

Brownsville Independent School District

Tuesday, February 16, 2021



UPDATE 116 Local Policy Comparison

BRIEF SUMMARY



POINTS:

- Policy Update received January 15, 2021
- Update 116 **includes** policy recommendations to clarify a few local policies and update provisions in response to revised state rules.
- UPDATE 116 includes the following LOCAL policies
 - CQB(LOCAL) – cybersecurity
 - DCD(LOCAL) – at-will employment (addressed in Policy Review Section D)
 - DCE(LOCAL) – other types of employment contracts (addressed in Policy Review Section D)
 - FFAC(LOCAL)– medical treatment
 - GKA – conduct on school premises



(LOCAL) Policy Comparison Packet

This packet is generated by an automated process that compares the updated policy to the district's current policy as found in TASB records.

In this packet, you will find:

- Policies being recommended for revision (annotated)
- New policies (not annotated)
- Policies recommended for deletion (annotated in PDF; omitted in Word)

Annotations are shown as follows.

- *Deletions* are shown in a red strike-through font: ~~deleted text~~.
- *Additions* are shown in a blue, bold font: **new text**.
- Blocks of text that have been *moved* without alteration are shown in green, with double underline and double strike-through formatting to distinguish the text's destination from its origin: ~~moved text~~ becomes moved text.
- *Revision bars* appear in the right margin, as above.

Note: While the annotation software competently identifies simple changes, large or complicated changes—as in an extensive rewrite—may be more difficult to follow. In addition, TASB's recent changes to the policy templates to facilitate accessibility sometimes makes formatting changes appear tracked, even though the text remains the same.

For further assistance in understanding policy changes, please refer to the explanatory notes in your Localized Policy Manual update packet or contact your policy consultant.

Contact:	School Districts and Education Service Centers	Community Colleges
	policy.service@tasb.org	colleges@tasb.org
	800.580.7529 512.467.0222	800.580.1488 512.467.3689

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. Determine<u>Each District employee and Board member shall annually complete</u> the cybersecurity training program <u>to be annually completed</u>designated by <u>each employee and Board member; and</u>2. Verify 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>The<u>Additionally, the</u> 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]

Appeal to Board

Purpose

~~In the exercise of the progressive discipline process, the District's values of honesty, ethical behavior, and mutual respect should guide the content, presentation, and handling of all disciplinary situations and actions. Through a careful review process, the Superintendent intends to maintain objectivity, fairness, and consistency in the District's progressive discipline process.~~

~~Poor job performance, unacceptable or unprofessional behavior, policy violations, negative attendance trends, illegal or unethical actions, and/or misconduct shall be considered as a few examples, but shall not be interpreted as an all-inclusive list, of actions that may result in disciplinary action up to and including termination.~~

~~Various types of disciplinary actions may be taken in order to help an employee assume responsibility and modify and correct unacceptable performance behavior or actions. The alternatives available ranging from counseling to termination of employment shall be dependent on the severity or recurring nature of the violation or behavior. Misconduct deemed sufficiently serious, including criminal and gross or ethical misconduct, may result in an employee's immediate termination of employment.~~

~~The District reserves the right to move to a higher level of the progressive discipline process, suspend an employee without pay, or to demote an employee to a lower pay grade until sustained satisfactory performance or satisfactory behavior is achieved.~~

~~The employee shall always be asked to sign the warning documents to demonstrate that he or she had a discussion with the employee's supervisor. A signature is not intended to imply or indicate agreement of the issues noted. An employee may submit within ten business days of the applicable step meeting a rebuttal statement to his or her supervisor to explain the employee's point of view.~~

Process

~~No prior disciplinary action shall be a prerequisite for another disciplinary action, including termination of employment. The progressive discipline process shall be used according to the following step processes when appropriate in the judgment of the assistant superintendent for human resources or designee except in certain cases, for example in cases of criminal gross or ethical misconduct.~~

EMPLOYMENT PRACTICES
AT-WILL EMPLOYMENT

DCD
(LOCAL)

~~Step One
Counseling and
Verbal Warning~~

~~This step shall create an opportunity for the immediate supervisor to schedule a meeting with the employee to bring attention to the existing unacceptable performance conduct or behavior issue. The supervisor should discuss with the employee the nature of the problem and clearly describe expectations and required steps the employee must take to improve upon the problem and sustain the improvements. Within ten District business days of this meeting, the supervisor shall prepare written documentation of the Step One meeting.~~

