

Clarendon CISD

Clarendon CISD Wellness and Health Services

Preamble

Whereas, children need access to healthful foods and opportunities to be physically active in order to grow, learn, and thrive;

Whereas, good health fosters student attendance and education;

Whereas, obesity rates have doubled in children and tripled in adolescents over the last two decades, and physical inactivity and excessive calorie intake are the predominant causes of obesity;

Whereas, heart disease, cancer, stroke, and diabetes are responsible for two-thirds of deaths in the United States, and major risk factors for those diseases, including unhealthy eating habits, physical inactivity, and obesity, often are established in childhood;

Whereas, 33% of high school students do not participate in sufficient vigorous physical activity and 72% of high school students do not attend daily physical education classes;

Whereas, only 2% of children (2 to 19 years) eat a healthy diet consistent with the five main recommendations from the Food Guide Pyramid;

Whereas, nationally, the items most commonly sold from school vending machines, school stores, and snack bars include low-nutrition foods and beverages, such as soda, sports drinks, imitation fruit juices, chips, candy, cookies, and snack cakes;

Whereas, school districts around the country are facing significant fiscal and scheduling constraints; and

Whereas, community participation is essential to the development and implementation of successful school wellness policies;

Thus, the Clarendon Consolidated School District is committed to providing school environments that promote and protect children's health, well-being, and ability to learn by supporting healthy eating and physical activity. Therefore, it is the policy of the Clarendon School District that:

- The school district will engage students, parents, teachers, food service professionals, health professionals, and other interested community members in developing, implementing, monitoring, and reviewing district-wide nutrition and physical activity policies.

- All students in grades K-12 will have opportunities, support, and encouragement to be physically active on a regular basis.
- Foods and beverages sold or served at school will meet the nutrition recommendations of the *U.S. Dietary Guidelines for Americans*.
- Qualified child nutrition professionals will provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students; will accommodate the religious, ethnic, and cultural diversity of the student body in meal planning; and will provide clean, safe, and pleasant settings and adequate time for students to eat.
- To the maximum extent practicable, all schools in our district will participate in available federal school meal programs (including the School Breakfast Program, National School Lunch Program, Schools will provide nutrition education and physical education to foster lifelong habits of healthy eating and physical activity, and will establish linkages between health education and school meal programs, and with related community services.

#### Clarendon CISD SHAC

- The school district and/or individual schools within the district will create, strengthen, or work within existing school health councils to develop, implement, monitor, review, and, as necessary, revise school nutrition and physical activity policies. The councils also will serve as resources to school sites for implementing those policies. (A school health council consists of a group of individuals representing the school and community, and should include parents, students, representatives of the school food authority, members of the school board, school administrators, teachers, health professionals, and members of the public.)

### **Meals**

Meals served through the National School Lunch and Breakfast Programs will:

- be appealing and attractive to children;
- be served in clean and pleasant settings;
- meet, at a minimum, nutrition requirements established by local, state, and federal statutes and regulations;
- offer a variety of fruits and vegetables;<sup>2</sup>
- serve only low-fat (1%) and fat-free milk<sup>3</sup> and nutritionally-equivalent non-dairy alternatives (to be defined by USDA); and
- ensure that half of the served grains are whole grain.<sup>3, 4</sup>

**Breakfast.** To ensure that all children have breakfast, either at home or at school, in order to meet their nutritional needs and enhance their ability to learn:

- CCISD will, to the extent possible, operate the School Breakfast Program.

- CCISD that serves breakfast to students will notify parents and students of the availability of the School Breakfast Program.
- CCISD will encourage parents to provide a healthy breakfast for their children through newsletter articles, take-home materials, or other means.

**Free and Reduced-priced Meals.** CCISD will make every effort to eliminate any social stigma attached to, and prevent the overt identification of, students who are eligible for free and reduced-price school meals<sup>5</sup>. Toward this end, schools may utilize electronic identification and payment systems; provide meals at no charge to all children, regardless of income; promote the availability of school meals to all students; and/or use nontraditional methods for serving school meals, such as "grab-and-go" or classroom breakfast.

### **Meal Times and Scheduling.**

#### **Schools:**

- will provide students with at least 10 minutes to eat after sitting down for breakfast and 20 minutes after sitting down for lunch;
- should schedule meal periods at appropriate times, e.g., lunch should be scheduled between 11 a.m. and 1 p.m.;
- should not schedule tutoring, club, or organizational meetings or activities during mealtimes, unless students may eat during such activities;
- will schedule lunch periods to follow recess periods (in elementary schools);
- will provide students access to hand washing or hand sanitizing before they eat meals or snacks; and
- should take reasonable steps to accommodate the tooth-brushing regimens of students with special oral health needs (e.g., orthodontia or high tooth decay risk).

#### [View Additional Resources](#)

**Qualifications of School Food Service Staff.** Qualified nutrition professionals will administer the school meal programs. As part of the school district's responsibility to operate a food service program, we will provide continuing professional development for all nutrition professionals in schools. Staff development programs should include appropriate certification and/or training programs for child nutrition directors, school nutrition managers, and cafeteria workers, according to their levels of responsibility.<sup>6</sup>

**Sharing of Foods and Beverages.** Schools should discourage students from sharing their foods or beverages with one another during meal or snack times, given concerns about allergies and other restrictions on some children's diets.

**Foods and Beverages Sold Individually (i.e., foods sold outside of reimbursable school meals, such as through vending machines, cafeteria a la carte [snack] lines, fundraisers, school stores, etc.)**

### [View Additional Resources](#)

**Elementary Schools.** The school food service program will approve and provide all food and beverage sales to students in elementary schools. Given young children's limited nutrition skills, food in elementary schools should be sold as balanced meals. If available, foods and beverages sold individually should be limited to low-fat and non-fat milk, fruits, and non-fried vegetables.

**Middle/Junior High and High Schools.** In middle/junior high and high schools, all foods and beverages sold individually outside the reimbursable school meal programs (including those sold through a la carte [snack] lines, vending machines, student stores, or fundraising activities) during the school day, or through programs for students after the school day, will meet the following nutrition and portion size standards:

#### **Beverages**

- Allowed: water or seltzer water<sup>7</sup> without added caloric sweeteners; fruit and vegetable juices and fruit-based drinks that contain at least 50% fruit juice and that do not contain additional caloric sweeteners; unflavored or flavored low-fat or fat-free fluid milk and nutritionally-equivalent nondairy beverages (to be defined by USDA);
- Not allowed: soft drinks containing caloric sweeteners; sports drinks; iced teas; fruit-based drinks that contain less than 50% real fruit juice or that contain additional caloric sweeteners; beverages containing caffeine, excluding low-fat or fat-free chocolate milk (which contain trivial amounts of caffeine).
- A choice of at least two fruits and/or non-fried vegetables will be offered for sale at any location on the school site where foods are sold. Such items could include, but are not limited to, fresh fruits and vegetables; 100% fruit or vegetable juice; fruit-based drinks that are at least 50% fruit juice and that do not contain additional caloric sweeteners; cooked, dried, or canned fruits (canned in fruit juice or light syrup); and cooked, dried, or canned vegetables (that meet the above fat and sodium guidelines).<sup>9</sup>

#### **Portion Sizes**

Limit portion sizes of foods and beverages sold individually to those listed below:

- One and one-quarter ounces for chips, crackers, popcorn, cereal, trail mix, nuts, seeds, dried fruit, or jerky;
- One ounce for cookies;
- Two ounces for cereal bars, granola bars, pastries, muffins, doughnuts, bagels, and other bakery items;
- Four fluid ounces for frozen desserts, including, but not limited to, low-fat or fat-free ice cream;

- Eight ounces for non-frozen yogurt;
- Twelve fluid ounces for beverages, excluding water; and
- The portion size of a la carte entrees and side dishes, including potatoes, will not be greater than the size of comparable portions offered as part of school meals. Fruits and non-fried vegetables are exempt from portion-size limits.

**Snacks.** Snacks served during the school day or in after-school care or enrichment programs will make a positive contribution to children's diets and health, with an emphasis on serving fruits and vegetables as the primary snacks and water as the primary beverage. Schools will assess if and when to offer snacks based on timing of school meals, children's nutritional needs, children's ages, and other considerations. The district will disseminate a list of healthful snack items to teachers, after-school program personnel, and parents.

**Daily Physical Education (P.E.) K-12.** All students in grades K-12, including students with disabilities, special health-care needs, and in alternative educational settings, will receive daily physical education (or its equivalent of 150 minutes/week for elementary school students and 225 minutes/week for middle and high school students) for the entire school year. All physical education will be taught by a certified physical education teacher. Student involvement in other activities involving physical activity (e.g., interscholastic or intramural sports) will not be substituted for meeting the physical education requirement. Students will spend at least 50 percent of physical education class time participating in moderate to vigorous physical activity. [View Additional Resources](#)

**Daily Recess.** All elementary school students will have at least 20 minutes a day of supervised recess, preferably outdoors, during which schools should encourage moderate to vigorous physical activity verbally and through the provision of space and equipment.

