07, notice by *written communication* means either: (1) a card or other document with specific text; or (2) a sign that meets the statutory requirements.

- **Card or other document:** Written notice may be given through a card or other document containing this exact language: “Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.”
- **Sign:** Written notice may be given through a sign posted on the property that includes the precise language above in both English and Spanish; appears in contrasting colors with block letters at least one inch in height; and is displayed in a conspicuous manner clearly visible to the public *at each entrance to the property*.

If a school district chooses to provide notice through signs, Section 30.07 for openly carried handguns requires a second sign, with slightly different wording from Section 30.06 on concealed handguns, to be posted at every entrance. *Entrance* is not defined. The determination of what constitutes an entrance to school district property is inherently a local decision. Every exterior door is not necessarily an entrance to the premises, especially if the

school district has taken specific steps, as many have, to limit access through exterior doors and direct all visitors to a single secure entrance. If a school district has made it clear, through whatever means, that visitors are not allowed to come in through a particular exterior door, a sign regarding openly carried handguns may not be required at that location.

As described, Texas Government Code section 411.209 creates a civil offense for a political subdivision, including a school district, that provides notice that handguns are not permitted in a location where carrying a handgun is not specifically prohibited by Texas Penal Code sections 46.03 and 46.035.

**Can districts use temporary trespass warning signs for certain events, like athletic events or school board meetings?**

The Texas attorney general has indicated that a temporary sign displaying the required statutory text is a permissible way to issue a trespass warning to handgun licensees when an event is being conducted in a location where handguns might otherwise be permitted. For example, the Texas attorney general affirmed that it was appropriate for the City of Lake Dallas to display temporary signs complying with Sections 30.06 and 30.07 outside the chambers when municipal court or city council meetings were in session, even though generally handguns could not be excluded from the municipal building. Tex. Att’y Gen., 30.06 Ruling Letter, Complaint No. 25 (Apr. 29, 2016) at [texasattorneygeneral.gov/files/opn/3006\\_letters/2016-04-29-City of Lake Dallas Municipal Complex.pdf](https://www.texasattorneygeneral.gov/files/opn/3006_letters/2016-04-29-City%20of%20Lake%20Dallas%20Municipal%20Complex.pdf).

For schools districts, temporary signs may be useful if the district conducts school board meetings, athletic contests, or other school-sponsored events in locations not owned and operated by the school district, such as a civic center or municipal stadium.

**Can districts post a general warning sign at the perimeter of school property?**

In 2003, before open carry was authorized in belt and shoulder holsters for handgun license holders, Texas law was amended to clarify that public property owners, like school districts, could not post written communications including signs to stop handgun license holders from bringing concealed handguns onto government property, except to the extent the guns were already prohibited by other law—specifically, Texas Penal Code sections 46.03 (prohibiting unauthorized possession of weapons on school premises, in school vehicles, at school events, and at polling places) and 46.035 (prohibiting all but certain authorized handgun license holders from possessing a handgun at school board meetings and interscholastic or high school sporting events). Tex. Penal Code § 30.06(e).

Effective September 1, 2015, the Texas Legislature took the additional step of creating a civil penalty for school districts and other political subdivisions that provide notice (including by posting signs) expressly referring to Section 30.06 or concealed handgun licenses indicating that a license holder carrying a handgun within the scope of the license may not enter or remain on property owned or leased by the political subdivision except in locations where firearms are

prohibited by Texas Penal Code sections 46.03 and 46.035. In 2017, the law was expanded to prohibit improper signage referring to any handgun license, which would include the signage described by Section 30.07 on openly carried handguns. Tex. Gov't Code § 411.209.

A school district or other political subdivision that violates this provision is liable for a civil penalty of not less than \$1,000 and not more than \$1,500 for the first violation and not less than \$10,000 and not more than \$10,500 for a second or subsequent violation. Each day an impermissible sign is displayed is a separate violation. A citizen of this state or a person licensed to carry a handgun may file a complaint with the attorney general identifying a violation. After an investigation and an opportunity to cure the violation, the attorney general may file a lawsuit against the political subdivision, and sovereign immunity is abolished for this purpose. Tex. Gov't Code § 411.209. In light of this potential penalty, school districts should exercise care and consult with a school attorney regarding the appropriate location for criminal trespass signs under Sections 30.06 and 30.07.