~~Step Two Written
Warning~~

~~Although the District hopes that the employee will promptly correct issues noted in the Step One meeting, the District recognizes that this may not always occur. The Step Two written warning involves more formal documentation of the unacceptable actions or behavior. A warning outlining additional disciplinary actions the employee may be subject to, up to and including termination, should be included in the written warning document.~~

~~During the Step Two meeting, the immediate supervisor shall meet with the employee to review any additional incidents or information as well as prior relevant corrective action plans. The supervisor shall be encouraged to coordinate in advance with the human resources director about the situation and next steps. Management shall outline the consequences for the employee of his or her continued failure to meet performance or behavior expectations. Within ten District business days of this meeting the supervisor shall prepare written documentation of the Step Two meeting.~~

~~A growth plan may be issued that lists the required immediate and sustained corrective actions. If issued, a plan shall be issued within ten District business days of the Step Two meeting.~~

~~Step Three Final
Written Warning~~

~~If performance or behavior does not improve on a sustained basis, the immediate supervisor shall conduct a Step Three meeting with the employee and the human resources director. The employee shall be issued his or her final written warning during this meeting. The documentation shall include copies of previous warnings, indicate specific areas in which the employee must improve, and specify the time period in which the employee must take the necessary and sustained improvements.~~

~~Step Four
Recommendation
for Termination of
Employment~~

~~The last and most serious step in the progressive discipline process is a recommendation for termination of employment. When making a recommendation for termination of employment, the supervisor shall be responsible for providing the human resources department copies of supporting documentation pertaining to all actions taken to date to correct or modify the employee's actions, performance, or behavior. Recommendations for termination of~~

EMPLOYMENT PRACTICES
AT-WILL EMPLOYMENT

DCD
(LOCAL)

~~Severe or
Dangerous Actions~~

~~employment shall be reviewed and approved by the office of human resources, legal counsel, and the Superintendent prior to termination.~~

~~The termination meeting shall include informing the employee of his or her appeal rights and procedures.~~

~~There may be performance, conduct, or safety incidents so problematic and harmful that the most effective action may be temporary removal of the employee from the workplace so that an investigation may be conducted. When immediate action is necessary to ensure the safety of the employee or others, the supervisor shall immediately contact the human resources director or assistant superintendent for human resources.~~

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
Actionsto Board~~

A dismissed employee may ~~appeal~~~~request to be heard by~~ the ~~dis-~~~~missal~~~~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 included on the list approved by the Board. 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	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.
Accidents Involving Students	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.
Emergency Treatment Forms	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.
Purchasing Medication	Except as provided below at Administration of Medication to Athletes, the District shall not purchase nonprescription medication to administer to a student.
Administering Medication	No employee shall give any student prescription medication, non-prescription medication, herbal substances, anabolic steroids, or dietary supplements of any type, except as <u>authorized by this or other District policy, provided below.</u>
<u>Medication Exceptions</u> <i>Employees authorized by the Provided by Parent Provided by Parent</i>	<u>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 regulations to students:</u> <ol style="list-style-type: none">1. Prescription medication dispensed in the United States in accordance with legal requirements; for a period of up to 15 days. [See FFAC(LEGAL)] A written request by a physician or other health-care professional with authority to write prescriptions shall be required when the medication must be administered for a longer period.2. Nonprescription medication, upon a parent's written request, when properly labeled and in the original container.3. 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.
<u>Medication Provided by District</u> <u>Athletic Program</u>	<u>Except as provided by this policy, the District shall not purchase medication to administer to a student.</u> <u>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:</u>

	<p><u>1. The District has prior written consent for medication to be administered [see Medical Treatment, below]; and</u></p> <p><u>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.</u></p>
Epinephrine	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.
<i>On Campus</i>	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 authorized individuals 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.
<i>Maintenance, Availability, and Training</i>	The Superintendent shall develop administrative regulations designating a coordinator to manage policy implementation and addressing annual training of authorized individuals 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.
<i>Notice to Parents</i>	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.
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 2.1. The administration of a medication by an athletic trainer is in accordance with a standing order or procedures approved by

WELLNESS AND HEALTH SERVICES
MEDICAL TREATMENT

FFAC
(LOCAL)

Psychotropics

~~a physician licensed to practice medicine in the state of Texas.~~

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

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

Medical Treatment

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.

The District shall seek appropriate emergency care for a student as required or deemed necessary.

3.4.

COMMUNITY RELATIONS
CONDUCT ON SCHOOL PREMISES

GKA
(LOCAL)

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]