OUACHITA PARISH SCHOOLS

Building Bridges to the Future

Policies for Consideration

August 27, 2024

Policy	Topic
ABCB	Qualifications for School Board Members
BBBC	School Board Member Continuing Education
BCBB	Notification of School Board Meetings
GBA	Contracts and Compensation
GBRIB	Sick Leave
GBRIBB	Sick Leave Bank
JDA	Corporal Punishment
JGC	Student Health Services
JGCB	Immunizations
JGCD	Administration of Medication
JGCFA	Behavioral Health Services for Students

Policies for Board Consideration
August 27, 2024

Policy	Topic	Description
ABCB	Qualifications for School Board Members	Includes the requirement that School Board members possess a high school diploma, or its equivalent (Act 204, effective August 1, 2024)
BBBC	School Board Member Continuing Education	Includes special education to the list of training and instruction for School Board Members (Act 198, effective August 1, 2024)
BCBB	Notification of School Board Meetings	Rewords the notification method to "giving notice" rather than "mailing notice." Requires that notice be given to any member of the public who request it, in the same time and manner as it is given to members of the news media who requests it (Act 617, effective August 1, 2024)
GBA	Contracts and Compensation	Addresses additional compensation to be paid to employees for work not specifically covered in the employee's job description (Act 311, effective May 28, 2024)
GBRIB	Sick Leave	Extends the amount of leave that school employees receive for a disability caused by physical contact with a student from ninety (90) days to one year. (Act 315, effective May 28, 2024)
GBRIBB	Sick Leave Bank	Revises guiding statue to include provisions that an employee could donate sick days directing to another employee in an amount not to exceed ½ of the donating employee's accumulated leave as calculated at the beginning of the school year (Act 115, effective August 1, 2024)
JDA	Corporal Punishment	"Taping a student's mouth shut or otherwise restricting his or her airway in any manner is prohibited regardless of parental consent."
JGC	Student Health Services	Requires noncomplex health procedures be prescribed by a physician in Louisiana or any other state of the United States –previously the physicians had to be from LA or adjacent state. (Act 161, effective May 23, 2024)
JGCB	Immunizations	Teachers or administrators may not distinguish between students based on whether or not they have received vaccinations including but not limited to: determination of eligibility for athletics or extracurricular activities... No student shall be required to receive a Covid-19 vaccine as a condition of enrollment or attendance (Acts 460 and 674, effective August 1, 2024).
JGCD	Administration of Medication	Requires policy be adopted on use of naloxone or other opioid antagonists. Defines "trained school employees" other than nurses who are authorized to administer naloxone in emergencies. (Acts 161 and 378, effective August 1, 2024)
JGCFA	Behavioral Health Services for Students	Revisions included: 1)providers must be providing medically necessary services, 2) providers who are licensed, certified or registered by the La Behavior Analyst Board who provide documentation of criminal background check and are in good standing with the Board to forgo additional background check, 3) allowing services to be provided at any part of the school day, including instructional time, and 4) adding definitions for independent third-party payor and medically necessary services (Act 745, effective June 19, 2024)

POLICYALERT

August, 2024 Forethought Consulting, Inc.

POLICY UPDATE: 2024

August 2024: LEGISLATIVE UPDATE PART III

PolicyAlert 2024 Legislative Update Series Part III covers a variety of policies, including qualifications and training of School Board members, School Board meeting notification, employee compensation, sick leave and sick leave bank policies, and student policies largely focusing on health issues.

School Board Member Qualifications

Act 204, effective August 1, 2024, revised La. Rev. Stat. Ann. §17:52 to include the requirement that School Board members possess a high school diploma, or its equivalent as determined by the State Board of Elementary and Secondary Education.

Although we did not add it to the *School Board Member Qualifications* policy, the Act also included new language that prohibits a person from serving on the School Board who has been convicted of or pled *nolo contendere* to a crime listed in La. Rev. Stat. Ann. §15:587.1 (C).

School Board Member Continuing Education

Act 198, effective August 1, 2024, revised La. Rev. Stat. Ann. §17:53, by including special education to the list of training and instruction for School Board members. This requirement has been added to the *School Board Member Continuing Education* policy.

Policies In This Issue:

- **School Board Member Qualifications**
- **School Board Member Continuing Education**
- **Notification of School Board Meetings**
- **Contracts and Compensation**
- **Sick Leave**
- **Sick Leave Bank**
- **Corporal Punishment**
- **Student Health Services**
- **Immunizations**
- **Administration of Medication**
- **Behavioral Health Services for Students**

Notification of School Board Meetings

Act 617, effective August 1, 2024, revised La. Rev. Stat. Ann. §42:19, rewording the notification method to "giving notice" rather than "mailing notice." That statute also now requires that notice be given to any member of the public who requests it, in the same time and manner as it is given to members of the news media who requests it.

La. Rev. Stat. Ann. §42:19 also includes a new requirement that notice be provided to the Commissioner of Administration in a format and manner that allows the Commissioner to post the notice on the Commissioner's website twenty-four (24) hours prior to the scheduled time of the meeting.

These revisions are reflected in the policy *Notification of School Board Meetings.*

Contracts and Compensation

Act 311, effective May 28, 2024, revised La. Rev. Stat. Ann. §17:418 to address additional compensation to be paid to employees for work not specifically covered in the employee's job description. The School Board is tasked with developing a uniform supplemental salary schedule for the 2024-2025 school year for certified employees that covers compensation for duties performed beyond the scope of their prescribed duties and responsibilities. These new provisions have been reflected in the *Contracts and Compensation* policy.

Sick Leave

Act 315, effective May 28, 2024, revised La. Rev. Stat. Ann. §17:1206 to extend the amount of leave that school employees receive for a disability caused by physical contact with a student from ninety (90) days to one (1) year. This revision has been reflected in the *Sick Leave* policy.

Sick Leave Bank

Act 115, effective August 1, 2024, revised La. Rev. Stat. Ann. §§17:500.2, 17:1202, and 17:1206.2. These statutes address extended sick leave for school bus operators, teachers, and school employees respectively. In 2012, the Legislature required that each School Board adopt a policy which implemented a sick leave bank to allow for donation of sick leave among employees. No particulars were included in the then statutory language. That legislation did not address donations made directly to employees, but instead was interpreted to establish banks for each separate classification of employees that leave could be donated to, and pulled from, when an employee needed extra sick leave.

Act 115 revised each guiding statute to include provisions that an employee could donate directly to another employee in an amount not to exceed one-half of the donating employee's accumulated leave as calculated at the beginning of the school year.

Act 115 also included a provision that at least ninety percent (90%) of the leave balance in the bank be retained from one year to the next. As the information is included in each guiding statute, we feel that the ninety percent (90%) applies to the balance in each of the separate accounts for bus operators, teachers, and school employees. Some School Boards' policies had language which required that the bank started anew each year without carryover. This is no longer allowed.

Corporal Punishment

Act 780, effective August 1, 2024, added language to La. Rev. Stat. Ann. §17:416.1 that strictly prohibits taping a student's mouth shut or otherwise restricting his or her airway, regardless of parental consent. The *Corporal Punishment* policy has been revised accordingly for School Boards as needed.

Student Health Services

Act 161, effective May 23, 2024, revised La. Rev. Stat Ann. §17:463.1 to require noncomplex health procedures be prescribed by a physician licensed in Louisiana or any other state of the United States. Previously the prescriptions had to be from physicians licensed in Louisiana or an adjacent state. This language has been included in the *Student Health Services* policy.

Immunizations

The *Immunizations* policy has been revised to reflect revisions from Act 460 and Act 674, both effective August 1, 2024, which revised La. Rev. Stat. Ann. §17:170. Act 460 added language stating that teachers or administrators may not distinguish between students based on whether or not they have received vaccinations. The following acts are

specifically prohibited, but are not limited to: determination of eligibility for athletics or extracurricular activities; allowing or denying participation inside and outside the classroom; issuance of surveys relative to vaccination status; and organizing seating arrangements.

Act 674 revised the statute to prohibit requiring a student to receive a Covid-19 vaccine as a condition of enrollment or attendance.

Administration of Medication

The *Administration of Medication* policy has been revised to reflect provisions of Act 161, effective May 23, 2024, and Act 378, effective August 1, 2024, which revised La. Rev. Stat. Ann. §17:436.1. As discussed above for the *Student Health Services* policy, Act 161 changed the language which said prescriptions must be from physicians licensed in Louisiana or an adjacent state, to "in Louisiana or any other state of the United States."