In addition, school districts should be cautious about posting or failing to remove signs at the perimeter of school district property that could violate Texas Government Code section 411.209. *See, e.g.,* Op. Tex. Att'y Gen. No. KP-49 (2015) (opining that a sign on county property stating "Weapons Free Zone" could violate Section 411.209). A district that nevertheless wants to place warning signs at the perimeter of school property should consult its school attorney to determine the wording. One option could be to restate the felony prohibition in Texas Penal Code section 46.03, rather than the criminal trespass notice language in Texas Penal Code sections 30.06 and 30.07. A locally developed sign would not constitute adequate notice for purposes of prosecuting criminal trespass, but it might serve to warn the public about the felony offense of entering parts of school property with a firearm.

#### **District-Approved Activities Involving Firearms**

Local school districts can grant permission to certain persons to possess otherwise prohibited weapons by passing written regulations or issuing written authorization. Tex. Penal Code § 46.03(a)(1).

Most Texas school districts have a statement at TASB Policy GKA(LOCAL) that prohibits unlawfully carried weapons, then provides the following exception:

#### **EXCEPTION**

No violation of this policy occurs when the use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities.



Texas school districts often authorize the possession of firearms or other weapons on campus for approved activities such as gun safety or hunter training, historical reenactments, and JROTC. School districts have also authorized bringing firearms on campus for special events such as guest speakers, theatrical performances, and PTA or booster club fundraising raffles where a rifle or other weapon was offered as the prize. If the firearm is used in a program approved by the school or in accordance with a contract entered into between the school and the user or user's employer, the federal GFSZA does not apply. 18 U.S.C. § 922(q)(2)(B)(iv), (v). The GFSZA also does not apply if the person carrying the firearm is on school property for the purpose of gaining access to hunting lands, the firearm is unloaded, and school authorities authorize the person's entry onto school property. 18 U.S.C. § 922(q)(2)(B)(vii).

### **Employee Possession of Firearms**

#### **Storage in locked cars:**

Texas Education Code section 37.0815 provides that a school district may not prohibit an employee who is licensed to carry a handgun from transporting or storing a handgun, other firearm, or ammunition in a locked, privately owned vehicle in a school district parking lot, provided that the firearm or ammunition is not in plain view. See TASB Policy DH(LOCAL). In light of the fact that school employees may have access to firearms in their personal vehicles, a district may wish to clarify that any action an employee takes with regard to his or her firearm is not taken at the district's direction and is outside the course and scope of employment.

For more information regarding firearms and school district employees, see TASB Legal Services' memorandum titled [\*School Marshals and Other School District Personnel Carrying Firearms\*](#).

**Contracts with vendors:** Many school districts and vendors, such as service providers or construction companies, have entered into written contracts with provisions that prohibit the vendor and any agents or subcontractors from bringing firearms on school property.

### **Limits on Transportation or Display of Firearms on School Property**

Of course, handgun license holders may display and use their handguns only within the scope of their licenses. Other than open carry in a belt or shoulder holster, a license holder is permitted to display his or her gun in public only when the use of force would be justified under Texas Penal Code chapter 9. Tex. Penal Code § 46.035(h). A person who carries a handgun in a vehicle or on their person must not be engaged in a criminal activity, prohibited from possessing a firearm, or a member of a street gang. Tex. Penal Code § 46.02(a-1)(2). Moreover, a license holder may not carry a handgun while intoxicated. Tex. Penal Code § 46.035(d).

In addition, a person commits an offense if, in a manner intended to cause alarm or personal injury to another person or to damage school property, the person intentionally exhibits, uses, or threatens to use a firearm in or on any school property, including parking areas, or on a school

bus. The offense is a third degree felony if the individual was in possession of or had immediate access to a firearm at the time. The offense is a Class A misdemeanor if the individual made such a threat, but did not in fact possess a firearm at the time. Tex. Educ. Code § 37.125.

