



Meeting Date: February 18, 2021

Submitted By: Dr. Jeanette Ball
Title: Superintendent

Agenda Item: Policy Update 116 affecting (LOCAL) Policies, First Reading

DISCUSSION ITEM

RECOMMENDATION:

It is being recommended that the Board of Trustees review the first reading of the following Local Policies included in Update 116 as presented by TASB:

1. CQB(LOCAL): TECHNOLOGY RESOURCES - CYBERSECURITY
2. DCD(LOCAL): EMPLOYMENT PRACTICES - AT-WILL EMPLOYMENT
3. DCE(LOCAL): EMPLOYMENT PRACTICES - OTHER TYPES OF CONTRACTS
4. FFAC(LOCAL): WELLNESS AND HEALTH SERVICES - MEDICAL TREATMENT
5. GKA(LOCAL): COMMUNITY RELATIONS - CONDUCT ON SCHOOL PREMISES

Plan	The District shall develop a cybersecurity plan to secure the District's cyberinfrastructure against a cyberattack or any other cybersecurity incidents, determine cybersecurity risk, and implement appropriate mitigation planning.
Coordinator	The Superintendent shall designate a cybersecurity coordinator. The cybersecurity coordinator shall serve as the liaison between the District and the Texas Education Agency (TEA) in cybersecurity matters and as required by law report to TEA breaches of system security.
Training	<p><u>The Board delegates to the Superintendent the authority to:</u></p> <ol style="list-style-type: none">1. <u>Determine</u>Each District employee and Board member shall annually complete the cybersecurity training program <u>to be annually completed</u>designated by <u>each employee and Board member; and</u>2. <u>Verify</u>the District. The District shall verify and report compliance with staff training requirements <u>in accordance with guidance from</u>te the Department of Information Resources. <p><u>The</u>Additionally, the District shall complete periodic audits to ensure compliance with the cybersecurity training requirements.</p>
Security Breach Notifications	<p>Upon discovering or receiving notification of a breach of system security, the District shall disclose the breach to affected persons or entities in accordance with the time frames established by law. The District shall give notice by using one or more of the following methods:</p> <ol style="list-style-type: none">1. Written notice.2. Email, if the District has email addresses for the affected persons.3. Conspicuous posting on the District's websites.4. Publication through broadcast media. <p>The District's cybersecurity coordinator shall disclose a breach involving sensitive, protected, or confidential student information to TEA and parents in accordance with law.</p>

EMPLOYMENT PRACTICES
AT-WILL EMPLOYMENT

DCD
(LOCAL)

Personnel not hired under a contract shall be employed on an at-will basis.

[For information regarding contractual employment, see DCA, DCB, DCC, and DCE, as appropriate]

~~New Noncontractual Positions~~

~~All new noncontractual positions must be approved by the Board.~~

~~Suspension with or Without Pay~~

~~An at-will employee may be suspended with or without pay or placed on administrative leave by the Superintendent or designee during an investigation of alleged misconduct by the employee or at any time the Superintendent or designee determines that the District's best interest shall be served by the suspension or administrative leave.~~

Dismissal

At-will employees may be dismissed at any time for any reason not prohibited by law or for no reason, as determined by the needs of the District. At-will employees who are dismissed shall receive pay through the end of the last day worked.

Appeal of Employment Action to Board

A dismissed employee may ~~appeal~~ request to be heard by the ~~dismissal~~ Board in accordance with DGBA(LOCAL).

EMPLOYMENT PRACTICES
OTHER TYPES OF CONTRACTS

DCE
(LOCAL)

**Non-Chapter 21
Contracts**

Non-Chapter 21 contracts shall be provided for positions that do not require SBEC certification and are on the professional pay grade levels 406, 506, and above. A non-Chapter 21 contract shall not be governed by Chapter 21 of the Education Code.

**Appeal of
Employment Actions**

An employee may appeal discharge during the contract period in accordance with DCE(LEGAL).

An employee whose contract is not reissued at the end of the contract period may appeal ~~to the Board~~ in accordance with DGBA(LOCAL).