Whereas School Boards were not previously required to have a policy addressing the maintenance of a supply of naloxone and its use, Act 378 revised the statute to **require** such a policy be adopted on use of naloxone or other opioid antagonists. The Act defines "trained school employees" other than nurses who are authorized to administer naloxone in emergencies. School Boards with separate policies on the use of naloxone or other opioid antagonists have been revised accordingly as well.

Behavioral Health Services for Students

Act 745, effective June 19, 2024, revised La. Rev. Stat. Ann. §17:173 to include several changes reflected in the recently recoded policy *Behavioral Health Support for Students.* Some of the revisions include:

1. That providers must be providing "medically necessary" services "authorized by an independent third-party payor."

2. Allowing providers who are licensed, certified, or registered by the Louisiana Behavior Analyst Board who provide documentation of having passed a criminal background check and are in good standing with the Board to forgo an additional criminal background check.

3. Allowing services to be provided at any part of the school day, including instructional time.

4. Adding definitions for "independent third-party payor" and "medically necessary services."

Coming Soon:

Forethought Consulting, Inc. is not quite done with the 2024 Louisiana Legislative Session policy updates. The last group of policy revisions should be ready by the end of September.

QUALIFICATIONS FOR SCHOOL BOARD MEMBERS

Persons eligible to serve as members of the Ouachita Parish School Board shall have the following minimum qualifications:

1. A School Board member shall have attained the age of eighteen (18).

2. A School Board member shall possess a high school diploma or its equivalent, as determined by the Louisiana Department of Education.

3. A School Board member shall be a resident of the election district for the preceding year.

4. A School Board member shall have resided in the state for the preceding two (2) years.

5. A School Board member shall be able to read and write.

6. A School Board member shall not be serving on certain other boards specified in the Constitution of Louisiana's prohibition against dual office holding.

7. A School Board member shall have affirmed to the prescribed oath.

Should any member of the School Board move his/her domicile from the election district from which such member was elected, the seat held by said member shall be declared vacant, and such vacant seat shall be filled in accordance with applicable law of the State of Louisiana.

It is desirable that members of the School Board have a genuine interest in and devotion to public education; a willingness to give time and effort to the work; a capacity for understanding people; and the ability to work cooperatively with others.

Each School Board member should recognize that he/she is a public official charged with an important responsibility. In view of the fact that School Board members are elected to their position, each member has a responsibility to the voters who have elected him/her; however, representation should serve the best interest of the school system as a whole rather than that of a single district.

Revised: August, 2024

Ref: Constitution of Louisiana, Art. VIII, Sec. 8(a); La. Rev. Stat. Ann. §§17:52, 17.71.2, 17:71.3.

SCHOOL BOARD MEMBER CONTINUING EDUCATION

SCHOOL BOARD MEMBER TRAINING

Each Ouachita Parish School Board member shall be required to receive a minimum of six (6) hours of training and instruction annually. Training and instruction shall address such topics as the school laws of Louisiana, laws governing the powers, duties and responsibilities of school boards, the Open Meetings law, the public bid law, and in educational trends, research, and policy. Training and instruction shall also include education policy issues, ~~such as~~ including but not limited to, special education, the minimum foundation program and formula, leadership development, dropout prevention, school discipline, and harassment, intimidation, and bullying. In a school district with a school(s) identified as academically unacceptable or in need of academic assistance, at least two (2) of the required hours shall focus on the improvement of schools identified as failing schools.

Training and instruction may be received from a post-secondary education institution in Louisiana, from instruction sponsored by the Louisiana Department of Education, from an in-service training program conducted by a school board central office or the Louisiana School Boards Association (LSBA), provided that the instruction and method for demonstrating attendance has been pre-approved by the LSBA, or training and instruction received at any conference presented by the National School Boards Association or by the Council of the Great City Schools, provided that verification of attendance by the School Board members at any such training is obtained. Each School Board's member's attendance shall be reported by the instructor to the LSBA.

Distinguished School Board Member

A School Board member who has received a certificate of completion for a minimum of sixteen (16) hours of training and instruction during his/her first year of service on the Board and has also received an annual certificate of completion of the required training for the subsequent three (3) consecutive years shall receive the designation of *Distinguished School Board Member.*

Verification and Disclosure of Training

The Superintendent shall be responsible for verifying that any of the training or instruction received by the School Board member meets statutory requirements. The provider of any School Board member training and instruction shall issue a certificate of completion annually to those members who complete the required instruction. A copy of the certificate shall be entered into the minutes of the School Board.

At least annually, the Superintendent shall transmit to the School Board's official journal a press release detailing the training and instruction received by each School Board

member, as well as information on each School Board member who has been designated a *Distinguished School Board Member.*

ETHICS EDUCATION AND TRAINING

Each School Board member is required to receive a minimum of one (1) hour of education and training on the Louisiana Code of Governmental Ethics during each year of his/her office. All newly elected School Board members shall receive the required one (1) hour of education training within the first ninety (90) days after taking the oath of office.

Campaign Finance Disclosure Training

In addition to ethics training, a School Board member shall be required to receive a minimum of one (1) hour of education and training on the Campaign Finance Disclosure Act during his/her term of office.

Revised: December, 2008
Revised: November, 2010
Revised: May, 2013
Revised: August, 2013
Revised: August, 2024

Ref: La. Rev. Stat. Ann. §§17:53, 42:1170; Board minutes, 2-13-14.

NOTIFICATION OF SCHOOL BOARD MEETINGS

The Ouachita Parish School Board shall give written public notice of all regular meetings, if established by resolution, at the beginning of each calendar year. The School Board shall also give written public notice of any regular, special, or rescheduled meeting, no later than twenty-four (24) hours, exclusive of Saturdays, Sundays, and legal holidays, before the meeting. In cases of extraordinary emergencies, such notice shall not be required, however, the School Board shall give such notice of the meeting as it deems appropriate and circumstances permit.

Notice for committee meetings shall be given one (1) week in advance of the date of the meeting, whenever possible, but in no case less than twenty-four (24) hours, exclusive of Saturdays, Sundays, and legal holidays, prior to the meeting.

Public notice of any meeting shall include the agenda, date, time, and place of the meeting. The agenda included in the notice shall be reasonably clear so as to advise the public in general terms of each subject to be discussed at the public meeting. In addition, attached to the written notice shall be information on any matters to be discussed in executive session. The notice shall indicate the following:

1. A statement identifying the court, case number, and the parties relative to any pending litigation to be considered at the meeting.

2. A statement identifying the parties involved and reasonably identifying the subject matter of any prospective litigation for which formal written demand has been made that is to be considered at the meeting.

Written public notice given by the School Board shall include, but not be limited to:

1. Posting a copy of the notice at the School Board's central office or by publication of the notice in the School Board's official journal no less than twenty-four (24) hours, exclusive of Saturdays, Sundays, and legal holidays, before the scheduled time of the meeting.

2. ~~Mailing a copy of the~~ Giving notice to any member of the public or the news media who requests notice of such meetings~~; any such member of the news media shall be given notice of all meetings~~ by providing the notice to the requestor at the same time and in the same manner as is given to members of the School Board.

3. Submitting a notice of each meeting to the Commissioner of Administration in a manner and format that allows the Commissioner time to post the notice on its website prior to twenty-four (24) hours before the scheduled time of the meeting, as required or advised by the Commissioner of Administration.

4. In addition to the above, by providing notice on the School Board's website no less than twenty-four (24) hours, exclusive of Saturdays, Sundays, and legal holidays immediately preceding the meeting.

Revised: November, 2012
Revised: September, 2014
Revised: August, 2024

Ref: La. Rev. Stat. Ann. §§17:81, 42:19, 42:19.1, 42:23; Board minutes, 2-14-13, 12-9-14.

CONTRACTS AND COMPENSATION

CONTRACTS

Contracts of employment between eligible employees and the Ouachita Parish School Board shall be executed for a specified period of time and compensation in accordance with state law. Unless otherwise stipulated, all employees shall meet all stated position qualifications and/or certification requirements before any contract shall become valid. Renewal or issuance, when possible, of contracts of employment, as well as dismissal or nonrenewal of contract notices, with the exception of performance contracts, shall be issued on or before the last day of each school year, whenever possible.