Schools should discourage extended periods (*i.e.*, periods of two or more hours) of inactivity. When activities, such as mandatory school-wide testing, make it necessary for students to remain indoors for long periods of time, schools should give students periodic breaks during which they are encouraged to stand and be moderately active. [View Additional Resources](#)

**Physical Activity Opportunities Before and After School.** All elementary, middle, and high schools will offer extracurricular physical activity programs, such as physical activity clubs or intramural programs. All high schools, and middle schools as appropriate, will offer interscholastic sports programs. Schools will offer a range of activities that meet the needs, interests, and abilities of all students, including boys, girls, students with disabilities, and students with special health-care needs.

After-school child care and enrichment programs will provide and encourage – verbally and through the provision of space, equipment, and activities – daily periods of moderate to vigorous physical activity for all participants. [View Additional Resources](#)

**Physical Activity and Punishment.** Teachers and other school and community personnel will not use physical activity (e.g., running laps, pushups) or withhold opportunities for physical activity (e.g., recess, physical education) as punishment.

**Use of School Facilities Outside of School Hours.** School spaces and facilities should be available to students, staff, and community members before, during, and after the school day, on weekends, and during school vacations. These spaces and facilities also should be available to community agencies and organizations offering physical activity and nutrition programs. School policies concerning safety will apply at all times.

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### **Definitions**

In accordance with state guidelines, and for the purposes of these procedures, the following definitions will apply:

Food Tolerance	An unpleasant reaction to a food that, unlike a food allergy, does not involve an immune system response or the release of histamine. Food intolerance is not life-threatening.
Allergic Reaction	An immune-mediated reaction to a protein. Allergic reactions are not normally harmful.
Severe Food Allergy	An allergy that might cause an anaphylactic reaction
Anaphylactic Reaction	A serious allergic reaction that is rapid in onset and may cause death
Food Allergy Management Plan (FAMP)	A plan developed and implemented by the District that includes general procedures to limit the risk posed to students with food allergies and specific procedures to address the care of students with a diagnosed food allergy who are at risk for anaphylaxis.
Food Allergy Action Plan (FAAP)	A personalized plan written by a health-care provider that specifies the delivery of accommodations and services needed by a student with a food allergy and actions to be taken in the event of an allergic reaction.
Emergency Action Plan (EAP) Or Emergency Care Plan (ECP)	A personalized emergency plan written by a health-care provider that specifies the delivery of accommodations and services needed by a student in the event of a food allergy reaction.
Individualized Health – Care Plan (IHP)	A plan written by a school nurse based on orders written by a health-care provider that details accommodations or nursing services to be provided to a student because of the student’s medical condition.

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District Food Allergy Coordinator      The Superintendent has designated the following staff person as the District food allergy coordinator for students:

Name	Jennifer Bellar
Position	Federal Programs Director
Address	Clarendon CISD P.O. BOX 610 Clarendon, TX 79226
Telephone	(806) 874-3232

### **Responsibilities**

The District food allergy coordinator will:

1. Coordinate the development and ensure implementation of the District's Food Allergy Management Plan (FAMP).
2. Be responsible for disseminating applicable District policies, procedures, and the FAMP.
3. Develop, or assist in the development of food allergy request, notice, and incident report forms, as well as District-approved forms for FAAPs, ECPs, and IHPs. [See FD, FFAC, and FFAF(EXHIBIT)]
4. Coordinate the composition, responsibilities, and procedures of campus food allergy management teams (FAMT), if applicable.
5. Coordinate with the District's record management officer to develop and implement procedures for record retention. [See FD and FL]
6. Collect and maintain incident reports after a student's anaphylactic reaction at school or at a school-related activity.
7. Review individual student plans and procedures periodically and after an anaphylactic reaction by a student at school or at a school-related activity.
8. Review the FAMP and related District policies and procedures annually, including any recommendations from campus FAMTs or school health advisory councils (SHAC).
9. Develop procedures for response to fatal reactions

### **Campus Food Allergy Management Teams (FAMT)**

A campus food allergy management team will be created at each campus.

Members of the campus FAMT will include:

#### **Composition**

1. The Campus Administrator
2. CCISD School Nurse, Debbie Thompson
3. CCISD Counselor, Jenae Ashbrook
4. CCISD Food Services Manager, Pat Ritchie
5. Additional staff may be included when a student requires an individual care plan.

#### **Responsibilities**

The campus FAMT will:

1. Assist in the development, implementation, and monitoring of the District's FAMP.
2. Be responsible for disseminating applicable District policies, procedures, and the FAMP.
3. Ensure that specific food allergy information is requested from parents and students of the campus. [See FD and the student handbook]
4. Pursue ongoing, specialized training in the management of food allergies in the school setting.
5. Ensure specialized training is received by any other employees responsible for development, implementation, and monitoring of the District's FAMP.
6. Provide general food allergy awareness training to employees. See TRAINING, below.
7. Implement general strategies for reducing exposure to common food allergens at campus facilities and activities. See ENVIRONMENTAL CONTROLS, below.
8. Implement the FAAP, ECP, IHP, and/or Section 504 plans, as applicable, for a student with a diagnosed severe food allergy.
9. Develop and implement specific strategies to reduce the risk of exposure to a diagnosed allergen for a student with a severe food allergy.
10. Ensure that employees and other individuals supervising a student with a diagnosed severe food allergy receive training, as necessary, regarding implementation of the student's FAAP, ECP, IHP, and/or Section 504 plan, as applicable, and on specific strategies to reduce the risk of the student's exposure to the diagnosed allergen.
11. Develop and implement procedures related to a student's self-administration of allergy medicine, including epinephrine auto-injectors prescribed to the student. [See FFAC]
12. Implement procedures for record retention developed by the District Food Allergy Coordinator and record management officer. [See FD and FL]



13. Create and submit incident reports to the District Food Allergy Coordinator after a student's anaphylactic reaction at school or at a school-related activity.
14. Review individual care plans and procedures periodically and after an anaphylactic reaction by a student at school or at a school-related activity.
15. Review the FAMP and related District policies and procedures annually and provide input to the District Food Allergy Coordinator.
16. Implement, if necessary, procedures for response to fatal reactions.

## **Food Allergy Management Plan**

### **General Procedures**

#### **Training**

The District will provide specialized training to employees who are responsible for development, implantation, and monitoring of the FAMP.

In addition, the District will provide general food allergy awareness training addressing:

1. The FAMP and applicable District policies and procedures;
2. General strategies to reduce the risk of exposure to common food allergens;
3. Signs and symptoms of food allergies;
4. Emergency response in the event of an anaphylactic reaction at school or at a school-related activity; and
5. Bullying awareness and response. [See FFI]

#### **Environmental Controls**

The Districts general procedures to reduce the risk of exposure to common food allergens will include:

1. Limiting, reducing, and/or eliminating food from classroom(s) and other learning environments used by students diagnosed with food allergies who are at risk for anaphylaxis.
2. Implementing appropriate cleaning protocols in the school, with special attention to identified high-risk areas.
3. Posting visual reminders promoting food allergy awareness.
4. Educating students about not trading or sharing food, snacks, drinks, or utensils.
5. Implementing hand washing protocols that emphasize the use of soap and water before and after meals.
6. Assigning staff members who are trained in the administration of epinephrine auto-injectors as monitors in the food service area, as appropriate.
7. Implementing appropriate risk reduction strategies for high-risk areas in the school, including, but not limited to, the cafeteria, classroom(s), and common areas; the school bus; extracurricular activities; field trips; school-sponsored activities; and before- and after-school activities.

8. Distribution of FAAP, ECP, IHP, and 504 Service Plans as appropriate to the student's teachers, cafeteria supervisor, bus driver, coaches, activity sponsors, and supervisors.

**Information****Request**

The District will use the following methods for requesting specific allergy information from the parent of a student with a diagnosed food allergy [see FD]:

1. Request for Food Allergy Information form will be completed upon registration (Form A).

**Review**

The FAMP and related District policies will be reviewed at least annually.

**Students at Risk for Anaphylaxis Identification**

When a student is identified as having a severe food allergy, the District nurse will request that the parent provide the following documents completed by the physician or other licensed health care provider:

1. The Food Allergy Action Plan/Emergency Action Plan (Form C).
2. If the parent is requesting meal substitutions or modifications, the Statement Regarding Meal Substitutions or Modifications. (Form B)
3. The Medical Authorization form, if applicable. [See FFAC(EXHIBIT)]
4. Additional information regarding the signs and symptoms of an anaphylactic reaction that the student might experience.

The District nurse will use documents completed by the physician or other licensed health-care provider to develop an IHP for the student, if necessary.

**Eligibility for Accommodations under Federal Law**

Upon receipt of the identification information above, a student with a disability who is thought to be in need of special education and related services will be referred for formal evaluation in accordance with law. [See EHBAA(LEGAL)]

A Section 504 committee will convene to determine if accommodations, including substitutions and other school support services, are necessary for the student to receive a free appropriate public education (FAPE) under Section 504 of the Rehabilitation Act. If the committee determines that the student needs these accommodations to participate successfully and safely in the learning environment, the committee will develop a Section 504 plan. [Also see FB]

To the extent the use of epinephrine for a food allergy is not a required service or support addressed in a student's Section 504 plan or individualized education program (IEP), a FAAP, ECP, or IHP does not constitute a service or accommodation under Section 504 or the Individuals with Disabilities Education Act (IDEA).