Finally, the Texas Penal Code contains a provision enhancing the degree of a weapons-related offense if the offense occurs within 300 feet of school premises or the premises where a school function or UIL event is taking place. Tex. Penal Code § 46.11.

### **Student Possession of Firearms**

Student discipline for firearms is described in more detail in a related [flow chart](#) from TASB Legal Services.

**Federal Gun-Free Schools Act:** Originally enacted in 1994 and reauthorized as part of the Every Student Succeeds Act in 2015, the Gun-Free Schools Act (GFSA) is a federal law that requires states receiving federal funds under the Elementary and Secondary Education Act to restrict firearms on school property. The GFSA requires schools to expel, for not less than one year, a student who brings a weapon to school or possesses a weapon at school. 20 U.S.C. § 7151(b)(1).

In its *Guidance Concerning State and Local Responsibilities Under the Gun-Free Schools Act*, the United States Department of Education defines *school* as not only school buildings but also any setting that is supervised and controlled by a local educational agency (LEA) for the purpose of student activities approved and authorized by the LEA. Public school districts are a type of LEA. The complete guidance can be found at [ed.gov/programs/dvpformula/gfsafinaljan04.doc](http://ed.gov/programs/dvpformula/gfsafinaljan04.doc).

The GFSA contains exceptions to the federal mandatory expulsion requirement. Since the Act's reauthorization, the GFSA has included an exception for firearms that are lawfully stored inside locked vehicles on school property. The Act also includes an exception for activities approved and authorized by the school district, such as gun safety classes, so long as the school district has appropriate safeguards to ensure student safety. 20 U.S.C. § 7151(g).

**Texas law—mandatory expulsion:** In response to the federal GFSA, Texas enacted a state law that expels students who bring firearms to school for at least one calendar year:

In accordance with 20 U.S.C. Section 7151, a local educational agency, including a school district, home-rule school district, or open-enrollment charter school, shall expel a student who brings a firearm, as defined by 18 U.S.C. Section 921, to school. The student must be expelled from the student's regular campus for a period of at least one year, except that:

- (1) the superintendent or other chief administrative officer of the school district or of the other local educational agency, as defined by 20 U.S.C. Section 7801, may modify the length of the expulsion in the case of an individual student;

- (2) the district or other local educational agency shall provide educational services to an expelled student in a disciplinary alternative education program as provided by Section 37.008 if the student is younger than 10 years of age on the date of expulsion; and
- (3) the district or other local educational agency may provide educational services to an expelled student who is 10 years of age or older in a disciplinary alternative education program as provided in Section 37.008.

Tex. Educ. Code § 37.007(e).

In addition, a student shall be expelled if on school property or at a school event the student unlawfully carries a weapon under Texas Penal Code section 46.02 or commits an offense related to prohibited weapons under Texas Penal Code 46.05. Tex. Educ. Code § 37.007(a)(1).

**Texas law—permissive expulsion:** A student may be expelled if, while within 300 feet of school property, the student possesses a firearm. Tex. Educ. Code § 37.007(b)(2)(B).

**Disciplinary process:** Both federal and state law require that the student be expelled for at least one year, with certain exceptions. Depending on the circumstances and the discretion of the administration, a student with a firearm may be subjected to mandatory or permissive expulsion.

Students accused of possessing a firearm at school are entitled to receive due process before being punished in accordance with the district's Student Code of Conduct (SCOC). If the school district determines that the student committed the offense, the district still has some discretion in handing down the student's punishment.

Although federal and state law require mandatory expulsion for students who bring firearms to school or school related activities, under the GFSA, the district's designated chief administrative officer has the discretion to modify the federal one-year expulsion requirement in a case-by-case review. The superintendent or a designee may alter the one-year expulsion by changing the length of the expulsion, or by placing the student in an alternative setting during the expulsion, or by some combination of the two. Tex. Educ. Code § 37.007(e)(1).