Student Illness	<p>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.</p>
Accidents Involving Students	<p>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.</p>
Emergency Treatment Forms	<p>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.</p>
Standards for All Medications	<p>All medications shall be FDA-approved pharmaceuticals (prescription and nonprescription) administered within their therapeutic range and within standards of acceptable medical regimen. Research pharmaceuticals may be administered if they are a part of a University Institutional Review Board-approved protocol. Intravenous (IV) medications and treatments shall not be administered by school personnel.</p>
Administering Medication	<p>No employee shall give any student prescription medication, non-prescription medication, herbal substances, anabolic steroids, or dietary supplements of any type, except as authorized by this or other District policy, provided below.</p>
<p>Medication Exceptions Employees authorized by the Provided by Parent Provided by Parent</p>	<p>The Superintendent shall designate the employees who are authorized to or designee may administer medication that has been provided by a student's parent. An authorized employee is permitted to administer the following medication in accordance with administrative regulationsto students:</p> <ol style="list-style-type: none"><li data-bbox="560 1312 1442 1885">1. Prescription medication in accordance with legal requirements. [See FFAC(LEGAL)] The physician or health-care professional shall be licensed to practice in the United States. Nurses employed by the District may accept orders only from those physicians who are legally authorized to practice medicine in Texas by the Texas Board of Medical Examiners (Texas Medical Practice Act, Occupations Code, Title 3, Subtitle B, Section 155.001), active duty military physicians in the state of Texas, or civilian practitioners working at a military treatment facility in the state of Texas. An out-of-state physician's orders may be accepted for a transitional 30-day period if the orders are complete. The orders shall only be considered complete if they contain the following information: a. Student's name;

- b. ~~Date of birth;~~
- c. ~~Diagnosis/condition for which the medication is prescribed;~~
- d. ~~Dose;~~
- e. ~~Route;~~
- f. ~~Frequency of administration;~~
- g. ~~Duration of treatment;~~
- h. ~~Potential side effects;~~
- i. ~~Emergency care;~~
- j. ~~Physician's name, signature, address, and telephone number; and~~
- k. ~~The date the order was written.~~

~~If after 30 days, orders from a Texas licensed physician or health care practitioners, active duty military physician in the state of Texas, or civilian practitioner working at a military treatment facility in the state of Texas are not received, the medication shall not be administered during the school day by a District employee. No exceptions to this policy shall be made. A parent or guardian or designated adult may administer the medication until orders are received from a licensed physician or health care practitioner in Texas, an active duty military physician in the state of Texas, or a civilian practitioner working at a military treatment facility in Texas.~~

~~All prescription medications shall have been prescribed by a licensed physician or health care practitioner in the United States. All medications shall have been manufactured in the United States. The physician or health care professional shall be licensed to practice in the United States.~~

2. ~~Nonprescription medication, upon a parent's written request, when properly labeled and in the original container. [See Standards for All Medications, above] The parent's written request shall be honored for up to ten school days. Thereafter, administration of any nonprescription medication shall only be with a physician's order. The licensed physician or health care practitioner must meet the requirements described in item 1.~~
 1. Herbal substances or dietary supplements provided by the parent and only if required by the individualized education program or Section 504 plan for a student with disabilities.

Medication
Provided by
District

Athletic Program

3. ~~Except as Nonprescription medication provided on an emergency basis by this policy, the District shall not purchase medication to administer to a student and consistent with:~~
- a. ~~The District shall purchase nonprescription medication that may be used to prevent or treat illness or injury in the Protocols established by the District's athletic program. Only a licensed athletic trainer or a physician medical adviser who must be licensed to practice medicine in the state of Texas may administer this medication; and may do so only if:~~
 - b. ~~The District has prior written Parental consent for medication to given on the emergency treatment form.~~
4. ~~The District shall administer the following prescription medication solely on an emergency basis: albuterol solution through a nebulizer.~~
2. ~~This prescription medication shall only be administered [see Medical Treatment, below]; and~~
- ~~The administration of a medication by an athletic trainer is in accordance with a standing order or procedures approved by:~~
- a. ~~Standing orders and protocols established by the District's medical adviser, who must be a physician licensed to practice medicine in the state of Texas; and~~
 - b. ~~Parental consent given on the emergency treatment form or, where a parent has not returned an emergency treatment form, in life-threatening situations where time is of the essence and parents cannot be contacted within a reasonable time.~~

Epinephrine

~~The determination of whether to administer this prescription medication to a student in an emergency situation shall be made solely by the school nurse, who shall assess the student's needs and administer the medication needed to alleviate the emergency.~~

The District authorizes ~~school personnel~~ 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.

	<p>The District shall ensure that at each campus a sufficient number of authorized individualspersonnel 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.</p>
<p><i>Maintenance, Availability, and Training</i></p>	<p>The Superintendent shall develop administrative regulations designating a coordinator to manage policy implementation and addressing annual training of authorized individualsschool 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.</p>
<p><i>Notice to Parents</i></p>	<p>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.</p>
<p>Field Trips/ Off-Campus School-Sponsored Events</p>	<p>For any District student attending a field trip or off-campus school-sponsored event, any prescription medication that the District is required to administer under this policy shall be sent with the student's trained and authorized District teacher and/or nurse along with instructions on the administration of the medication.</p> <p>In addition to trained and authorized District teacher(s) and/or nurse(s), a parent or legal guardian who meets the criteria for one of the following: a licensed physician in Texas, a registered nurse licensed in Texas, or a vocational nurse licensed in Texas, a physician's assistant licensed in Texas, or a pharmacist licensed in Texas may administer prescription and non-prescription medication in accordance with this policy when on overnight field trips and/or off-campus, school-sponsored events. Prior to being allowed to do so, such individuals must complete all required training for administration of prescription and non-prescription medication provided by the student's school nurse.</p> <p>Nonprescription medication(s) are not provided by the District during field trips and/or off-campus, school-sponsored events. Any such medications must be provided by the parent/guardian of the student, along with a written request, containing instructions on the administration of the nonprescription medication(s) to the student. Medications must be in the original manufacturer's container.</p> <p>In the event of an emergency medical situation involving a District student for which no District employee was previously aware and that occurs during a field trip and/or during an off-campus, school-sponsored event when no school nurse is present, emergency</p>