### **Post-Identification**

The campus Food Allergy Management Team will meet with the student and parent to review the documentation and to develop:

1. Specific strategies to reduce the student's risk of exposure to the diagnosed allergen;
2. Procedures related to the student's self-administration of his or her prescribed epinephrine auto-injector, if applicable; [See FFAC]
3. Procedures for when the student is not able to self-administer anaphylaxis medication; and
4. Emergency procedures that will be implemented in the event of an anaphylactic reaction at school or at a school-related activity.

### **Notification and Training**

As necessary and in compliance with the Family Educational Rights and Privacy Act (FERPA) and District policy [see FL], notifications will be provided to staff, classmates, parents, volunteers, and substitutes of a student with a diagnosed severe food allergy, and the Food Allergy Management Team will provide training addressing:

1. General and specific strategies to reduce the student's risk of exposure to the diagnosed allergen;
2. Signs and symptoms of the food allergy; and
3. Emergency response in the event of the student's anaphylactic reaction at school or at a school-related activity.

### **Review**

Individual care plans and procedures will be reviewed periodically by the FAMT and after a student's anaphylactic reaction at school or at a school-related activity.

### **After an Anaphylactic Reaction**

#### **Reports**

After a student's anaphylactic reaction at school or at a school-related activity, the school nurse should submit an incident report to the Food Allergy Coordinator identifying:

1. If known, the source of allergen exposure;
2. Emergency action taken, including whether an epinephrine auto-injector was used and whether the student or a staff member administered the epinephrine; and
3. Any recommended changes to procedure.

## Response

After a student's anaphylactic reaction, the Food Allergy Management Team will:

1. Meet with school staff to dispel any rumors and review administrative procedures.
2. Provide to parents of other classroom students factual information that complies with FERPA and District policy and does not identify the individual student.
3. If the allergic reaction is thought to be from food provided by the school food service, work with the school food service department to ascertain what potential food item was served/consumed and how to reduce risk in the cafeteria by reviewing food labels, minimizing cross-contamination, and other strategies.
4. Review the FAAP, ECP, and IHP as applicable, and any other elements of the care plan to address any changes needed or made by the student's health-care provider.
5. If an epinephrine auto-injector was used during the reaction, ensure that the parent/guardian replaces it with a new one.

If applicable, the Section 504 committee will convene to review the student's Section 504 plan.

## Student Health Plans for other Medical Conditions

If required for the student to remain in the school setting, an IHP will be implemented. If applicable, a student's IHP must be coordinated with his or her Section 504 plan.

Wellness and Health Services FFAF

Care Plans

Food Allergy Management Plan

General Procedures

(Local)

The District shall develop and implement a student food allergy management plan that includes the components below.

Procedures to limit the risk posed to students with food allergies shall include:

1. Specialized training for employees responsible for the development, implementation, and monitoring of the District's food allergy management plan.
2. Awareness training for employees regarding signs and symptoms of food allergies and emergency response in the event of an anaphylactic reaction.
3. General strategies to reduce the risk of exposure to common food allergens.
4. Methods for requesting specific food allergy information from a parent of a student with a diagnosed food allergy. [See FD]
5. Annual review of the District's food allergy management plan.

Procedures regarding the care of students with diagnosed food allergies who are at risk for anaphylaxis shall include:

1. Development and implementation of food allergy action plans, emergency action plans, individualized health-care plans, and Section 504 plans, as appropriate.
2. Training, as necessary, for employees and others to implement each student's care plan, including strategies to reduce the student's risk of exposure to the diagnosed allergen.
3. Review of individual care plans and procedures periodically and after an anaphylactic reaction at school or at a school-related activity.

Information regarding this policy and the District's food allergy management plan shall be distributed annually in the student handbook and made available at each campus.

### **Admissions Food Allergy Information FD (Legal)**

On enrollment, the District shall request, by providing a form or otherwise, that a parent or other person with legal control of the child under a court order disclose whether the child has a food allergy or a severe food allergy that, in the judgment of the parent or other person with legal control, should be disclosed to the District to enable the District to take any necessary precautions regarding the child's safety [see FB and FFAF]; and specify the food to which the child is allergic and the nature of the allergic reaction.

The District shall maintain the confidentiality of the provided information, and may disclose the information to teachers, school counselors, school nurses, and other appropriate school personnel only to the extent consistent with District policy under Education Code 38.009 and permissible under the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. Section 1232g. [See FL]

"Severe food allergy" means a dangerous or life-threatening reaction of the human body to a food-borne allergen introduced by in- halation, ingestion, or skin contact that requires immediate medical attention.

### **Wellness and Health Services FFAF Care Plans Diabetes Management and Treatment Plan Required Elements Submission to School (Legal)**

The parent or guardian of a student who will seek care for diabetes while at school or while participating in a school activity, and the physician responsible for the student's diabetes treatment, shall develop a diabetes management and treatment plan (DMTP).

The DMTP must:

1. Identify the health-care services the student may receive at school;
2. Evaluate the student's ability to manage and level of understanding of the student's diabetes; and
3. Be signed by the parent or guardian and the physician.

The parent or guardian must submit the DMTP to the school, and the school must review the plan:

1. Before or at the beginning of the school year;
2. On enrollment of the student, if the student enrolls after the beginning of the school year; or
3. As soon as practicable following a diagnosis of diabetes for the student.

*Health and Safety Code 168.002*

Upon receiving the student's DMTP, the school principal, or designee, and the school nurse, if a school nurse is assigned to the school, shall develop an individualized health plan (IHP) for the student. The IHP shall be developed in collaboration with the student's parent or guardian and, to the extent practicable, the physician responsible for the student's diabetes treatment and one or more of the student's teachers.

A student's IHP must incorporate components of the student's

DMTP, including the information required under Health and Safety Code 168.002(b) [see REQUIRED ELEMENTS, above].

*Health and Safety Code 168.001(3), .003*

In accordance with the student's IHP, the school shall permit the student to attend to the management and care of the student's diabetes, which may include:

1. Performing blood glucose level checks;
2. Administering insulin through the insulin delivery system the student uses;
3. Treating hypoglycemia and hyperglycemia.

**Individualized Health Plan  
Independent Monitoring and Treatment  
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**Wellness and Health Services FFAF  
Care Plans  
(Legal)**

Possessing on the student's person at any time any supplies or equipment necessary to monitor and care for the student's diabetes; and otherwise attending to the management and care of the student's diabetes in the classroom, in any area of the school or school grounds, or at any school-related activity.

**Required Care**

*Health and Safety Code 168.008*

Each school shall adopt a procedure to ensure that a school nurse or at least one unlicensed diabetes care assistant (UDCA) is present and available to provide the required care to a student with diabetes during the regular school day. The District may not restrict the assignment of a student with diabetes to a particular campus on the basis that the campus does not have the required UDCA's.

*Health and Safety Code 168.007(c)-(d)*

If a school nurse is assigned to a campus and the nurse is available, the nurse shall perform the tasks necessary to assist a student with diabetes in accordance with the student's IHP.

If a school nurse is not assigned to the campus or a school nurse is not available, a UDCA shall perform the tasks necessary to assist the student in accordance with the student's IHP and in compliance with any guidelines provided during UDCA training. A UDCA may perform these tasks only if the parent or guardian of the student signs an agreement that:

1. Authorizes a UDCA to assist the student; and
2. States that the parent or guardian understands that a UDCA is not liable for civil damages [see IMMUNITY FROM LIABILITY, below].

*Health and Safety Code 168.007(a)*

If a school nurse is not assigned to a campus:

1. A UDCA must have access to an individual with expertise in the care of persons with diabetes, such as a physician, a registered nurse, a certified diabetes educator, or a licensed dietitian; or
2. The principal must have access to the physician responsible for the student's diabetes treatment.

*Health and Safety Code 168.007(b)*

**School Nurse Not Available**

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**FFAF(Legal)-P**

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**Wellness and Health Services FFAF**

**Care Plans**

**Unlicensed Diabetes Care Assistants**

**(Legal)**

At each school in which a student with diabetes is enrolled, the principal, or designee, shall:

1. Seek school employees who are not health-care professionals to serve as UDCA's and to care for students with diabetes; and
2. Make efforts to ensure the school has:
  1. At least one UDCA if a full-time nurse is assigned to the school; and
  2. At least three UDCA's if a full-time nurse is not assigned to the school.

"School employee" means a person employed by a school, a local health department that assists the school under Health and Safety Code Chapter 168 (Care of Students with Diabetes), or another entity with whom the school has contracted to perform its duties under that chapter.

"Unlicensed diabetes care assistant" means a school employee who has successfully completed the required training [see UDCA TRAINING, below].