At times, state law requires that an expelled student be placed in an alternative education setting. For example, students in districts located in counties with a population over 125,000 must provide services to expelled students in a Juvenile Justice Alternative Education Program (JJAEP). Tex. Educ. Code §§ 37.010(a), 011(a). In all districts, if the expelled student is younger than ten years of age, the district must provide educational services in a Disciplinary Alternative Education Program (DAEP). If an expelled student is ten years of age or older, the district *may* provide educational services in a DAEP. 20 U.S.C. 7151(h); Tex. Educ. Code § 37.007(e)(2)-(e)(3).



In addition, every school district's local SCOC indicates that appropriate district officials will take into consideration factors such as the student's intent, disciplinary history, disability, or whether the student was acting in self-defense. The disciplining officials must consider these factors when deciding whether to exercise discretion in altering the length of or placement during an expulsion. Tex. Educ. Code §§ 37.001(a)(4)(A)-(D), .009(a), (f).

Remember also that the requirements of state and federal law must be followed with respect to the discipline of students with disabilities. In its *Guidance Concerning State and Local Responsibilities Under the Gun-Free Schools Act*, the Department of Education observes that the GFSA must be applied in a manner consistent with the Individuals with Disabilities in Education Act (IDEA) and Section 504 of the Rehabilitation Act. [ed.gov/programs/dvpformula/gfsafinaljan04.doc](http://ed.gov/programs/dvpformula/gfsafinaljan04.doc).

**Reporting firearm offenses:** If a principal or a principal's designee has reasonable grounds to believe that certain activities have occurred at school or a school related event, he or she must report this to local law enforcement regardless of whether the activity is investigated by school security personnel. Tex. Educ. Code § 37.015. The firearm-related activities that a principal must report include:

- Terroristic threat. Tex. Penal Code § 22.07
- Possession, manufacture, transport, repair, or sale of a prohibited weapon. Tex. Penal Code §§ 46.01, .05.
- Bringing a firearm to school or committing another expellable offense related to prohibited weapons. Tex. Educ. Code § 37.007(a), (d)-(e).
- Deadly conduct, including knowingly pointing a firearm at or in the direction of another whether or not the person believes the firearm is loaded. Tex. Penal Code § 22.05(c).
- Organized criminal activities including the unlawful manufacture, transportation, repair, or sale of firearms or prohibited weapons. Tex. Penal Code § 71.02(a)(4).

For more information on this and other school law topics, visit TASB School Law eSource online at [schoolawesource.tasb.org](http://schoolawesource.tasb.org).

*This document is provided for educational purposes only and contains information to facilitate a general understanding of the law. It is neither an exhaustive treatment of the law on this subject nor is it intended to substitute for the advice of an attorney. It is important for the recipient to consult with the district's own attorney in order to apply these legal principles to specific fact situations.*

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Updated May 2018

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TASB Legal Services



*Current with TASB Changes*

EMPLOYEE STANDARDS OF CONDUCT  
SEARCHES AND ALCOHOL/DRUG TESTING

DHE  
(LOCAL)

**Reasonable Suspicion  
Searches**

The District reserves the right to conduct searches when the District has reasonable suspicion to believe that a search will uncover evidence of work-related misconduct. The District may search the employee, the employee's personal items, work areas, lockers, and private vehicles parked on District premises or worksites or used in District business. Searches that reveal a violation of the District's standards of conduct may result in disciplinary action. [See DH]

Reasonable Suspicion  
Alcohol and Drug  
Testing

The District may remove an employee from duty and require testing if there is reasonable suspicion that the employee is under the influence of alcohol or drugs used in violation of District policy. The determination of reasonable suspicion may be based on specific observations of the appearance, behavior, speech, or body odors of the employee whose motor ability, emotional equilibrium, or mental acuity seems to be impaired while on duty or other relevant information. Any employee who is asked to submit to drug or alcohol testing shall be given the opportunity to provide relevant information about prescription or nonprescription medications that may affect the screening.

A District employee who refuses to comply with a directive to submit to testing based upon reasonable suspicion shall be subject to disciplinary action, up to and including termination.

A District employee confirmed to have violated the District's policy pertaining to alcohol or drugs may be subject to disciplinary action. [See DF series and DH]

**Note:** The following provisions apply to employees who are covered by the federal Department of Transportation (DOT) rules.