The execution of an employee contract between the School Board and employee shall be legally binding upon both parties. No person shall be appointed to teach without a written contract for the scholastic year in which the teaching is to be done. Teachers who have gained tenure may not be required to sign a written contract each scholastic year, but shall be required to sign such employment contracts at intervals determined by the School Board. The failure of a non-tenured teacher to sign a contract for the ensuing school session within the specified time, when required, shall be considered as voluntary termination of employment on the part of the teacher, unless under extenuating circumstances, an extension is granted by the Superintendent. Any subsequent resignation or termination of said contract for reasons other than extreme emergencies, as determined by the School Board, shall constitute a breach of contract against which legal action may be taken by the School Board and the employee dealt with accordingly. The Superintendent shall receive, finalize, and accept all resignations of all employees. However, the Superintendent at the next available meeting shall report said resignations to the School Board.

The Superintendent shall sign each teacher contract.

Performance Contracts

Administrative and supervisory personnel in positions that require certification shall be hired under the terms of a performance contract of not less than two (2) nor more than four (4) years, except when such employment is for a temporary position. The School Board shall make the final decision regarding the length of any such performance contract. Prior to the School Board's approval of any initial or subsequent contract which involves an employee being or having been promoted to a position with a higher salary, the Superintendent shall disclose all terms of the contract to the School Board.

Termination or non-renewal of any performance contract shall be governed by the terms of the contract and applicable law.

COMPENSATION

Salary Schedules

Upon the recommendation of the Superintendent, the School Board shall establish salary schedules that shall be used to determine the salaries to be paid to teachers and all other school employees. Salaries of all teachers shall be set by the Superintendent. The salaries of all personnel are generally based upon an established salary schedule and associated regulations; provided, however, that salaries may be stated in and controlled by an employment contract.

Salary schedules shall be established and published not later than June thirtieth annually and shall apply during the school year that begins that year. The salaries as provided in any salary schedule shall be considered as ~~full~~ compensation for ~~all~~ the work ~~required and~~ performed ~~within~~ by each employee~~'s~~ within his/her ~~prescribed scope of~~ duties and responsibilities which include only those specifically identified and described in the employee's job description.

Additional compensation shall be provided as follows:

1. In addition to all other compensation to which a teacher is entitled, the School Board shall compensate any teacher who is not afforded the minimum uninterrupted planning time required by La. Rev. Stat. Ann. §17:434(A) at the effective hourly rate of that teacher for each hour of planning time. A teacher's effective hourly rate shall be calculated by converting the teacher's annual salary on the teacher's salary schedule into an hourly rate of pay.

2. The School Board shall adopt a uniform supplemental salary schedule that addresses compensation for duties performed by certified employees beyond the scope of their prescribed duties and responsibilities, in accordance with requirements of La. Rev. Stat. Ann. §17:418 (A).

    1. Effectiveness, as determined by the performance evaluation program as provided in La. Rev. Stat. Ann. §§17:3881 through 3905.

    2. Demand, inclusive of area of certification, particular school need, geographic area, and subject area, which may include advanced degree levels.

    3. Experience.

No teacher or administrator who is rated *ineffective* pursuant to the School Board's performance evaluation program shall receive a higher salary in the year following the evaluation than the teacher/administrator received in the year of the evaluation.

The amount of the annual salary paid to any employee in any school year shall not be

reduced below the amount of such salary paid during the previous school year, nor shall the amount of the annual salary paid to any employee be reduced at any time during an academic year. The limitations on the reduction in the amount of the annual salary paid to any employee shall not be applicable to:

1. The correction of any accounting errors or to a reduction necessitated by the elimination of a state program or state funding;

2. The reduction of any local salary supplement funded, in whole or in part, from a revenue source requiring voter approval, when such voter approval has not been obtained;

3. An employee who has been promoted and subsequently demoted to a lower position. In this case, the employee's salary shall return to the salary previously received in the lower position from which promoted; or

4. The elimination, discontinuance, or reorganization of the position to which the employee is assigned that results in the employee working fewer hours, days, or months. In such case, the employee's salary for that academic year shall not be reduced. After that year, the employee's salary shall be determined in accordance with the applicable salary schedule for the employee's position.

Ordinarily, no teacher shall be placed on the payroll of the school district unless the teacher holds a valid certificate as required by law, and a copy of the teacher's contract has been filed with the Superintendent. Exceptions may be made only when qualified teachers with valid certification are not available for employment.

Experience Credit

A *year of teaching experience* is defined as each scholastic year of employment as a certified teacher in public schools within any of the fifty states of the United States of America, or within any of its territorial possessions; or as a teacher in a private or parochial school, as an employee in a state department of education, or as an instructor in an institution of higher learning. All such experience must have been as a teacher in an institution or school accredited by one of the recognized regional accrediting agencies in the United States of America (e.g., SACS). Experience outside the United States of America, its territories or possessions must be in an institution or school accredited by an accrediting agency recognized by the United States of America.

A year of teaching experience shall be granted if the person was employed for at least ninety-one (91) instructional days during one scholastic year, excluding holidays, as verified by the Superintendent. However, not more than one (1) year of experience shall be granted for a period inclusive of twelve (12) consecutive calendar months. All experience must have been on a full-time basis.

Any teacher holding a valid Louisiana teaching certificate in the public school system of Louisiana who has transferred to Louisiana from a public school system of another state and who, at the time of such transfer, held a valid teacher's certificate from that state, shall be given full credit under the salary schedule for the years of satisfactory teaching service previously rendered in the public school system of that state. Credit for previous teaching experience shall also be granted to anyone employed who holds a valid Louisiana teaching certificate and is employed or has been employed by another public school system in the state.

Advanced Degree

When a teacher earns additional college credit, is awarded an advanced degree, or receives additional training that would result in an increase in salary, said teacher shall be paid for the advanced degree or training beginning with the next school semester after all necessary documentation has been received from the Louisiana Department of Education. It shall be the responsibility of the employee to assure proper notification is given to the Superintendent or his/her designee.

Retirees

The salary of any retiree who is reemployed as a full-time teacher shall be based on the salary schedule which accounts for all prior years of teaching service and pertinent experience. The status of any retiree who is reemployed shall be the same as a full-time active employee, subject to all applicable rules, procedures, policies, and statutes that apply to all such full-time active employees.

The retirement of an employee prior to his/her re-employment as a retiree shall constitute a break in his/her service with the School Board for purposes of tenure and sabbatical leave. The retiree shall not be allowed to carry forward annual leave days accumulated by him/her as of the date of his/her retirement, but he/she may carry forward accumulated sick leave days provided that he/she has returned to employment within five (5) years of his/her last employment as a teacher within the school system. A retiree shall have the right to earn additional sick leave and annual leave, if applicable, on the same basis as other similarly situated newly hired employees while a retiree.

School Employees

Compensation for all school employees shall be based on applicable salary schedules or hourly rates established by the Ouachita Parish School Board, with the exception that no employee shall receive less than the minimum established by state or federal law.

For the purpose of this subsection, *school employee* shall mean any employee of the School Board that is not required to hold a teacher's certificate as a condition of employment, including but not limited to, bus operator, food service worker, paraeducator, custodian, and maintenance personnel.

Revised: June, 2012
Revised: November, 2012
Revised: July, 2014
Revised: May, 2017
Revised: September, 2016
Revised: August, 2024

Ref: 29 USC 201 et seq. (*Fair Labor Standards Act of 1938, as amended*); La. Rev. Stat. Ann. §§11:710, 17:81; 17:83, 17:84, 17:84.1, 17:411, 17:413, 17:418, 17:419.2, 17:421.4, 17:422.6, 17:423, 17:424, 17:424.2, 17:424.3, 17:444, 17:491, 17:492, 17:496, 17:496.1, 17:497, 17:497.1, 17:498, 17:3881, 17:3882, 17:3883, 17:3884, 17:3901, 17:3902, 17:3903, 17:3904; Harrah Independent School District v. Martin, 99 S. Ct. 1062 (1979); Garcia v. San Antonio Metropolitan Transit Authority et al., 105 S. Ct. 1005 (February 1985); Wright v. Caldwell Parish School Board, 30.448 (La. App. 2 Cir. 6/16/99); Board minutes, 2-6-07, 8-23-12, 2-14-13, 9-23-14, 5-9-17.

SICK LEAVE

The Ouachita Parish School Board shall grant all employees hired for the school year or longer a minimum of ten (10) days absence per year because of personal illness, illness to a member of the immediate family, or other emergencies or special circumstances without loss of pay.