A school employee may not be subject to any penalty or disciplinary action for refusing to serve as a UDCA.

A UDCA shall serve under the supervision of the principal.

*Health and Safety Code 168.001(5)-(6), .003-.004*

If a school nurse is assigned to the campus, the nurse shall coordinate the training of school employees acting as UDCA's. Training for UDCA's must be provided by a health-care professional with expertise in the care of persons with diabetes or by a school nurse.



The training must include instruction in the elements set forth at Health and Safety Code 168.005(d).

Training must be provided before the beginning of the school year or as soon as practicable following:

1. The enrollment of a student with diabetes at a campus that previously had no students with diabetes; or
2. A diagnosis of diabetes for a student at a campus that previously had no students with diabetes.

The school nurse or principal shall maintain a copy of the training guidelines and any records associated with the training.

*Health and Safety Code 168.005*

### **UDCA Training**

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**Wellness and Health Services FFAF**

**Care Plans**

**Information to Employees**

**(Legal)**

**Note:** Guidelines for training school employees who are not licensed health-care professionals to care for students with diabetes are available at <http://www.dshs.state.tx.us/diabetes/PDF/HB984.pdf>.

The District shall provide to each District employee who is responsible for providing transportation for a student with diabetes or supervising a student with diabetes during an off-campus activity a one-page information sheet that:

1. Identifies the student who has diabetes;
2. Identifies potential emergencies that may occur as a result of the student's diabetes and the appropriate responses to such emergencies; and
3. Provide the telephone number of a contact person in case of an emergency involving the student with diabetes.

*Health and Safety Code 168.006*

A school employee may not be subject to any disciplinary proceeding, as defined by Education Code 22.0512(b), resulting from any action taken in compliance with Health and Safety Code Chapter 168. The requirements of Chapter 168 are considered to involve the employee's judgment and discretion and are not considered ministerial acts

for purposes of immunity under Education Code 22.0511. *Health and Safety Code 168.009(a)* [See DG]

A school nurse is not responsible for and may not be subject to disciplinary action under Occupations Code Chapter 301 for actions performed by a UDCA. *Health and Safety Code 168.009(b)*

A UDCA who assists a student as provided above [see REQUIRED CARE] in compliance with the student's IHP:

1. Is not considered to be engaging in the practice of professional or vocational nursing under Occupations Code Chapter 301 or other state law; and
2. Is exempt from any applicable state law or rule that restricts the activities that may be performed by a person who is not a health-care provider.

A UDCA may exercise reasonable judgment in deciding whether to contact a health-care provider in the event of a medical emergency involving a student with diabetes.

*Health and Safety Code 168.007(e)–(f)*

### **Immunity from Liability**

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**Wellness and Health Services FFAF**

**Care Plans**

**Certain Students at Risk for Anaphylaxis**

**(Legal)**

The Board shall adopt and administer a policy for the care of students with a diagnosed food allergy at risk for anaphylaxis based on guidelines developed by the commissioner of state health services. A district that implements a policy for the care of students with a diagnosed food allergy at risk for anaphylaxis before the development of the commissioner's guidelines shall review the policy and revise the policy as necessary to ensure the policy is consistent with the guidelines.

The commissioner's guidelines may not:

1. Require the District to purchase prescription anaphylaxis medication, such as epinephrine, or require any other expenditure that would result in a negative fiscal impact on the District; or
2. Require the personnel of the District to administer anaphylaxis medication, such as epinephrine, to a student unless the anaphylaxis medication is prescribed for that student.

This section does not waive any liability or immunity of the District or its officers or employees, or create any liability for or a cause of action against the District or its officers or employees.

*Education Code 38.0151(a)–(d)*

**Note:**

See FB for the application of Section 504 of the Rehabilitation Act to students who qualify for individualized health plans.

**Student Records**

**Section I**

**FL (Legal)**

This introductory page outlines the contents of this policy on student records. See the following sections for statutory provisions on:

Pages 2–4

Section II

Pages 5–17

Section III

Section IV

Section V

Videotapes and Recordings

1. Parental consent
2. Exceptions to consent

Information from Law Enforcement

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### Education Records

1. Definition of 'education records'
2. Screening records
3. Immunization records
4. Medical records
5. Food allergy information
6. Assessment instruments
7. Academic achievement record (transcript)
8. Enrollment records

### Access, Disclosure, and Amendment

1. Access to education records
2. Information collection
3. Subpoenaed and sex offender records
4. Request procedure
5. Destruction of requested records
6. De-identified records, authenticating requestors' identities
7. Transfer by third parties to other persons
8. Record of access to student records
9. Right to amend records
10. Fees for copies
11. Records of students with disabilities
12. Annual notification of rights

### Directory Information

1. Definition and disclosure of directory information
2. Designation of directory information
3. Annual notice, contents
4. Student recruiting information, parental consent to release

**1. 2.**

**Criminal records**

**Duty to flag records of missing children**

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**Student Records 'Education Records' Defined**

**FL (Legal)**

**Section I: Education Records**

**Screening Records**

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For the purposes of this policy, the term “education records” means those records, files, documents, and other materials that contain information directly related to a student and are maintained by an education agency or institution or by a person acting for such agency or institution.

The term “education records” does not include:

1. Records that are created or received by the District after an individual is no longer a student in attendance and that are not directly related to the individual’s attendance as a student.
2. Records made by District personnel that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to anyone other than a temporary substitute for the maker of the record.
3. Records maintained by a law enforcement unit of the District that were created by that law enforcement unit for the purpose of law enforcement.
4. Records on a student who is 18 years of age or older, or who is attending an institution of postsecondary education, that are:
  1. Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;
  2. Made, maintained, or used only in connection with treatment of the student; and
  3. Disclosed only to individuals providing the treatment. For the purpose of this definition, “treatment” does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution.
5. Grades on peer-graded papers before they are collected and recorded by a teacher.

20 U.S.C. 1232g; 34 C.F.R. 99.3

The principal of each school shall maintain records of screening for special senses and communication disorders, spinal screening, and assessment for type 2 diabetes for each student in the school. Records shall be open for inspection by the state or local health department. The Texas-Mexico Border Health Coordination Office may, directly or through local health departments, enter a school and inspect records relating to assessment for type 2 diabetes. Individual screening records may be transferred among schools in accordance with provisions below concerning ACCESS BY OTHER PERSONS. 20 U.S.C. 1232g; Health and Safety Code 36.006, 37.003, 95.004; 25 TAC 37.148(o) [See FFAA]

The District shall maintain an individual immunization record during the period of attendance for each student admitted. The records shall be open for inspection at all reasonable times by the Texas Education Agency or by representatives of local health departments or the Texas Department of State Health Services. The District shall cooperate with other districts in transferring students' immunization records between other schools. Specific approval from students, parents, or guardians is not required prior to making such record transfers. Education Code 38.002 [See FFAB]

The parent or guardian of a student is entitled to access to the student's medical records maintained by the District. On request of a student's parent or guardian, the District shall provide a copy of the student's medical records to the parent or guardian. The District may not impose a charge that exceeds the amount authorized by Section 552.261 of the Government Code [see GBAA]. Education Code 38.0095

To the extent the District is a covered entity under the Health Insurance Portability and Accountability Act (HIPAA), the District must comply with the Privacy Rule, 45 C.F.R. Part 164, with respect to protected health information that is not an education record. 45 C.F.R. 160.103, 164.501 [See CRD]

Information regarding a child's food allergy, regardless of how it is received by the school or District, shall be retained in the child's student records but may not be placed in the health record maintained for the child by the District.

If the school receives documentation of a food allergy from a physician, that documentation shall be placed in the health record maintained for the child by the District.

A registered nurse may enter appropriate notes about a child's possible food allergy in the health record maintained for the child by the District, including a notation that the child's student records indicate that a parent has notified the District of the child's possible food allergy.

**Education Code 25.0022(d)–(f)**  
**Immunization Records**  
**Medical Records**  
**Privacy Rule for Non-‘Education Records’**  
**Food Allergy Information**  
**Exceptions**

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**Student Records**  
**Assessment Instruments**  
**FL (Legal)**

The results of individual student performance on basic skills assessment instruments or other achievement tests administered by the District are confidential and may be made available only to the student, the student’s parent or guardian, and to the school personnel directly involved with the student’s educational program. However, overall student performance data shall be aggregated by ethnicity, sex, grade level, subject area, campus, and District, and made available to the public, with appropriate interpretations, at regularly scheduled Board meetings. The information may not contain the names of individual students or teachers. *Education Code 39.030(b)* [See EKB]

Following guidelines developed by the Commissioner, the District shall use an academic achievement record (transcript) form that includes student demographics, school data, student data, and the record of courses and credits earned. The academic achievement record (transcript) shall serve as the academic record for each student and shall be maintained permanently by the District. Copies of the record shall be made available to students transferring to another district. The District shall respond promptly to all requests for student records from receiving districts. *19 TAC 74.5(b)* [See EI]

If a parent or other person with legal control of a child enrolls the child in a District school, the parent or other person, or the school district in which the child most recently attended school, shall furnish to the District all of the following:

1. The child’s birth certificate, or another document suitable as proof of the child’s identity as defined by the Commissioner in the *Student Attendance Accounting Handbook*.
2. A copy of the child’s records from the school the child most recently attended if he or she was previously enrolled in a school in Texas or in another state.