**Federally Required  
DOT Testing  
Program**

In accordance with DOT rules, the District shall establish an alcohol and controlled substances testing program to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by the drivers of commercial motor vehicles, including school buses. The primary purpose of the testing program is to prevent impaired employees from performing safety-sensitive functions.

The Superintendent shall designate a District official who shall be responsible for ensuring that information is disseminated to employees covered under this testing program regarding prohibited driver conduct, alcohol and controlled substances tests, and the consequences that follow positive test results.

*Current with TASB Changes*

EMPLOYEE STANDARDS OF CONDUCT  
SEARCHES AND ALCOHOL/DRUG TESTING

DHE  
(LOCAL)

Drug-Related  
Violations

The following constitute drug-related violations under the DOT rules:

1. Refusing to submit to a required test for alcohol or controlled substances.
2. Providing an adulterated, diluted, or a substituted specimen on an alcohol or controlled substances test.
3. Testing positive for alcohol, at a concentration of 0.04 or above, in a post-accident test.
4. Testing positive for controlled substances in a post-accident test.
5. Testing positive for alcohol, at a concentration of 0.04 or above, in a random test.
6. Testing positive for controlled substances in a random test.
7. Testing positive for alcohol, at a concentration of 0.04 or above, in a reasonable suspicion test.
8. Testing positive for controlled substances in a reasonable suspicion test.

An employee who operates a commercial motor vehicle, including a bus, and commits a drug-related DOT violation as defined above shall not be eligible for reinstatement as a driver.

Alcohol Results  
Between 0.02 and  
0.04

In accordance with DOT rules, a driver tested under this policy and found to have an alcohol concentration of 0.02 or greater, but less than 0.04, shall be suspended from driving duties for at least 24 hours.

[In the event of a positive test result for alcohol of 0.02 or greater, see the disciplinary consequences at ~~DISTRICT-IMPOSED CONSEQUENCES~~ District-Imposed Consequences, below.]

Reasonable  
Suspicion DOT  
Testing

Only supervisors specifically trained in accordance with federal regulations may, based upon reasonable suspicion, remove a driver from a safety-sensitive position and require testing for alcohol and/or controlled substances. The determination of reasonable suspicion shall be based on specific observations of the appearance, behavior, speech, or body odors of the driver whose motor ability, emotional equilibrium, or mental acuity seems to be impaired. Such observations must take place just preceding, during, or just after the period of the workday that the driver is on duty.

*Current with TASB Changes*

EMPLOYEE STANDARDS OF CONDUCT  
SEARCHES AND ALCOHOL/DRUG TESTING

DHE  
(LOCAL)

**District-Defined  
Violations**

**Prescribed and  
Over-the-Counter-  
Medications**

The observations may include indication of the chronic and withdrawal effects of controlled substances. Within 24 hours of the observed behavior, the supervisor shall provide a signed, written record documenting the observations leading to a controlled substance reasonable suspicion test.

An employee violates District policy if he or she tests positive for alcohol at a concentration of 0.02 or greater.

Employees are prohibited from consuming an intoxicating beverage, regardless of its alcohol content, within four hours before going on safety-sensitive duty. This prohibition extends to any prescription or over-the-counter medication that contains alcohol. If an employee has used such a medication within four hours of duty, he or she shall report this to his or her supervisor.

Furthermore, employees are required to inform their supervisors of any use of prescribed medicine that could affect their performance. It is the employee's responsibility to determine from the physician whether or not the prescribed drug would impair his or her job performance. When reporting such use, the employee is required to have a written statement from his or her physician regarding the prescription's effect on the employee's performance of job duties and shall present this to his or her supervisor.

When risks of accident potential are unacceptable to the supervisor, the employee will be directed to take leave with or without pay or will be reassigned to an existing vacant position until the use is discontinued. Paid leave may be charged to sick leave or current vacation time if either is available.