Sick leave, when not used, shall be allowed to accumulate to the credit of the employee without limitation. However, upon initial employment, a *teacher* employed by the School Board shall not be allowed any sick leave until he/she reports for duty and actually performs work.

The minimum of ten (10) days of sick leave shall be allowed based on an employee beginning work at the beginning of a school year. For employees that begin work after the start of the school year, the number of sick leave days allowed shall be prorated in accordance with the following schedule:

Begins Work	Paid Sick Days Allowed
First month of school year	Ten (10) Days
Second month of school year	Nine (9) Days
Third month of school year	Eight (8) Days
Fourth month of school year	Seven (7) Days
Fifth month of school year	Six (6) Days
Sixth month of school year	Five (5) Days
Seventh month of school year	Four (4) Days
Eighth month of the school year	Three (3) Days

TERMINOLOGY

Statutes governing sick leave for School Board personnel include differing provisions for different categories of employees. For purposes of this policy, the following terminology shall apply:

- A *teacher* shall mean any employee who holds a valid teaching certificate or whose employment requires the holding of a teaching certificate, or any social worker, school counselor, or school psychologist who holds, as applicable, a valid professional ancillary certificate.

- A *bus operator* shall mean any employee who is employed as a school bus operator.

- A *school employee* shall mean an employee who is not a teacher or a school bus operator.

- The use of the term *employee* shall include all three (3) categories of personnel.

CERTIFICATION OF ABSENCE

An employee who is absent for six (6) or more consecutive days shall be required to present a certificate from a clinician certifying such illness. *Clinician* means a physician, physician assistant providing healthcare services in accordance with Louisiana law, or an advanced practice registered nurse providing healthcare services in accordance with Louisiana law. In the case of repeated absences of less than six (6) days because of illness, the School Board reserves the right to require verification of illness. Should a pattern of behavior so warrant, upon the request of the Superintendent or School Board, the employee shall be required, at the expense of the School Board, to provide a certificate from a clinician specified by the Superintendent or School Board, in order to verify the existence of a medical necessity.

Excuses for employee absences due to illness or injury must be provided on clinician's letterhead containing the clinician's name, address, and telephone number, typed, printed, or as part of the letterhead. The clinician's typed or neatly printed name shall also appear beneath his/her signature. The letter must clearly state the reason for the illness or injury, date of the illness or injury, and the anticipated return-to-work date.

If an employee is absent from duty under circumstances in which he/she is not entitled to any kind of leave, such employee shall be considered to be in violation of his/her contract, and is not entitled to be paid for the days of unauthorized absence and non-performance of duties.

SICK LEAVE FOR EMERGENCIES

Emergencies for sick leave purposes may be used for the conditions outlined below:

1. Death in the Family

   Death in the **immediate** family shall be construed to be an emergency requiring not more than five (5) school days. Any days beyond these five (5) days shall be considered leave without pay, unless classified as extenuating circumstances.

2. Circumstances beyond Control

   Circumstances involving such events as fire, flood, or other natural disasters may necessitate an employee's immediate attention. In such cases, the employee shall confer with the principal or immediate supervisor. The principal or immediate supervisor shall then present the case to the Superintendent or Personnel Director for determination.

3. Marriage of Employee

   A maximum of three (3) days shall be granted to any employee who marries during the instructional period of a school year.

4. Other Emergencies

   There may be other circumstances that necessitate the presence of the employee. Such circumstances as to attend the funeral of a family member or close friend not covered as the "immediate family" will be considered. There may be other legitimate reasons for being absent which should be also be classified as an emergency. In all such cases, the employee shall confer with the principal or supervisor. The principal or supervisor shall then present the case to the Superintendent or Personnel Director, at which time a determination shall be made.

EXTENDED SICK LEAVE

The School Board shall permit employees to take up to ninety (90) days of extended sick leave in each six-year period of employment which may be used for a medical necessity at any time the employee has **no** remaining regular sick leave balance at the time the extended sick leave is set to begin. All decisions relative to the granting of extended sick leave shall be made by the Superintendent.

Unused days during any six-year period of employment shall not cumulate or carry forward into the next six-year period of employment. The balance of days of extended sick leave available shall transfer with the employee from one public school employer to another without loss or restoration of days.

Interruptions of service between periods of employment with a public school employer shall not be included in any calculation of a six-year period, such that any employment with any public school employer, regardless of when it occurs, shall be included in any determination of the balance of days of extended sick leave available to the employee.

Any employee on extended sick leave shall be paid **sixty-five percent (65%)** of the salary paid the employee at the time the extended sick leave begins.

Definitions

Child means a biological son or daughter, an adopted son or daughter, a foster son or daughter, a stepson or daughter, or a legal ward of an employee standing in *loco parentis* to that ward who is either under the age of eighteen (18) or who is eighteen (18) years of age but under twenty-four (24) years of age and is a full-time student, or who is nineteen (19) years of age or older and incapable of self-care because of a mental or physical disability.

Immediate family member shall mean a spouse, parent, or child of the employee.

Infant means a child under one year of age.

Medical necessity shall be the result of a catastrophic illness or injury, a life-threatening, chronic, or incapacitating condition, as certified by a clinician, of the employee or a member of his/her immediate family.

Parent means the biological parent of an employee or an individual who stood in *loco parentis* to the employee.

Extended Sick Leave for Maternity or Adoptive Purposes

Each employee granted maternity or adoptive leave in accordance with state law and who has no remaining sick leave balance available may be granted up to (30) days of additional extended sick leave in each six-year period of employment for personal illness relating to pregnancy, illness of an infant, or for required medical visits certified by a clinician as relating to infant or maternal health, prior to extended sick leave being taken.

Gainful Employment Permitted

An employee may undertake additional gainful employment while on extended sick leave, provided **all** of the following conditions are met:

1. The employee can demonstrate that he/she will be working not more than twenty (20) hours a week in a part-time job that the employee has been working for not less than one hundred twenty (120) days prior to the beginning of any period of extended sick leave.

2. The clinician who certifies the medical necessity of the leave indicates that such part-time work does not impair the purpose for which the extended sick leave is required.

Any violation of the provisions regarding gainful employment may require the employee to return to the School Board all compensation paid during any week of extended sick leave in which the employee worked more than twenty (20) hours and to reimburse the School Board all related employment costs attributable to such period as calculated by the School Board, without any restoration of leave days.

Application Process

On every occasion that an employee uses extended sick leave, a statement from a clinician certifying that it is for personal illness relating to pregnancy, illness of an infant, or for required medical visits related to infant or maternal health, or that it is a medical necessity, shall be presented prior to extended sick leave being taken.

The required clinician's statement may be presented along with the request for extended sick leave subsequent to the employee's return to service. In such a case, the extended sick leave shall be granted for all days for which extended sick leave is requested, provided the request and required documentation are presented within three (3) days after the employee returns to service. However, the School Board or Superintendent reserves the right to question the validity of the medical certification after the three (3) day period.

If the period an employee is on extended sick leave is anticipated to carry over from one school year to the start of the next school year, another application and physician's statement shall be submitted prior to the start of the next school year in order to be eligible for continued extended sick leave.

SICK LEAVE FOR ASSAULT OR BATTERY

Any employee of the public schools who is disabled while acting in his/her official capacity as a result of an assault or battery by any student or person shall receive sick leave without reduction in pay, and without reduction in accrued sick leave days while disabled as a result of such assault and battery. A *teacher* shall be required to provide a certificate from a physician certifying the disability. A *bus operator* or *school employee* shall be required to present certification of the disability from a physician if the bus operator or school employee is absent for six (6) or more consecutive days as a result of the disability.

Disability, for purposes of this policy, shall mean the inability to perform the essential functions of the job.

The sick leave authorized shall be in addition to all other sick leave authorized herein, shall not be accumulated from year to year, nor shall such additional sick leave be compensated for at death or retirement, or compensated for in any manner except as set forth above.

The School Board shall not reduce the pay or accrued sick leave of any employee who is absent from his/her duties to seek medical attention or treatment as a result of an injury from assault or battery.

If the employee's physician determines that the employee is able to return to regular duties with restrictions and the School Board does not allow the employee to return to duty with those restrictions, the employee's leave shall be granted or continued as provided by statute.

If any employee is receiving sick leave as a result of assault or battery as provided in this section and begins receiving retirement benefits, the sick leave provided herein shall cease.