Enteral Feedings

~~medical services shall immediately be notified by any District employee in attendance.~~

~~All enteral feeding formulas must be commercially prepared in the United States, provided by the student's parent/guardian, and enclosed in the original sealed and unopened container when brought to the school clinic. If a licensed physician or health care practitioner orders a noncommercial formula, all ingredients must be provided in their original, unopened containers or in their natural state together with instructions for preparation.~~

~~Students requiring enteral feedings must have current orders for the enteral feedings from a licensed physician or health care practitioner in the state of Texas, an active duty military physician in the state of Texas, or a civilian practitioner working at a military treatment facility in the state of Texas. Out-of-state physician's orders for enteral feedings may be accepted for a transitional 30-day period if the orders are complete. In order to be considered complete, the out-of-state physician's orders must contain:~~

- ~~• The student's name;~~
- ~~• Date of birth;~~
- ~~• Diagnosis/condition for which the enteral feeding is prescribed;~~
- ~~• Amount of enteral formula to be administered;~~
- ~~• Frequency of administration;~~
- ~~• Specific time and method of administration;~~
- ~~• Length of time the feedings are to continue;~~
- ~~• Special instructions;~~
- ~~• Precautions/untoward reactions;~~
- ~~• The physician's name, signature, address, and telephone number; and~~
- ~~• The date the order was written.~~

~~If after 30 days, orders from a Texas licensed physician or health-care practitioner, active duty military physician in the state of Texas, or civilian practitioner working at a military treatment facility in the state of Texas are not received, the enteral feeding will not be administered during the school day by a District employee. No exceptions to this policy shall be made. A parent or guardian or designated adult may administer the enteral feeding until orders are received from a licensed physician or health-care practitioner in~~

Psychotropics	<p>Texas, an active duty military physician in the state of Texas, or a civilian practitioner working at a military treatment facility in Texas.</p> <p>Except as permitted by law<u>Education Code 38.016</u>, an employee shall not:</p> <ol style="list-style-type: none">1. Recommend to a student or a parent that the student use a psychotropic drug;2. Suggest a particular diagnosis; or3. Exclude the student from a class or a school-related activity because of the parent's refusal to consent to psychiatric evaluation or examination or treatment of the student.
<u>Medical Treatment</u>	<p><u>A student's parent, legal guardian, or other person having lawful control shall annually complete and sign a form that provides emergency information and addresses authorization regarding medical treatment. A student who has reached age 18 shall be permitted to complete this form.</u></p>
<u>The District shall seek appropriate emergency care for a student as required or deemed necessary. Compliance with Do Not Resuscitate Order</u>	<p>The Superintendent or designee shall develop guidelines and procedures to assist staff in complying with the Texas Department of State Health Services out-of-hospital do not resuscitate (DNR) orders. If a student for whom the school has a DNR order on file experiences cardiac or respiratory arrest, District personnel shall initiate such actions as specified in the written, signed, and witnessed DNR order.</p>

Access to District Property

Authorized District officials, including school resource officers and District police officers if applicable, may refuse to allow a person access to property under the District's control in accordance with law.

District officials may request assistance from law enforcement in an emergency or when a person is engaging in behavior rising to the level of criminal conduct.

Ejection or Exclusion under Education Code 37.105

In accordance with Education Code 37.105, a District official shall provide a person refused entry to or ejected from property under the District's control written information explaining the right to appeal such refusal of entry or ejection under the District's grievance process.

A person appealing under the District's grievance process shall be permitted to address the Board in person within 90 calendar days of filing the initial complaint, unless the complaint is resolved before the Board considers it. [See FNG and GF]

Off-Campus Activities

Employees shall be designated to ensure appropriate conduct of participants and others attending a school-related activity at non-District or out-of-District facilities. Those so designated shall coordinate their efforts with persons in charge of the facilities.

Prohibitions

Tobacco and E-Cigarettes

The District prohibits smoking and the use of tobacco products and e-cigarettes on District property, in District vehicles, or at school-related activities.

Weapons

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

Exceptions

No violation of this policy occurs when:

1. A Texas handgun license holder stores a handgun or other firearm in a locked vehicle in a parking lot, parking garage, or other parking area provided by the District, as long as the handgun or other firearm is not in plain view; or
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]