*Education Code 25.002(a)*

The District must furnish information under items 1 and 2 not later than the tenth working day after the date the District receives a re-quest for the information.

If a parent or other person with legal control of a child under a court order requests that the District transfer a child’s student records, the district to which the request is made shall notify the parent or other person as soon as practicable that the parent or other person may request and receive an unofficial copy of the records for delivery in person to a school in another district.

*Education Code 25.002(a-1) [See FD]*

**Academic Achievement Record (Grades 9–12)  
Enrollment Records**

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**Student Records  
Access to Education Records  
FL (Legal)**

**SECTION II: ACCESS, DISCLOSURE, AND AMENDMENT**

**Definitions**

“Attendance” includes, but is not limited to:

1. Attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom; and
2. The period during which a person is working under a work- study program.

“Disclosure” means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.

“Parent” includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.



“Personally identifiable information” includes, but is not limited to:

1. The student’s name;
2. The name of the student’s parent or other family members;
3. The address of the student or student’s family;
4. A personal identifier, such as the student’s biometric record, defined as a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting); social security number; or student number;
5. Other indirect identifiers, such as the student’s date of birth, place of birth, and mother’s maiden name;
6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
7. Information requested by a person who the District reasonably believes knows the identity of the student to whom the education record relates.

“Record” means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

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## **Student Records**

### **FL (Legal)**

#### **Definitions**

“Authorized representative” means any entity or individual designated by a state or local educational authority or an agency headed by an official listed in 34 C.F.R. 99.31(a)(3) to conduct—with respect to federal- or state-supported education programs—any audit, evaluation, or any compliance or enforcement activity in connection with federal legal requirements that relate to these programs.

“Education program” means any program that is principally engaged in the provision of education, including, but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education, and adult education, and any program that is administered by an educational agency or institution.

34 C.F.R. 99.3

“Signed and dated written consent” may include a record and signature in electronic form that:

1. Identifies and authenticates a particular person as the source of the electronic consent; and
2. Indicates such person’s approval of the information contained in the electronic consent.

*34 C.F.R. 99.30(d)*

Access to the education records of a student who is or has been in attendance at a school in the District shall be granted to the parent of the student who is a minor or who is a dependent for tax purposes. *34 C.F.R. 99.10, .31(a)(8)*

The District shall presume that a parent has authority to inspect and review the student’s records unless it has been provided with evidence that there is a court order, state statute, or legally binding document that specifically revokes these rights. A court may order the custodian of records to delete all references in a child’s records to the place of residence of either party appointed as conservator before their release to another party appointed as conservator.

*34 C.F.R. 99.4; Family Code 153.012, .073*

A parent is entitled to access to all written records of the District concerning the parent’s child, including attendance records, test scores, grades, disciplinary records, counseling records, psychological records, applications for admission, health and immunization information, teacher and school counselor evaluations, and reports of behavioral patterns. *Education Code 26.004*

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**Student Records  
Access by Student  
FL (LEGAL)**

Whenever a student has attained 18 years of age or is attending an institution of postsecondary education, the rights accorded to, and consent required of, parents transfer from the parents to the student.

Nothing in this section prevents the District from disclosing education records, or personally identifiable information from education records, to a parent without prior written consent of an eligible student if the disclosure meets the conditions in 34 C.F.R. 99.31(a),

including if the student is a dependent for tax purposes or in the case of a health or safety emergency. *34 C.F.R. 99.5*

If material in the education record of a student includes information on another student, only the portion of the material relating to the student whose records were requested may be inspected and re- viewed. *34 C.F.R. 99.12(a)*

### **Access by Other Persons**

Personally identifiable information in education records shall not be released without the written consent of the student's parents, except to the following:

1. School officials, including teachers, who have legitimate educational interests. An administrator, nurse, or teacher is entitled to access to a student's medical records maintained by the District for reasons determined in District policy.
2. A contractor, consultant, volunteer, or other party to whom the District has outsourced institutional services or functions may be considered a school official under this paragraph provided that the outside party:
  - Performs an institutional service or function for which the District would otherwise use employees;
  - Is under the direct control of the District with respect to the use and maintenance of education records; and
  - Is subject to the requirements of *34 C.F.R. 99.33(a)* governing the use and re disclosure of personally identifiable information from education records.

The District must use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests. A district that does not use physical or technological access controls must ensure that its administrative policy for controlling access to education records is effective and that it remains in compliance with the legitimate educational interest requirement.

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### **Student Records Officials of Other Schools FL (Legal)**

*34 C.F.R. 99.31, .36; Education Code 38.009*

Officials of other schools or school systems in which the student seeks or intends to enroll, or where the student is al- ready enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer, provided that the District either:

1. Includes in its policies a statement that notifies the parent or student that it forwards education records on re-quest of the other school to such officials; or
2. Makes a reasonable attempt to notify the parent (unless the record transfer is initiated by the parent).

In either case, the District shall furnish a copy of the transferred records to the parent if requested and shall give the parent an opportunity for a hearing to challenge the content of the record. *34 C.F.R. 99.34*

Authorized representatives of the officials or agencies headed by the Comptroller General of the United States, the Attorney General of the United States, the Secretary of Education, or state and local educational authorities who require access to student or other records necessary in connection with the audit and evaluation of federal- or state-supported education programs or in connection with the enforcement of or compliance with federal legal requirements that relate to such pro- grams. *34 C.F.R. 99.35*

The District may not refuse to report information concerning a student holding an F, J, or M visa on the basis of the Family Educational Rights and Privacy Act (FERPA) and any regulation implementing FERPA. The District is authorized and required to report information that would ordinarily be protected by FERPA only to the extent required by 8 U.S.C. 1372, 8 C.F.R. 214.3, or any corresponding regulation. *8 U.S.C. 1372(c)(2); 8 C.F.R. 214.1(h)*

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**Authorized Governmental Representatives**  
**Financial Aid Personnel**  
**Juvenile Justice Officials**  
**Student Records**  
**FL (Legal)**

Personnel involved with a student’s application for, or receipt of, financial aid.

State and local officials to whom such information is specifically allowed to be reported or disclosed by state statute if:

The allowed reporting or disclosure concerns the juvenile justice system and its ability to effectively serve, prior to adjudication, the student whose records are re- leased; and

The officials and authorities to whom such information is disclosed certify in writing to the District that the information will not be disclosed to any other party except as provided under state law without the prior written con- sent of the parent of the student.

## ORGANIZATIONS 6. CONDUCTING STUDIES

The Superintendent or the Superintendent's designee shall disclose information contained in a student's educational records to a juvenile service provider as required by Family Code 58.0051 [see GRAC]. *Education Code 37.084(a)*

Organizations conducting studies for, or on behalf of, the District for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction. Such studies must be conducted so that personal identification of students and their parents will not be revealed to persons other than authorized personnel of the organizations conducting the studies who have legitimate interests in the information. Such information must be destroyed when no longer needed for the original purposes of the studies.

The District must enter into a written agreement with the organization that:

1. Specifies the purpose, scope, and duration of the study or studies and the information to be disclosed;
2. Requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement;
3. Requires the organization to conduct the study in a manner that does not permit personal identification of parents and students, as defined in this part, by anyone other than representatives of the organization with legitimate interests; and

Requires the organization to destroy all personally identifiable information when the information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed.

### **Secretary Of Agriculture State or Local Child Welfare Agency**

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### **Student Records Accrediting Organizations Health or Safety Emergency FL (Legal)**

A district that enters into an agreement with an organization conducting a study may re disclose personally identifiable information from education records on behalf of educational agencies and institutions that disclosed the information to the District in accordance with the requirements of 34 C.F.R. 99.33(b).

The District is not required to initiate a study or agree with or endorse the conclusions or results of the study.