SICK LEAVE FOR PHYSICAL CONTACT WITH A STUDENT

Any *teacher* who is disabled while acting in his/her official capacity as a result of physical contact with a student while providing physical assistance to a student to prevent danger or risk of injury to the student, shall receive sick leave for a period of up to one (1) calendar year without reduction in pay and without reduction in accrued sick leave days while disabled as a result of rendering such assistance. Any *school employee*, but not a *bus operator*, disabled, as defined in La. Rev. Stat. Ann. §17:1200(C), in a similar manner shall receive up to ~~ninety (90) days~~ one (1) year of such sick leave. The *teacher* or *school employee* shall be required to present a certificate from a physician certifying the disability. The School Board may extend the period of sick leave beyond the allowable period at its discretion.

The School Board shall not reduce the pay or accrued sick leave of any *teacher* or *school employee* who is absent from his/her duties to seek medical attention or treatment as a result of an injury from physical contact with a student.

If the *teacher's* or *school employee's* physician determines that the employee is able to return to regular duties with restrictions and the School Board does not allow the employee to return to duty with those restrictions, the *teacher's* or *school employee's* leave shall be granted or continued as provided by statute.

VALIDITY OF CLINICIAN'S CERTIFICATION

If at any time during the period of certified disability the School Board questions the validity or accuracy of the clinician's certification for any type of sick leave request made by a *teacher*, or for extended leave or leave requested as a result of physical assault or battery made by a *bus operator* or *school employee*, the School Board may require the employee to be examined by a clinician selected by the School Board.

Any further review of medical certification shall proceed as follows:

1. Upon review of the clinician's certification submitted, if the School Board or Superintendent questions the validity or accuracy of the certification, the School Board or Superintendent may require the employee, or the immediate family member, as applicable, as a condition for taking the applicable sick leave, to be examined by a clinician selected by the School Board or Superintendent. If the clinician finds medical necessity or certifies a disability, the leave shall be granted.

2. If the selected clinician disagrees with the original medical certification from the clinician selected by the employee, then the School Board or Superintendent may require the employee, or immediate family member, as applicable, as a condition for taking the applicable sick leave, to be examined by a *third* clinician, whose name appears next in the rotation of clinicians on a list established by the local medical society and maintained by the School Board or Superintendent. The final

determination of medical necessity or certification of a disability shall be based on the opinion of the third clinician.

3. In the determination of the validity of a clinician's certification, the opinion of *all* clinicians consulted shall be submitted to the School Board or Superintendent in the form of a **sworn statement**. All information contained in any statement from a clinician shall be confidential and shall not be subject to the public records law.

The School Board shall pay all costs of any examinations and tests determined to be necessary.

SICK LEAVE/WORKERS' COMPENSATION

Should any *teacher* become injured or disabled while acting in his/her official capacity, other than by assault, the *teacher* shall be entitled to appropriate worker's compensation benefits and/or sick leave benefits, at the *teacher's* option, for the period of time while injured or disabled. Any benefits received, however, shall not exceed the total amount of the regular salary the *teacher* was receiving at the time of injury or disability. The *teacher* shall be required to present a certificate from a physician certifying such injury or incapacitation.

VESTING OF SICK LEAVE

All sick leave accumulated by a *teacher* or *school employee*, but *not a bus operator*, shall be vested in the *teacher* or *school employee* by whom such leave has been accumulated. In the event of the transfer of a *teacher* or *school employee* from one school system to another in Louisiana, or upon the return of such *teacher* or *school employee* to the same school system within five (5) years or such longer period that may be approved by the School Board to which the *teacher* or *school employee* returned, regardless of the dates on which the leave was accumulated or the date of transfer or return of the *teacher* or *school employee*, such vested leave which remains unused or for which the *teacher* or *school employee* has not been compensated directly or transferred such days for retirement credit, shall be transferred, returned to, or continued by the School Board and shall be retained to the credit of *teacher* or *school employee*.

PAYMENT UPON RETIREMENT OR DEATH

Upon the retirement of any employee, or upon the employee entering DROP, or upon the employee's death prior to retirement, the School Board shall pay the employee or his/her heirs or assigns, for any unused sick leave, not to exceed twenty-five (25) days. Such pay shall be at the daily rate of pay paid to the employee at the time of his/her retirement or death.

DEFERRED RETIREMENT OPTION PROGRAM (DROP)

Any employee of the Ouachita Parish School Board who participates in the *Deferred Retirement Option Program* (DROP) shall be eligible for and may elect to receive on a one-time basis severance pay (accrued sick leave up to a maximum of twenty-five (25) days) upon entering DROP on the same basis as any other employee who retires or otherwise leaves employment; otherwise, any accrued sick leave shall be paid only upon final retirement of the employee.

Revised: October, 2008
Revised: March, 2014
Revised: July, 2014
Revised: January 23, 3018
Revised: April 16, 2019
Revised: February 9, 2021
Revised: October 18, 2022
Revised: October 17, 2023
Revised: August, 2024

Ref: La. Rev. Stat. Ann. §§14:125, 17:425, 17:425.1,17:500, 17:500.1, 17:500.2, 17:1200, 17:1201, 17:1202, 17:1205, 17:1206, 17:1206.1, 17:1206.2; Board minutes, 9-23-99, 3-11-14, 9-23-14, 1-23-18, 4-16-19, 2-9-21, 10-18-22, 10-17-23.

SICK LEAVE BANK

The Ouachita Parish School Board recognizes that major illnesses and catastrophic injuries may warrant the need for additional sick leave by an employee. The Board shall create and maintain a *Sick Leave Bank* which provides an opportunity for employees to donate sick leave days, which in turn may be used by employees in emergency situations when their own sick leave days have been exhausted.

Donations of sick leave days ~~shall~~ may be made to the Sick Leave Bank ~~and not~~ or directly to individual employees~~,~~. Three (3) separate accounts shall be established within the Sick Leave Bank: one for teachers, one for bus operators, and one for school employees. Donations to the Sick Leave Bank shall be credited to the appropriate account depending on the classification of the donor. Donations made directly to individuals shall only be allowed within the appropriate classification. All donations shall be made by notarized *Acts of Donation,* and shall be made in accordance with other provisions of this policy. Once executed, any donation made shall be *irrevocable.*

Receipt of sick leave days from the Sick Leave Bank shall be based on a written application submitted by an employee to the Superintendent and/or his/her designee. Assessment and any decisions regarding the granting of days from the Sick Leave Bank shall be the responsibility of the Superintendent. His/her decisions shall be *final,* and such decisions shall not be subject to review by the School Board or subject to the Board's grievance procedures.

ADMINISTRATION OF SICK LEAVE BANK

~~Donations of sick leave days shall be made directly to the Sick Leave Bank. Three (3) separate accounts shall be established within the Sick Leave Bank: one for teachers, one for bus operators, and one for school employees. Donations to the Sick Leave Bank shall be credited to the appropriate account depending on the classification of the donor.~~

Applications for receipt of donated sick leave days from the Sick Leave Bank shall be in writing and include a statement from a licensed physician certifying a *medical necessity* for the employee to be absent from work. The application shall be submitted at least twenty (20) work days prior to the anticipated beginning date of leave. In cases of extenuating circumstances, the Superintendent may waive or alter the application deadline. Upon review of the applications, if questions about the validity or accuracy of the certification arise, the Superintendent may require additional medical certification as outlined under *Extended Sick Leave* in policy *GBRIB, Sick Leave.*

Medical necessity shall be the result of a catastrophic illness or injury, which means a life-threatening, chronic, or incapacitating condition of the employee or a member of his/her immediate family. *Immediate family member* shall mean a spouse, parent, or child of the employee.

All records generated in the administration of the Sick Leave Bank and donations to individual employees, as well as the confidentiality of applicable records, shall be properly maintained by the Superintendent and staff in accordance with statutory provisions.

Donor Eligibility

1. Employees who wish to donate accrued sick leave days shall have been actively employed by the School Board for a period of thirty-six (36) consecutive months as of the date of the intended donation.

2. Only employees with a balance of more than fifty (50) sick leave days as of the date of the intended donation shall be permitted to donate to the Sick Leave Bank. No donation shall be permitted which causes the donor's sick leave balance to fall below fifty (50) days. A maximum of ten (10) days may be donated in a fiscal year. An individual may make only one (1) donation in a fiscal year.

3. Employees wishing to donate sick leave shall complete the appropriate *Act of Donation Form.* The donation shall irrevocably relinquish all future claims and rights to such donated sick leave. The days donated shall be permanently deducted from the total number of accumulated sick leave days the employee has on the date the donation is approved.