**District-Imposed  
Consequences**

In addition to the consequences established by federal law, a District employee confirmed to have violated the District's policy pertaining to alcohol or controlled substances shall be subject to District-imposed discipline, as determined by his or her supervisor and the Superintendent. Such discipline may include any appropriate action from suspension without pay during the period of removal from safety-sensitive functions, up to and including termination of employment. [See DF series]

In cases where a driver is also employed in a nondriving capacity by the District, disciplinary action imposed for violation of alcohol and controlled substances policies shall apply to the employee's functions and duties that involve driving. Additionally, upon recommendation of the employee's supervisor, disciplinary measures up

Brownsville ISD  
031901

*Current with TASB Changes*

EMPLOYEE STANDARDS OF CONDUCT  
SEARCHES AND ALCOHOL/DRUG TESTING

DHE  
(LOCAL)

to and including termination of employment with the District may  
be considered.

*Current with TASB Changes*

EMPLOYEE WELFARE

DI  
(LOCAL)

**~~Drug-Free  
Awareness Program~~**

~~The District shall maintain a drug-free environment and shall establish, as needed, a drug-free awareness program complying with federal requirements. [See DH] The program shall provide applicable information to employees in the following areas:~~

- ~~1. The dangers of drug use and abuse in the workplace.~~
- ~~2. The District's policy of maintaining a drug-free environment. [See DH(LOCAL)]~~
- ~~3. Drug counseling, rehabilitation, and employee assistance programs that are available in the community, if any.~~
- ~~4. The penalties that may be imposed on employees for violation of drug use and abuse prohibitions. [See DI(EXHIBIT)]~~

**~~Employee  
Responsibility~~**

~~All fees or charges associated with drug/alcohol abuse counseling or rehabilitation shall be the responsibility of the employee.~~





## *Current with TASB Changes*

### ATTENDANCE COMPULSORY ATTENDANCE

FEA  
(LOCAL)

Students in violation of the compulsory attendance law shall be reported to the District attendance officer, who may institute court action as provided by law.

#### **Excused Absences**

In addition to excused absences required by law, the District shall excuse absences for the following purposes.

##### **Higher Education Visits**

The District shall excuse a student for up to two days during the student's junior year and up to two days during the student's senior year to visit an accredited institution of higher education. A student shall be required to submit verification of such visits in accordance with administrative regulations.

##### **Armed Services Enlistment**

The District shall excuse a student 17 years of age or older for up to four days during his or her enrollment in high school for activities related to pursuing enlistment in a branch of the U.S. Armed Services or Texas National Guard. A student shall be required to submit verification of such activities in accordance with administrative regulations.

##### **Early Voting or Election Clerk**

The District shall excuse a student for up to two days per school year to serve as an early voting or election clerk. A student shall be required to submit verification of service in accordance with administrative regulations.

[For extracurricular activity absences, see FM.]

#### **Withdrawal for Nonattendance**

The District may initiate withdrawal of a student under the age of 19 for nonattendance under the following conditions:

1. The student has been absent ten consecutive school days; and
2. Repeated efforts by the attendance officer and/or principal to locate the student have been unsuccessful.

[For District-initiated withdrawal of students 19 or older, see FEA(LEGAL).]

#### **Students Attending Homeschools**

Students who are homeschooled are exempt from the compulsory attendance law to the same extent as students enrolled in other private schools.

Adequate documentation of homeschooling for withdrawal shall consist of either a statement of withdrawal in accordance with FD(LOCAL) indicating the date homeschooling began, or a signed and dated letter from a parent or guardian indicating that his or her child is being homeschooled and the date the homeschooling began.

*Current with TASB Changes*

ATTENDANCE  
COMPULSORY ATTENDANCE

FEA  
(LOCAL)

The District may request from a parent or guardian a letter of assurance that a child is being educated using a curriculum designed to meet basic education goals of reading, spelling, grammar, mathematics, and a study of good citizenship.

Enforcing  
Compulsory  
Attendance

If a parent or guardian refuses to submit a requested statement or letter, or if the District has evidence that a school-aged child is not being homeschooled within legal requirements, the District may investigate further and, if warranted, shall pursue legal action to enforce the compulsory attendance law.