1. Accrediting organizations that require the information for purposes of accreditation.
2. Appropriate persons, including the student's parents, who, in an emergency, must have such information in order to protect the health or safety of the student or other person.
3. In making a determination, the District may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If the District determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals. If, based on the information available at the time of the determination, there is a rational basis for the determination, the United States Department of Education will not substitute its judgment for that of the District in evaluating the circumstances and making its determination. *34 C.F.R. 99.36*
4. The Secretary of Agriculture, or authorized representative from the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements of districts receiving funding or providing benefits of programs authorized under the National School Lunch Act or the Child Nutrition Act. *20 U.S.C. 1232g(b)(1)(K)*
5. An agency caseworker or other representative of a state or local child welfare agency who has the right to access a student's case plan when the agency is legally responsible, in accordance with state law, for the care and protection of the student. Records of the student shall not be disclosed by the agency, except to an individual or entity engaged in addressing the student's education needs and authorized by the person requesting directory information after the District has given public notice of that definition. *34 C.F.R. 99.37 20 U.S.C. 1232g(b); 34 C.F.R. 99.31*

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**STUDENT RECORDS  
DIRECTORY INFORMATION  
WRITTEN CONSENT  
INFORMATION COLLECTION  
U.S. DOE FUNDED SURVEYS  
FL (LEGAL)**

The parent shall provide a signed and dated written consent before the District discloses personally identifiable information from a student's education records to any individual, agency, or organization other than the parent, the student, or those listed above. Such consent shall specify records to be released, the reason for such release, and to whom the records are to be released. *34 C.F.R. 99.30*

No student shall be required, as part of any program funded in whole or in part by the U.S. Department of Education (DOE), to submit to a survey, analysis, or evaluation that reveals information concerning the following topics without the prior consent of the student (if the student is an adult or emancipated minor), or, in the case of an unemancipated minor, without the prior written consent of the parent:

1. Political affiliations or beliefs of the student or the student's parents.
2. Mental and psychological problems of the student or the student's family.
3. Sex behavior and attitudes.
4. Illegal, anti-social, self-incriminating, and demeaning behavior.
5. Critical appraisals of other individuals with whom students have close family relationships.
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers.
7. Religious practices, affiliations, or beliefs of the student or student's parent.
8. Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program. *20 U.S.C. 1232h(b)*

**Sex Offenders**  
**Request Procedure**  
**Destruction of Records**  
**De-Identified Records**

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**Student Records**  
**Information Collection Funded by other Sources**  
**Subpoenaed Records**  
**FL (Legal)**

Except as provided by 20 U.S.C. 1232h(a) or (b), as a condition of receiving funds from programs funded in whole or in part by the U.S. DOE, the District shall develop and adopt policies, in consultation with parents, pursuant to 20 U.S.C. 1232h(c)(1), and provide for parent notification in accordance with 20 U.S.C. 1232h(c)(2).

*20 U.S.C. 1232h(c)(1)–(4)* [See EF]

The District shall release student records to an entity or persons designated in a subpoena. The District shall not disclose to any person the existence or contents of the subpoena if a court orders the District to refrain from such disclosure. Unless the court or other issuing agency orders the District to refrain from such disclosure or the order is an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 U.S.C. 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. 2331, the District shall make a reasonable effort to notify the parents and the student of all such subpoenas in advance of compliance, except when a parent is a party to a court proceeding involving child abuse and neglect or dependency matters, and the order is issued in the context of that proceeding. *20 U.S.C. 1232g(b)(1)(J), (b)(2)(B); 34 C.F.R. 99.31(a)(9)*

The District may disclose personally identifiable information without consent if the disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, and the information was provided to the District under 42 U.S.C. 14071 and applicable federal guidelines. *34 C.F.R. 99.31(a)(16)*

Upon request of a properly qualified individual, access to a student's education record shall be granted within a reasonable period of time, not to exceed 45 days. The District shall respond to reasonable requests for explanations and interpretations of the records. *34 C.F.R. 99.10*

The District shall not destroy any education records if there is an outstanding request to inspect and review the records. *34 C.F.R. 99.10(e)*

The District, or a party that has received education records or information from education records, may release the records or information without the parent's written consent after the removal of all personally identifiable information provided that the District or other party has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, and taking into account other reasonably available information.

**Authenticating  
Requestors'  
Identities  
Transfer Not Permitted**

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**Student Records  
Education Research**



**FL (Legal)**

The District, or a party that has received education records or information from education records, may release de-identified student level data from education records for the purpose of education research by attaching a code to each record that may allow the recipient to match information received from the same source, provided that:

1. The District or other party that releases de-identified data under this section does not disclose any information about how it generates and assigns a record code, or that would allow a recipient to identify a student based on a record code;
2. The record code is used for no purpose other than identifying a de-identified record for purposes of education research and cannot be used to ascertain personally identifiable information about a student; and
3. The record code is not based on a student's social security number or other personal information.

The District must use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom the District discloses personally identifiable information from education records. *34 C.F.R. 99.31(b)–(c)*

Personal information from student education records shall be transferred to a third party only on the condition that such party will not permit any other party to have access to such information without the written consent of the student's parent. If a third party permits access to information in violation of this policy, the District shall not permit access to information from education records to that third party for a period of not less than five years. *20 U.S.C. 1232g(b)(4)(B); 34 C.F.R. 99.33(a)(1)*

The District shall inform a party to whom a disclosure is made of the requirements of *34 C.F.R. 99.33*, unless the disclosure is made pursuant to a court order, lawfully issued subpoena, or litigation; the disclosed information is directory information; the disclosure concerns sex offenders; or the disclosure is made to a parent of a student who is not an eligible student or to a student. *34 C.F.R. 99.33(c)–(d)*

The District may disclose personally identifiable information with the understanding that the party receiving the information may make further disclosures of the information on behalf of the District if:

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**Student Records****FL (Legal)**

The disclosures meet the requirements of 34 C.F.R. 99.31; and the District has complied with the requirements of 34 C.F.R. 99.32(b) regarding the record of disclosure; or a state or local educational authority or federal official or agency listed requesting information through a subpoena or ex parte order has complied with the requirements of 34 C.F.R. 99.32(b)(2).

## RECORD OF ACCESS TO STUDENT RECORDS

### *34 C.F.R. 99.33(b)*

Each school shall maintain a record, kept with the education record of each student that indicates all individuals, agencies, or organizations that have requested or obtained access to a student's education records, as well as the names of state and local educational authorities and federal officials and agencies listed in 34 C.F.R. 99.31(a)(3) that may make further disclosures of personally identifiable information from the student's education records without consent. The District must obtain a copy of the record of further disclosures maintained by the named authorities, officials, and agencies under 34 C.F.R. 99.32(b)(2) and make it available in response to a parent's request to review the record.

The District must record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception [see HEALTH OR SAFETY EMERGENCY, above]:

1. The articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and
2. The parties to whom the District disclosed the information.

### *34 C.F.R. 99.32*

The records shall include at least the name of the person or agency that made the request and the legitimate interest the person or agency had in the information. The record will be maintained as long as the District maintains the student's education record. The record of access shall be available only to parents, school officials responsible for custody of the records, and those state, local, and federal officials authorized to audit the operation of the system. *20 U.S.C. 1232g(b)(4)(A)*

The record shall not include requests for access by, or access granted to, parents of the student or officials of the District, requests accompanied by prior written consent of the parent, requests for directory information, or a party seeking or receiving records in accordance with a subpoena or ex parte order.

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**Student Records**  
**Right to Amend Records**  
**FL (Legal)**  
**Fees for Copies**  
**Records of Students with Disabilities**  
**Access Rights**

The parent of a student whose records are covered by this policy may ask the District to amend the student's record if the parent believes it contains information that is inaccurate, misleading, or in violation of the student's right of privacy or other rights. If the District decides not to amend the education records requested, it shall inform the parent of its decision and his or her right to a hearing to challenge the content of the student's education records.

If the District decides to amend the records as a result of the hearing, it shall inform the parent in writing. If, as a result of the hearing, the District decides not to amend the records, it shall inform the parent of the right to place a statement in the records commenting on the contested information and/or stating why the parent disagrees with the decision of the District. Any explanation shall be maintained with the contested part of the record for as long as the record is maintained and shall be disclosed whenever the contested portion of the record is disclosed.

*34 C.F.R. 99.20-.21*

No fee shall be charged to search for or to retrieve the education records of a student. A fee may be charged for copies of education records that are made for the parents or students under this policy provided that the fee does not effectively prevent them from exercising their right to inspect and review those records. Hardship cases shall be dealt with on an individual basis. *20 U.S.C. 1232g; 34 C.F.R. 99.11; Education Code 26.012*

The District shall permit parents to inspect and review education records collected, maintained, or used for purposes of identifying, evaluating, placing, or educating students with disabilities. *34 C.F.R. 300.613(a)*

Parents may request that a representative inspect and review the records. *34 C.F.R. 300.613(b)(3)*

The District shall comply with a request without unnecessary delay and before any meeting regarding an individualized education program (IEP) or hearing relating to the identification, evaluation, or placement of the child, and in no case longer than 45 days after the request. *34 C.F.R. 300.613(a)*

The District shall keep a record of persons obtaining access to these student records (except access by parents and authorized employees), including name, date of access, and the purpose for which the person is authorized to use the records. *34 C.F.R. 300.614*

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## **List of Types and Locations of Information**

### **Parental Consent**

#### **Confidentiality**

The District shall provide parents on request a list of types and locations of education records. *34 C.F.R. 300.616*

Parental consent must be obtained before personally identifiable information is used for any purpose other than meeting a requirement under the Individuals with Disabilities Education Act or disclosed to anyone other than officials of agencies collecting or using this information. The District may not release information from these records without parental consent except as provided in FERPA. *34 C.F.R. 300.622*

The District shall protect the confidentiality of personally identifiable information in collection, storage, disclosure, and destruction of records. One official in the District shall assume responsibility for ensuring confidentiality of personally identifiable information. All persons collecting or using this information shall receive training or instruction concerning the legal requirements involved in handling these records. The District shall maintain for public inspection a current listing of the names and positions of employees who may have access to this information. *34 C.F.R. 300.623*

The District shall inform parents when personally identifiable information collected, maintained, or used to provide special education and related services is no longer needed to provide educational services to the student. Such information shall be destroyed at the request of the parents.