4. All donations shall be strictly voluntary.

5. No transfer shall become valid until all forms, verifications and signatures have been completed and signed by the Superintendent.

6. All donations shall be in units of whole days.

7. An employee may donate sick leave directly to another employee in an amount not to exceed one-half of the donating employee's accumulated leave as calculated at the beginning of the school year.

Recipient Eligibility

1. Recipients shall be actively employed by the School Board at the time that medical necessity is determined.

2. Recipients shall have been employed by the School Board for at least thirty-six (36) consecutive months as of the date of the intended usage.

3. Employees who are recipients shall have exhausted all current and accumulated sick leave and have used all days of extended sick leave and any other applicable leave to which the employee may be entitled. In addition, those employees who receive annual leave shall have exhausted all annual leave time before becoming

eligible to receive sick leave days from the Sick Leave Bank.

4. The maximum number of sick leave days that may be granted to a recipient at one time shall be twenty (20) work days.

5. Of those days granted, any remaining unused at the end of the fiscal year shall be returned to the Sick Leave Bank.

6. A separate application shall be submitted for each occasion that an employee may request receipt of sick leave days from the Sick Leave Bank. Each application shall include necessary documentation attesting to medical necessity. The physician's certification must address circumstances relative to each separate request. The separate application requirement may be waived by the Superintendent as circumstances may warrant.

7. Donated sick leave shall not be used on an intermittent daily basis.

Miscellaneous Provisions

1. The Superintendent shall be authorized to make determinations and clarifications of these provisions. All determinations and clarifications made by the Superintendent shall be **final.**

2. All transactions shall become part of the permanent personnel files of the employees. *Act of Donation Forms* shall be placed in donor personnel files depicting the actual number of days deducted from accrued sick leave days on file after the donation is made.

3. The number of days withdrawn from the Sick Leave Bank shall not exceed the number of days available within the appropriate account of the Bank.

4. At least ninety percent (90%) of the leave balance shall be retained in each account of the bank from one school year to the next.

New policy: June 27, 2017
Revised: August, 2024

Ref: La. Rev. Stat. Ann. ''17:81, 17:500.2, 17:1202, 17:1205, 17:1206.2; La. Civil Code, Art. 1541, 1542, 1833; Board minutes, 6-27-17.

CORPORAL PUNISHMENT

Every teacher is authorized to hold every pupil to a strict accountability for any disorderly conduct in school or on the playground of the school, or on any school bus going to or returning from school, or during intermission or recess.

The Ouachita Parish School Board shall allow reasonable corporal punishment of unruly pupils. If such punishment is required, it shall be administered with extreme care, tact and caution, and then only by the principal, assistant principal, or the principal's designated representative in the presence of another adult school employee. At no time shall corporal punishment be administered in the presence of another student. All school personnel and parents shall be fully informed of these provisions at the beginning of each school year.

Corporal punishment means using physical force to discipline a student, with or without an object. Corporal punishment includes hitting, paddling, striking, spanking, slapping, or any other physical force that causes pain or physical discomfort. Taping a student's mouth shut or otherwise restricting his or her airway in any manner is prohibited regardless of parental consent.

Corporal punishment does not include:

1. The use of reasonable and necessary physical restraint of a student to protect the student, or others, from bodily harm or to obtain possession of a weapon or other dangerous object from a student.

2. The use of seclusion and restraint as provided in La. Rev. Stat. Ann. §17:416.21.

The following guidelines shall apply to any use of corporal punishment:

1. Except for those acts of misconduct which are extremely anti-social or disruptive in nature, corporal punishment should never be used unless the student is informed beforehand that specific misbehavior could occasion its use; and, subject to this exception, it should never be used as a first line of punishment. Its use should follow specific failures of other corrective measures to effect student behavior modification. Corporal punishment shall be used only as a last resort for students with significant behavior problems and only within the guidelines provided. Procedures for administering corporal punishment are enumerated in the *Administrators Discipline and Attendance Manual.*

2. The principal or the designee shall punish corporally only in the presence of a second school employee, who should be informed beforehand of the reasons for the punishment.

3. In cases where a student protests innocence of the offense or ignorance of the

rule, a brief but adequate opportunity shall be provided for the student to explain his/her side of the situation.

4. School principals, assistant principals or appropriate designees who have administered corporal punishment shall provide the child's parents or legal guardians, upon request, a written explanation of the reasons and the name of the school employee who was present as a witness. For each incident of corporal punishment, a *Corporal Punishment Incidence Checklist* shall be completed and maintained in the administrative offices of the school.

5. Corporal punishment shall be administered in the office of the principal, assistant principal or in such place or places as may be designated by the principal.

6. The use of corporal punishment shall at all times be reasonable and proper. Considerations in this regard shall include but not be limited to the following:

   A. Age of child;
   B. Size of child;
   C. Sex of child;
   D. Ability to bear the punishment; and
   E. Overall physical condition of the child.

7. Corporal punishment shall not be administered in anger or with malice at any time.

8. Corporal punishment shall be administered by paddling the *buttocks only*.

Nothing contained herein shall be interpreted as prohibiting an employee from using physical force, reasonable and appropriate under the circumstances, in defending himself/herself against a physical attack by a student or to restrain a student from attacking another student or employee, or to prevent acts of misconduct which are so anti-social or disruptive in nature as to shock the conscience.

IMPERMISSIBLE CORPORAL PUNISHMENT

Corporal punishment administered other than as outlined hereinabove shall be deemed and defined to be *impermissible corporal punishment.* Any accusations involving employees using impermissible corporal punishment shall be promptly investigated, in accordance with provisions of policy *GAMC, Investigations.*

Revised: November 14, 2017
Revised: September 12, 2023
Revised: August, 2024

Ref: US Constitution, Amend. XIII; US Constitution, Amend. XIV §1; Ingraham v. Wright, 97 S. Ct. 1401, (1977); Baker v. Owen, 96 S. Ct. 210 affirming 395 F. Supp. 294 (M.D.N.C., 1975); La. Rev. Stat. Ann. §§17:81.6, 17:223, 17:416, 17416.1; Board minutes, 11-14-17, 9-12-23.

STUDENT HEALTH SERVICES

HEALTH CARE CENTERS

In order to provide adequate health care and services to students, the Ouachita Parish School Board may authorize the establishment of student health care centers in the schools of the parish. Any health clinic established shall be supervised by a school nurse, who shall be licensed in accordance with state law. Health care centers shall provide services which include, but are not limited to the following: treatment of minor illness and injury, routine physical examinations, immunizations, referrals to alcohol and drug abuse prevention program counselors, and mental health services. No student shall receive any type of service unless the required standardized school health forms as outlined in *Health and Safety*, Bulletin 135 have been signed, returned to school, and have been filed in the clinic.

HEARING AND VISION SCREENING

The School Board, during the first semester of the school year, or within thirty (30) days after the admission of students entering school late in the session, shall test the sight, including color screening for all first grade students, and hearing of students according to the schedule outlined by the American Academy of Pediatrics, except those students whose parents or guardians may object to such tests. Students may also be tested upon referral or requests of teachers and/or parents.

A record of such examination shall be kept and the administrators shall be required to follow up on the deficiencies within sixty (60) days, and shall notify in writing the parent or tutor of every student found to have any defect of sight or hearing.

EDUCATIONAL SCREENING AND EVALUATION

Every student in grades kindergarten through third shall be screened, at least once, for the existence of impediments to a successful school experience. No student shall be screened if his/her parent or guardian objects to such screening. Such impediments shall include:

1. dyslexia and related disorders;
2. attention deficit disorder; and
3. social and environmental factors that put a student "at risk."

Students in need of services and/or assistance shall have it provided to them.

The screenings shall be done directly by elementary school counselors, pupil appraisal personnel, teachers, or any other professional employees of the School Board who have been appropriately trained, all of whom shall operate as advocates for the students identified as needing services or assistance. No screenings shall be done by persons who have not been trained to do such screenings.

The School Board shall ensure that educational screening activities, conducted by a committee at the school level, shall be completed before a student is referred for an individual evaluation through pupil appraisal services.

Students who are experiencing learning or adjustment difficulties in a regular program, but are not thought to be exceptional, may receive support services from pupil appraisal by a referral from a committee at the school level.