Request No. \_\_\_\_\_

# ***Board Member Request***

Please return form to Pat Perez

<b>Board Member</b>	Ms. M. Peña
<b>Requested:</b>	Policy Committee Meeting
<input checked="" type="checkbox"/> <b>Meeting</b>	
<input type="checkbox"/> <b>Email</b>	
<input type="checkbox"/> <b>Other</b>	
<b>Date</b>	December 10, 2018
<b>Item No.</b>	III-D
<b>Question/Concern</b>	Can students have a Medical Excuse from a Doctor in Mexico?
<b>Response</b>	<p>From Region I e-mail dated December 11, 2018</p> <p>"Hi Paul,</p> <p>The SAAH still says that absences can be Excused and Counted Present when a student is</p> <p style="padding-left: 40px;">"is temporarily absent because of a documented appointment for the student or the student's child that is with a health care professional licensed, certified, or registered by an appropriate agency of the State of Texas to practice in the United States."</p> <p>Your board cannot implement a policy that goes against state regulations.</p> <p>You can choose to have these as "excused absences" but not present.</p> <p>Thank-you,</p> <p>Diana Pérez ESC1"</p>
<b>Date</b> December 11, 2018	<b>Prepared by:</b> Paul Crandall Johnson, PEIMS Administrator

01/05/17



***Current with TASB & BISD Changes***

**WELLNESS AND HEALTH SERVICES  
MEDICAL TREATMENT**

**FFAC  
(LOCAL)**

<b>Student Illness</b>	Procedures shall be established by the administration to ensure that proper attention is given to any student who becomes ill during the course of a school day.
<b>Accidents Involving Students</b>	Emergency procedures shall be established by the administration to ensure proper attention for any student injured at school. Records shall be maintained on all accidents that require the attention of a medical doctor.
<b>Emergency Treatment Forms</b>	Each year, students and parents shall complete and sign a form that provides emergency information and authorizes school officials to obtain emergency medical treatment, as provided by law.
<b>Do Not Resuscitate Orders</b>	District staff shall honor properly executed "Do Not Resuscitate Orders" for terminally ill students consistent with the requirements of state law and in accordance with <u>administrative regulations</u> . <del>guide lines formulated by the Superintendent or designee.</del>
<b><u>Purchasing Medication</u></b>	<u>Except as provided below at Administration of Medication to Athletes, the District shall not purchase nonprescription medication to administer to a student.</u>
<b>Administering Medication</b>	No employee shall give any student prescription medication, non-prescription medication, herbal substances, anabolic steroids, or dietary supplements of any type, except as provided below.
<b>Exceptions</b>	Employees authorized by the Superintendent or designee may administer to students:
<i>Provided by Parent</i>	<ol style="list-style-type: none"><li>1. Prescription medication dispensed in the United States in accordance with legal requirements and District procedures. [See FFAC(LEGAL)]</li><li>2. Nonprescription medication, in accordance with procedures, when properly labeled and in the original container.</li></ol>

*Current with TASB & BISD Changes*

WELLNESS AND HEALTH SERVICES  
MEDICAL TREATMENT

FFAC  
(LOCAL)

3. Herbal substances or dietary supplements provided and administered only by the parent and only if required by the individualized education program or Section 504 plan of a student with disabilities.

*Provided by  
District*

4. ~~Nonprescription medication provided on an emergency basis by the District and consistent with:~~
  - a. ~~Protocols established by the District's medical advisor who must be licensed to practice medicine in the state of Texas; and~~
  - b. ~~Parental consent given on the emergency treatment form.~~

~~In administering medication to students, the following procedures shall apply:~~

**Procedures**

- ~~1. The school principal shall appoint one responsible person, such as the school nurse, to supervise the storing and dispensing of medication.~~
- ~~2. The medication shall be kept in a locked place designated by the principal.~~
- ~~3. For legal purposes, written permission shall be obtained from the parent and the attending physician before dispensing prescription medication to the student.~~
- ~~4. Nonprescription medication may be dispensed to the student with written permission from the parent for up to 15 days. If nonprescription medication is needed for 15 days or more, written permission shall also be obtained from the attending physician prior to administration of the medication.~~