A permanent record of the student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

*34 C.F.R. 300.624*

**Destruction of Information  
Annual Notification of Rights**

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**Student Records  
FL (Legal)**

The District shall give parents of students in attendance and eligible students in attendance annual notification of their rights under FERPA.

The notice must inform parents or eligible students that they have the right to:

1. Inspect and review the student's education records;
2. Seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;
3. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the Act and 34 C.F.R. 99.31 authorize disclosure without consent; and
4. File with the United States Department of Education a complaint under 34 C.F.R. 99.63 and 99.64 concerning alleged failures by the District to comply with the requirements of the Act and 34 C.F.R. part 99.

The notice must include all of the following:

1. The procedure for exercising the right to inspect and review education records.
2. The procedure for requesting amendment of records under 34 C.F.R. 99.20.
3. If the District has a policy of disclosing education records under 34 C.F.R. 99.31(a)(1), a specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

The District may provide this notice by any means that are reasonably likely to inform the parents or eligible students of their rights.

The District shall effectively notify parents who are disabled and parents of students who have a primary or home language other than English. *20 U.S.C. 1232g(e); 34 C.F.R. 99.7*

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### **SECTION III: DIRECTORY INFORMATION**

“Directory information” means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information includes the student’s name, address, telephone listing, electronic mail address, photograph, date and place of birth, dates of attendance, grade level, enrollment status, participation in officially recognized activities and sports, weight and height of members of athletic teams, honors and awards received, and the most recent educational agency or institution attended. “Directory information” does not include a student’s:

1. Social security number; or
2. Student identification (ID) number, unless:

The student ID number, user ID number, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user’s identity, such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user; or

The student ID number or other unique personal identifier that is displayed on a student ID badge cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user’s identity, such as a PIN, password, or other factor known or possessed only by the authorized user.

### **DISCLOSURE OF DIRECTORY INFORMATION**

The District may release directory information if it has given public notice of:

1. The types of personally identifiable information that it has designated as directory information.
2. The right of the parent to refuse to permit the District to designate any or all of that information about the student as directory information.
3. The period of time within which the parent must notify the District in writing that he or she does not want any or all of those types of information about the student designated as directory information.

A parent or eligible student may not use the right of refusal to opt out of directory information disclosures to prevent the District from disclosing or requiring a student to

disclose the student's name, identifier, or institutional e-mail address in a class in which the student is enrolled.

The District may disclose directory information about former students without satisfying the public notice conditions above. However, the District must continue to honor any valid request to opt out of the disclosure of directory information made while a student was in attendance unless the student rescinds the opt-out request.

The District may not disclose or confirm directory information without meeting the written consent requirements in 34 C.F.R. 99.30 if a student's social security number or other non-directory information is used alone or combined with other data elements to identify or help identify the student or the student's records. 34 C.F.R. 99.3, .37

### **In Class**

#### **Former Students**

#### **Confirmation of Identity or Records**

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### **Student Records**

#### **Designation of Directory Information**

#### **Annual Notice**

#### **Contents of Notice**

#### **FL (Legal)**

The District may designate as directory information any or all information defined as directory information by FERPA. Directory information under that Act that is not designated by the District as directory information for that District is accepted from disclosure by the District under Government Code Chapter 552. [See GBA]

Directory information consented to by a parent for use only for a limited school-sponsored purpose, such as for a student directory, student yearbook, or District publication, if any such purpose has been designated by the District, remains otherwise confidential and may not be released under Government Code Chapter 552.

The District shall provide the following to the parent of each District student, at the beginning of each school year or on enrollment of the student after the beginning of the school year:

1. A written explanation of the provisions of FERPA regarding the release of directory information about the student; and

2. Written notice of the right of the parent to object to the release of directory information about the student under FERPA.

The notice must contain:

1. The following statement in boldface type that is 14-point or larger:

“Certain information about District students is considered directory information and will be released to anyone who follows the procedures for requesting the information unless the parent or guardian objects to the release of the directory information about this student. If you do not want [insert name of District] to disclose directory information from your child’s education records without your prior written consent, you must notify the District in writing by [insert date]. [Insert name of District] has designated the following information as directory information: [Here the District must include any directory information it chooses to designate as directory information for the District, such as a student’s name, address, telephone listing, electronic mail address, photograph, degrees, honors, and awards received, date and place of birth, major field of study, dates of attendance, grade level, most recent education institution attended, participation in officially recognized activities and sports, and the weight and height of members of athletic teams.]”;

2. A form, such as a check-off list or similar mechanism, that:

Immediately follows, on the same page or the next page, the required statement; and notwithstanding the DIRECTORY INFORMATION provisions above, each district receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) shall provide, on a request made by military recruiters or an institution of higher education, access to secondary school students’ names, addresses, and telephone listings. *Education Code 26.013*

A secondary school student or the parent of the student may request that the student’s name, address, and telephone listing described above not be released without prior written parental consent, and the District shall notify parents of the option to make a request and shall comply with any request. *20 U.S.C. 7908*

**Student Recruiting Information**  
**Videotapes and Recordings**  
**Consent to Release**

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**Student Records  
FL (Legal)**

**SECTION IV: VIDEOTAPES AND RECORDINGS**

A District employee must obtain the written consent of a child's parent before the employee may make or authorize the making of a

1. A statement that federal law requires districts receiving assistance under the Elementary and Secondary Education Act of 1965 to provide a military recruiter or an institution of higher education, on request, with the name, address, or telephone number of a secondary student unless the parent has advised the District that the parent does not want the student's information disclosed without the parent's prior written consent.

Allows a parent to record:

1. (1) The parent's objection to the release of all directory information or one or more specific categories of directory information if District policy permits the parent to object to one or more specific categories of directory information;
2. (2) The parent's objection to the release of a secondary student's name, address, and telephone number to a military recruiter or institution of higher education; and
3. (3) The parent's consent to the release of one or more specific categories of directory information for a limited school-sponsored purpose if such purpose has been designated by the District and is specifically identified, such as for a student directory, student yearbook, or District publication; and videotape of a child or record or authorize the recording of a child's voice.

A District employee is not required to obtain the consent of a child's parent before the employee may make a videotape of a child or authorize the recording of a child's voice if the videotape or voice recording is to be used only for:

1. The purposes of safety, including the maintenance of order and discipline in common areas of the school or on school buses;
2. A purpose related to a co-curricular or extracurricular activity;
3. A purpose related to regular classroom instruction; or
4. Media coverage of the school.

*Education Code 26.009* [See EHA, FM, and FO]

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**Student Records  
Exceptions  
FL (Legal)**

**SECTION V: INFORMATION FROM LAW ENFORCEMENT**

Upon receipt of oral notice from the head of a law enforcement agency or designee that the law enforcement agency has arrested a student or referred a student to the juvenile board for a specified offense [see GRAA], the Superintendent shall immediately notify all instructional and support personnel who have responsibility for supervising the student. All personnel shall keep the information received confidential.

Upon subsequent receipt of confidential, written notice of the arrest or referral, the Superintendent or designee shall send the information in the confidential notice to a District employee having direct supervisory responsibility over the student.

Upon receipt of oral notice from a prosecuting attorney of a student's conviction, deferred prosecution, or adjudication of a specified offense, including a statement as to whether the student is required to register as a sex offender, the Superintendent shall, within 24 hours of receiving the notice, or before the next school day, whichever is earlier, notify all instructional and support personnel who have regular contact with the student.

Upon receipt of notice from a parole, probation, or community supervision office having jurisdiction over a student that a student has transferred or reenrolled, the Superintendent of the District to which the student transfers or returns shall, within 24 hours of receiving the notice, or before the next school day, whichever is earlier, notify all instructional and support personnel who have regular contact with the student.

**Information from Law Enforcement  
Oral Notice of Arrest or Referral  
Written Notice of Arrest or Referral  
Oral Notice of Conviction or Adjudication  
Notice of Transfer or Reenrollment**

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**Student Records  
Contents of Notice  
FL (Legal)**

A person who receives information described above shall not disclose it except as specifically authorized by Code of Criminal Procedure 15.27.

Required oral or written notice must include all pertinent details of the offense or conduct, including details of any:

1. Assaultive behavior or other violence;
2. Weapons used in the commission of the offense or conduct; or
3. Weapons possessed during the commission of the offense or conduct.

*Code of Criminal Procedure 15.27(a)–(c), (k)*

Information received by the District under this provision shall not be attached to the permanent academic file of the student who is the subject of the report. The District shall destroy the information at the end of the academic year in which the report was filed.  
*Education Code 37.017*

Upon receipt of notification from a law enforcement agency or the missing children and missing persons information clearinghouse that a child under 11 years of age who attended or who is enrolled in the school is missing, the school shall flag the child's records and maintain the records in its possession so that on receipt of a request regarding the child, the school will be able to notify law enforcement or the missing children and missing persons information clearinghouse that a request for a flagged record has been made.