Testing for Dyslexia

A dyslexia screener selected by the Louisiana Department of Education shall be administered to each student in the second half of kindergarten, or upon the request of a teacher or parent or legal guardian. The School Board shall provide remediation for students with dyslexia or related disorders in an appropriate education program.

For purposes of this policy, *dyslexia* shall be defined as an unexpected difficulty in reading for an individual who has the intelligence to be a much better reader, most commonly caused by a difficulty in phonological processing, which affects the ability of an individual to speak, read, and spell. *Phonological processing* means the appreciation of the individual sounds of spoken and written language.

OTHER HEALTH CONSIDERATIONS

The School Board acknowledges that only properly trained personnel shall make recommendations regarding certain health issues of students.

The School Board shall prohibit, in accordance with statutory provisions, any teacher employed by the School Board from recommending that a student be administered a psychotropic drug, specifying or identifying any specific mental health diagnosis for a student, or using a parent's or guardian's refusal to consent to the administration of a psychotropic drug to a student or to a psychiatric evaluation, screening, or examination of a student as grounds for prohibiting the student from attending any class or participating in any school-related activity or as the sole basis of accusations of child abuse or neglect against the parent or guardian.

The provisions of the above paragraph shall not be construed so as to prohibit any of the following:

1. An employee of the School Board who is a registered nurse, nurse practitioner, physician, or an appropriately credentialed mental health professional or teacher from recommending that a student be evaluated by an appropriate medical practitioner.

2. A teacher or other certified employee of the School Board from suggesting a student be assessed or evaluated by qualified employees of the School Board who perform such function.

3. A teacher assessing or evaluating any element of a student's academic readiness, performance, or achievement.

4. Any employee of the School Board from discussing any aspect of a student's behavior or academic progress with the student's parent or guardian or any other employee of the School Board.

Definitions

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

Teacher, for purposes of this section of the policy, shall mean any person employed by the School Board, who, as a condition of employment, is required to hold a valid teaching certificate issued by the Louisiana Department of Education and any person employed by the School Board as a substitute teacher.

SEIZURE TREATMENT AND TRAINING

The parent or guardian of a student with a seizure disorder may submit to the administration of the student's school a seizure management and treatment plan developed by the student's parent and treating physician for review and use by school employees with whom the student has regular interaction. The plan shall include the following:

1. The health care services the student may receive at school or while participating in a school activity.

2. Evaluation of the student's ability to manage and understand his/her seizure disorder.

3. Signatures from the student's parent or legal guardian and from the treating physician.

School nurses and such school employees and school bus operators who have regular interactions with a student for whom there is a seizure management and treatment plan shall be required to biennially successfully complete instruction provided by the Department of Education.

ADMINISTERING CATHETERS

The School Board shall not require any employee other than a registered nurse or a licensed medical physician to catheterize any student until all of the following conditions have been met:

1. A registered nurse or licensed medical physician, employed by the School

Board, has assessed the health status of the specific child in his/her specific educational setting. The registered nurse has determined that the procedure could be safely performed, the results are predictable and could be delegated to someone other than a registered nurse following documented training.

2. The registered nurse or licensed medical physician shall train at least two (2) employees to catheterize the specific child in his/her educational setting. The employees shall be given not less than eight (8) hours of training in the area of catheterization of students.

3. Following the training provided for in #2, no catheterization may be performed unless prescribed in writing by a licensed medical physician. The employee, other than the registered nurse or licensed medical physician, shall be required to complete, under the direct supervision of a registered nurse, a minimum of five (5) catheterizations. Upon one hundred percent successful completion of these catheterizations, the registered nurse or licensed medical physician and the trainee shall sign a standard form indicating that the trainee has attained the prescribed level of competency. A copy of this form shall be kept on file by the school system.

4. Individuals who are required to perform catheterizations and have been trained according to statutory provisions, may not decline to perform such service except as exempted by a licensed medical physician or a registered nurse. The reasons for such exemption shall be documented and certified by the licensed medical physician or a registered nurse within seventy-two (72) hours.

5. Any employee shall have the right to request that another School Board employee be present while catheterizing the student, to serve as a witness to the procedure. After making such a request, the employee shall not be required to catheterize a student without such a witness.

The provisions of this part of the policy shall be restricted to those students who have had intermittent catheterization prescribed as a treatment for urinary or neurologic dysfunction and not for continuous bladder drainage or to obtain urine specimens for diagnostic purposes. No employee shall be requested to catheterize any student for continuous bladder drainage or to obtain urine specimens for diagnostic purposes.

PERFORMING NONCOMPLEX HEALTH PROCEDURES

The term *noncomplex health procedure* shall mean a task which is safely performed according to exact directions, with no need to alter the standard procedure, and which yields predictable results. It shall include the following:

1. Modified activities of daily living which require special instruction such as toileting/diapering, bowel/bladder training, toilet training, oral/dental

hygiene, lifting/positioning, and oral feeding.

2. Health maintenance procedures such as postural drainage, percussion, tracheostomy suctioning, gastrostomy feeding and monitoring of these procedures.

3. Screenings such as growth, vital signs, hearing, vision, and scoliosis.

No noncomplex health procedure, except screenings and activities of daily living such as toileting/diapering, toilet training, oral/dental hygiene, oral feeding, lifting, and positioning may be performed unless prescribed in writing by a physician licensed to practice medicine in the state of Louisiana or any other state of the United States.

The School Board shall not require any employee other than a registered nurse, licensed medical physician, an appropriate licensed health professional, or, in the case of tracheostomy suctioning procedure, any hired and trained unlicensed nursing personnel or unlicensed assistive personnel as defined by the Louisiana State Board of Nursing, to perform noncomplex health procedures until all the following conditions have been met:

1. A registered nurse or a licensed medical physician and, when appropriate, another licensed health professional employed by the School Board, has assessed the health status of the specific child in his/her specific educational setting and has determined that, according to the legal standards of the respective licensed health professional performing such procedure, the procedure can be safely performed, the results are predictable, and the procedure can be delegated to someone other than a licensed health professional following documented training.

2. The registered nurse or the licensed medical physician and, when appropriate, another licensed health professional shall train, in his or her area of expertise, at least two (2) such employees to perform noncomplex health procedures on the specific child in his/her educational setting. The employees shall be given not less than four (4) hours of training in the area of noncomplex health procedures.

3. Following the training provided for in #2, no noncomplex health procedure, except screenings and activities of daily living such as toileting/diapering, toilet training, oral/dental hygiene, oral feeding, lifting, and positioning may be performed unless prescribed in writing by a physician licensed to practice medicine in the state of Louisiana or an adjacent state.

   The employee, other than the registered nurse, licensed medical physician, or appropriate licensed health professional shall be required to complete, under the direct supervision or coordination of a registered nurse, a minimum of three (3) satisfactory demonstrations. Upon satisfactory completion of these noncomplex health procedures, the registered nurse, licensed medical physician, or appropriate licensed health professional and

the trainee shall sign a standard form indicating that the trainee has attained the prescribed level of competency. A copy of this form shall be kept on file by the school system.

4. Individuals who are required to perform noncomplex health procedures and have been trained according to the provisions of state law and this policy may not decline to perform such service at the time indicated except as exempted for reasons as noted by the licensed medical physician or registered nurse. The reasons for such exemption shall be documented and certified by the licensed medical physician or a registered nurse within seventy-two (72) hours.

5. An employee shall have the right to request that another School Board employee be present while he/she is performing noncomplex health procedures for a student, to serve as a witness to the procedure. After making such a request, the employee shall not be required to perform noncomplex health procedures without such a witness.

6. Employees who have volunteered to perform a tracheostomy suctioning procedure and who comply with the training and demonstration requirements outlined in #2 and #3 above may be allowed to perform such procedure on a child in an educational setting.

The School Board shall provide the necessary safety equipment, materials, and supplies to each employee who performs noncomplex health procedures. Such safety equipment, materials, and supplies shall include but not be limited to gloves, anti-bacterial soaps and wipes, paper towels and masks.

For the purposes of this section of the policy, *employee* means any appropriate member of the education staff, and *appropriate licensed health professional* shall include a licensed practical nurse.

Revised: May, 2013
Revised: August, 2013
Revised: August 28, 2018
Revised: February 9, 2021
Revised: September 13, 2022
Revised: February 13, 2024
Revised: August, 2024

Ref: La. Rev. Stat. Ann. §§14:403, 17:170, 17:392.1, 17:435, 17:436, 17:436.2, 17:436.4, 17:2112, 40:31.3; Irving Independent School District v. Tatro, 104 S. Ct. 33371 (1984); *Health and Safety*, Bulletin 135, Louisiana Department of Education; Board minutes, 8-1-13, 2-13-14, 8-28-18, 2-9-21, 9-13-22, 2-13-24.