***Current with TASB & BISD Changes***

**WELLNESS AND HEALTH SERVICES  
MEDICAL TREATMENT**

**FFAC  
(LOCAL)**

- ~~5. The medication shall be brought to the school principal's office or designee's office by the parent and given to a person designated by the principal.~~
- ~~6. Each student's medication shall have an affixed label including his or her name, the name of the medication, and the directions concerning dosage. Instructions about the duration of the medication shall be included.~~
- ~~7. When the duration of medication is completed, unused portions of the medication shall be returned to the parent.~~
- ~~8. At the end of the school year, all medication shall be returned. 9. All prescription medication shall be reviewed at the beginning of each school year with renewed written permission obtained from the physician and/or parents to continue medication.~~

Epinephrine

The District authorizes school personnel who have agreed in writing and been adequately trained to administer an unassigned epinephrine auto-injector in accordance with law and this policy. Administration of epinephrine shall only be permitted when an authorized and trained individual reasonably believes a person is experiencing anaphylaxis.

On Campus

Authorized and trained individuals may administer an unassigned epinephrine auto-injector at any time to a person experiencing anaphylaxis on a school campus.

The District shall ensure that at each campus a sufficient number of personnel are trained to administer epinephrine so that at least one trained individual is present on campus during all hours the campus is open. In accordance with state rules, the campus shall be considered open for this purpose during regular on-campus school hours and whenever school personnel are physically on site for school-sponsored activities.

Off Campus

Authorized and trained individuals may administer an unassigned epinephrine auto-injector to a person experiencing anaphylaxis at an off-campus school event or while in transit to or from a school event when an unassigned epinephrine auto-injector is available.

Maintenance,  
Availability, and  
Training

The Superintendent shall develop administrative regulations designating a coordinator to manage policy implementation and addressing annual training of school personnel in accordance with law; procedures for auto-injector use; and acquisition or purchase, maintenance, expiration, disposal, and availability of unassigned epinephrine auto-injectors at each campus, at off-campus events, and while in transit to and from a school event.

***Current with TASB & BISD Changes***

**WELLNESS AND HEALTH SERVICES  
MEDICAL TREATMENT**

**FFAC  
(LOCAL)**

Notice to Parents

In accordance with law, the District shall provide notice to parents regarding the epinephrine program, including notice of any change to or discontinuation of this program.

**Administering Epi-Pen**

~~In an emergency involving any student having an anaphylactic reaction and in which the parent or designee is unavailable, school officials may take precautionary action in administering Epi-pen without consent. In administering Epi-pen to students, the following procedures shall apply:~~

- ~~1. When a student is experiencing an allergic reaction, the school nurse, staff or designee who have been trained shall respond immediately. The first designated person to arrive shall evaluate the student and administer the Epi-pen in accordance with protocol regulations.~~
- ~~2. Upon administering the Epi-pen to a student, designated staff shall document the incident in the student's health record.~~
- ~~3. The school nurse or designee shall contact the student's parent/guardian with reasonable time to follow-up on the status of the student's condition.~~
- ~~4. The school nurse or designee shall ensure that the Epi-pen is available to the student at all times.~~

**Administration of  
Medication to  
Athletes**

The District shall purchase nonprescription medication that may be used to prevent or treat illness or injury in the District's athletic program. Only a licensed athletic trainer or a physician licensed to practice medicine in the state of Texas may administer this medication and may do so only if:

1. The student's parent has given prior written consent for medication to be administered; and
2. The administration of a medication by an athletic trainer is in accordance with a standing order or procedures approved by a physician licensed to practice medicine in the state of Texas.

**Psychotropics**

Except as permitted by Education Code 38.016, an employee shall not:

1. Recommend to a student or a parent that the student use a psychotropic drug;

***Current with TASB & BISD Changes***

WELLNESS AND HEALTH SERVICES  
MEDICAL TREATMENT

FFAC  
(LOCAL)

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2. Suggest a particular diagnosis; or
3. Exclude the student from a class or a school-related activity because of the parent's refusal to consent to psychiatric evaluation, examination, or treatment of the student.