**Duty to Flag Records  
Request in Person**

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**Student Records  
FL (Legal)**

When a request for a flagged record is made in person, the school may not advise the requesting party that the request concerns a missing child and shall:

1. Require the person requesting the flagged record to complete a form stating the person's name, address, telephone number, and relationship to the child

- for whom a request is made, and the name, address, and birth date of the child;
2. Obtain a copy of the requesting party's driver's license or other photographic identification, if possible;
  3. If the request is for a birth certificate, inform the requesting party that a copy of a certificate will be sent by mail; and

Immediately notify the appropriate law enforcement agency that a request has been made concerning a flagged record and include a physical description of the requesting party, the identity and address of the requesting party, and a copy of the requesting party's driver's license or other photographic identification.

After providing the information listed above, the school shall mail a copy of the requested record to the requesting party on or after the 21st day after the date of the request.

When a request for a flagged record is made in writing, the school may not advise the requesting party that the request concerns a missing child and shall immediately notify the appropriate law enforcement agency that a request has been made concerning a flagged record and provide to the law enforcement agency a copy of the written request. After providing the notification, the school shall mail a copy of the requested record to the requesting party on or after the 21st day after the date of the request.

On the return of a missing child under 11 years of age, the law enforcement agency shall notify each school that has maintained flagged records for the child that the child is no longer missing. On receipt of this notification, the school shall remove the flag from the records.

A school that has reason to believe that a missing child has been recovered may request confirmation that the missing child has been recovered from the appropriate law enforcement agency or the missing children and missing person's information clearing-house. If a response is not received after the 45th day after the date of the request for confirmation, the school may remove the flag from the record and shall inform the law enforcement agency or the missing children and missing person's information clearing-house that the flag has been removed.

*Code of Criminal Procedure 63.020-.022*

### **Request in Writing Removal of Flag**

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**Wellness and Health Services FFAC**  
**Medical Treatment**  
**Consent to Medical Treatment**  
**(Legal)**

The school in which a minor student is enrolled may consent to medical, dental, psychological, and surgical treatment of that student, provided all of the following conditions are met:

1. The person having the power to consent as otherwise provided by law cannot be contacted.
2. Actual notice to the contrary has not been given by that person.
3. Written authorization to consent has been received from that person.

*Family Code 32.001(a)(4)*

Consent to medical treatment under this policy shall be in writing, signed by the school official giving consent, and given to the doctor, hospital, or other medical facility that administers the treatment. The consent must contain:

1. The name of the student.
2. The name of one or both parents, if known, and the name of the managing conservator or guardian of the student, if either has been appointed.
3. The name of the person giving consent and the person's relation to the student.
4. A statement of the nature of the medical treatment to be given.
5. The date on which the treatment is to begin.

*Family Code 32.002*

**Form of Consent**  
**Minor's Consent to**  
**Treatment**

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A minor may consent to medical, dental, psychological, and surgical treatment furnished by a licensed physician or dentist if the minor:

1. Is 16 years of age and residing separate and apart from the minor's parents, managing conservator, or guardian, with or without the consent of the parents, conservator, or guardian and regardless of the duration of the residence, and is managing his or her own financial affairs, regardless of the source of the income;

2. Consents to the diagnosis and treatment of any infectious, contagious, or communicable disease required to be reported to the Texas Department of State Health Services, including all reportable diseases under Health and Safety Code 81.041;
3. Is unmarried and pregnant, and consents to hospital, medical, or surgical treatment, other than abortion, related to her pregnancy; or
4. Consents to examination and treatment for drug or chemical addiction, drug or chemical dependency, or any other condition directly related to drug or chemical use.

### **Administering Medication**

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### **Wellness and Health Services FFAC Medical Treatment (Legal)**

*Family Code 32.003; Planned Parenthood of Cent. Mo. v. Danforth, 428 U.S. 52 (1976); Bellotti v. Baird, 443 U.S. 622 (1979)*

Upon adoption of policies concerning the administration of medication to students by District employees, the District, the Board, and the District's employees are immune as described below, provided:

1. The District has received a written request to administer the medication from the parent, legal guardian, or other person having legal control of the student.
2. When administering prescription medication, the medication is administered either:
  1. From a container that appears to be the original container and to be properly labeled; or
  2. From a properly labeled unit dosage container filled by a registered nurse or another qualified District employee, as determined by District policy, from a container that appears to be the original container and to be properly labeled.

If the District provides liability insurance for a licensed physician or registered nurse who provides volunteer services to the District, the Board may allow the physician or nurse to administer to any student nonprescription medication or medication currently pre-scribed for the student by the student's personal physician.

The District, the Board, and its employees shall be immune from civil liability for damages or injuries resulting from the administration of medication to a student in accordance with this policy.

*Education Code 22.052(a), (b)*

[See DG regarding protection of nurses for refusal to perform acts]

**By Volunteer Professionals  
Immunity from Civil Liability  
Self- Administration of Asthma or Anaphylaxis Medicine**

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**Wellness and Health Services FFAC  
Medical Treatment  
(Legal)**

A student with asthma or anaphylaxis may possess and self- administer prescription asthma or anaphylaxis medicine while on school property or at a school-related event or activity if:

1. The medicine has been prescribed for that student as indicated by the prescription label on the medicine;
2. The student has demonstrated to the student's physician or other licensed health-care provider and the school nurse, if available, the skill level necessary to self-administer the prescription medication, including the use of any device required to administer the medication;
3. The self-administration is done in compliance with the prescription or written instructions from the student's physician or other licensed health-care provider; and
4. A parent of the student provides to the school:
  1. Written authorization, signed by the parent, for the student to self-administer the prescription medicine while on school property or at a school-related event or activity; and
  2. A written statement, signed by the student's physician or other licensed health-care provider, that states:
    1. (1) That the student has asthma or anaphylaxis and is capable of self-administering the medicine;
    2. (2) The name and purpose of the medicine;
    3. (3) The prescribed dosage for the medicine;

4. (4) The times at which or circumstances under which the medicine may be administered; and
5. (5) The period for which the medicine is prescribed.

The physician's statement must be kept on file in the school nurse's office, or, if there is no school nurse, in the office of the principal of the school the student attends.

[See FFAF for care of students with diagnosed food allergies at risk for anaphylaxis.]

The provisions above neither waive any liability or immunity nor create any liability for or a cause of action against the District, the Board, or its employees.

*Education Code 38.015*

### **No Waiver of Immunity Dietary Supplements**

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### **Wellness and Health Services FFAC Medical Treatment (Legal)**

A District employee commits a Class C misdemeanor offense if the employee:

1. Knowingly sells, markets, or distributes a dietary supplement that contains performance enhancing compounds to a primary or secondary education student with whom the employee has contact as part of the employee's District duties; or
2. Knowingly endorses or suggests the ingestion, intranasal application, or inhalation of a dietary supplement that contains performance enhancing compounds by a primary or secondary education student with whom the employee has contact as part of the employee's District duties.

### **PRESCRIPTION MEDICATION AND SPECIAL EDUCATION STUDENTS**

*Education Code 38.011(a), (c)*

An employee of the District is prohibited from requiring a child to obtain a prescription for a substance covered under the federal Controlled Substances Act (21 U.S.C. 801 *et seq.*)



as a condition of attending school, receiving an evaluation for special education, or receiving special education and related services.

An employee is not prohibited from consulting or sharing class- room-based observations with parents regarding a student's academic and functional performance, behavior in the classroom or school, or the need for evaluation for special education or related services.

*20 U.S.C. 1412(a)(25)*

A District employee may not:

1. Recommend that a student use a psychotropic drug; or
2. Suggest any particular diagnosis; or
3. Use the refusal by a parent to consent to administration of a psychotropic drug to a student or to a psychiatric evaluation or examination of a student as grounds, by itself, for prohibiting the child from attending a class or participating in a school-related activity.

Psychotropic drug means a substance that is used in the diagnosis, treatment, or prevention of a disease or as a component of a medication and intended to have an altering effect on perception, emotion, or behavior.

Education Code 38.016(b) does not:

### **Psychotropic and Psychiatric Evaluations**

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### **Wellness and Health Services FFAC Medical Treatment (Legal)**

1. Prevent an appropriate referral under the Child Find system required under 20 U.S.C. Section 1412, as amended; or
2. Prohibit a District employee who is a registered nurse, advanced nurse practitioner, physician, or certified or appropriately credentialed mental health professional from recommending that a child be evaluated by an appropriate medical practitioner; or
3. Prohibit a school employee from discussing any aspect of a child's behavior or academic progress with the child's parent or another District employee.

The Board shall adopt a policy to ensure implementation and enforcement of Education Code 38.016.

A violation of Education Code 38.016(b) does not override the immunity from personal liability granted in Education Code 22.0511 or other law or the District's sovereign or governmental immunity.

*Education Code 38.016*