IMMUNIZATIONS

The Ouachita Parish School Board shall require each student entering any school for the first time, and at any other time as required by the state, to present satisfactory evidence of immunity to or immunization against vaccine-preventable diseases according to state law and a schedule approved by the state Department of Health and Hospitals (DHH), Office of Public Health (OPH), or present evidence of an immunization program in progress. The School Board may require immunizations or proof of immunity more extensive than required by the Department of Health and Hospitals (DHH), Office of Public Health (OPH). Any student failing to meet the immunization standards shall be prohibited from attending school until such time as the immunization standards are met.

In progress shall mean that the student has an immunization due after the date school has begun, because the student began his/her immunization late, or because the student's pediatrician has provided written orders for the student to receive an immunization after a certain date.

TRANSFERRING STUDENTS

A student transferring from another school system in or out of the state shall submit either a certificate of immunization or a letter from his/her personal physician or a public health clinic indicating immunization against the diseases in the schedule approved by the Office of Public Health have been performed, or a statement that such immunizations are in progress.

If booster injections for the diseases enumerated on the state schedule are advised, such booster injections shall be administered before the student enters a school system within the state.

ENFORCEMENT

Principals or their designated representatives shall be responsible for checking students' records to see that the provisions of this policy are enforced, and to electronically transmit immunization reports to the OPH through the *Louisiana Immunization Network for Kids Statewide*, when capable.

EXCEPTIONS

No student seeking to enter any public school in Ouachita Parish shall be required to comply with the provisions of this written policy if the student or his/her parent or guardian submits either a written statement from a physician stating that this procedure is contraindicated for medical reasons, or a written dissent from the student or his/her parents.

Exception in compliance may also apply to any person who is unable to comply due to a shortage in the supply of available vaccinations.

No teacher or school employee or administrator shall distinguish between students based on whether a student has or has not received vaccines from the schedules provided for in this policy. Actions prohibited include but are not limited to discrimination based on a student's vaccination status in any of the following acts:

1. Determination of eligibility for athletics or other extracurricular activity.
2. Allowing or denying participation inside and outside of the classroom.
3. Issuance of surveys to students relative to vaccination status.
4. Organizing seating arrangements.

EXCLUSION FROM ATTENDANCE

If an outbreak of a vaccine-preventable disease occurs, upon the recommendation of the state Office of Public Health, school administrators may exclude from attendance unimmunized students until the appropriate disease incubation period has expired, or the unimmunized person presents evidence of immunization.

Notwithstanding any other provision of law to the contrary, no student shall be required to receive a COVID-19 vaccine as a condition of initial enrollment or continuing attendance at any school in the Ouachita Parish School District.

Revised: December, 2019
Revised: August 13, 2019
Revised: August, 2024

Ref: La. Rev. Stat. Ann. §§17:170, 17:170.1, 17:170.2, 17:170.3, 17:170.4; *Health and Safety*, Bulletin 135, Louisiana Department of Education; Board minutes, 8-13-19.

ADMINISTRATION OF MEDICATION

It is the policy of the Ouachita Parish School Board that the administration of medication to students at school shall meet the following conditions and limitations. As used in this policy, the term *medication* shall include all prescription and non-prescription drugs.

1. WRITTEN ORDERS, APPROPRIATE CONTAINERS, LABELS, AND INFORMATION

   A. Medication shall not be administered to any student without a completed *Medication Order* from a physician or dentist licensed to practice medicine in the state of Louisiana or ~~an adjacent~~ any other state of the United States, or any other authorized prescriber authorized in the state of Louisiana or any other state of the United States to prescribe medication or devices, ***and*** a letter of request and authorization from the student's parent or guardian. The following information shall be included:

      1) the student's name
      2) the name and signature of the physician/dentist/other authorized prescriber
      3) physician's/dentist's/other authorized prescriber's business address, office phone number, and emergency phone numbers
      4) relevant diagnosis
      5) name, amount of each school dose, time of school administration, route of medication, and reason for use of medication
      6) a written statement of the desired effects and the child specific potential adverse effects

   B. Medication shall be provided to the school by the parent/legal guardian in the container that meets acceptable pharmaceutical standards and shall include the following information:

      1) name of pharmacy
      2) address and telephone number of pharmacy
      3) prescription number
      4) date dispensed
      5) name of student
      6) clear directions for use, including the route, frequency, and other as indicated
      7) drug name and strength
      8) last name and initial of pharmacist
      9) cautionary auxiliary labels, if applicable
      10) physician's/dentist's/other authorized prescriber's name

Labels of prepackaged medications, when dispensed, shall contain the following information in addition to the regular pharmacy label:

1) drug name
2) dosage form
3) strength
4) quantity
5) name of manufacturer and/or distributor
6) manufacturer's lot or batch number

2. ADMINISTRATION OF MEDICATION: GENERAL PROVISIONS

A. Once trained, the school employee who administers medication may not decline to perform such service at the time indicated, unless exempted in writing by the MD or RN.

B. During the period when the medication is administered the person administering medication must be relieved of all other duties. This requirement does not include the observation period required in 2.-F below.

C. Except in the case of a trained unlicensed diabetes care assistant administering diabetes medications (if applicable) or in life-threatening situations, trained unlicensed school personnel may not administer injectable medications.

D. All medications must be stored in a secured locked area or locked drawer with limited access except by authorized trained school personnel.

E. Only oral, inhalant, topical ointment for diaper rash, and emergency medications may be administered at school by unlicensed, but trained, school personnel. Under special circumstances, other medications not mentioned above may be administered as necessary, as approved by the school nurse.

F. Each student must be observed by a school employee for a period of 45 minutes following the administration of medication. This observation may occur during instruction time.

G. *School medication orders* shall be limited to medication which cannot be administered before or after school hours.

3. PRINCIPAL

The principal shall designate at least two (2) employees to receive training and administer medications in each school.

4. TEACHER

The classroom teacher who is not otherwise previously contractually required shall not be assigned to administer medications to students. A teacher may request in writing to volunteer to administer medications to his/her own students. The administration of medications shall not be a condition of employment of teachers employed subsequent to July 1, 1994. A regular education teacher who is assigned an exceptional child shall not be required to administer medications.

5. SCHOOL NURSE

A. The school nurse, in collaboration with the principal, shall supervise the implementation of the school policies for the administration of medications in schools to ensure the safety, health and welfare of the students.

B. The school nurse shall be responsible for the training of non-medical personnel who have been designated by each principal to administer medications in each school. The training must be at least six (6) hours and include but not be limited to the following provisions:

1) Proper procedures for administration of medications including controlled substances
2) Storage and disposal of medications
3) Appropriate and correct record keeping
4) Appropriate actions when unusual circumstances or medication reactions occur
5) Appropriate use or resources

6. PARENT/LEGAL GUARDIAN

A. The parent/legal guardian who wishes medication administered to his/her child shall provide the following:

1) A letter of request and authorization that contains the following information:

a. the student's name;
b. clear instructions for school administration;
c. prescription number, if any;
d. current date;
e. relevant diagnosis;
f. name, amount of each school dose, time of school administration, route of medication, and reason for use of medication;
g. physician's/dentist's/other authorized prescriber's name;

h. the parent's/legal guardian's printed name and signature;
i. parent's/legal guardian's emergency phone number;
j. statement granting or withholding release of medical information;

2) A written order for each medication to be given at school, including annual renewals at the beginning of the school year. The new orders dated before July of that school year shall not be accepted. No corrections shall be accepted on the physician's *Medication Order* form. Alteration of this form in any way or falsification of the signature is grounds for prosecution. Orders for multiple medications on the same form, an incomplete form, or a form with a physician's/dentist's/ other authorized prescriber's stamp shall not be accepted. Faxed orders may be accepted; original orders must be received within five (5) business days.

3) A prescription for all medications to be administered at school, including medications that might ordinarily be available over-the-counter. **Only** the physician/dentist/other authorized prescriber or his/her staff may write on the *Medication Order* form. This form must be signed by the physician/dentist/other authorized prescriber.

4) A list of all medications that the student is currently receiving at home and school, if that listing is not a violation of confidentiality or contrary to the request of the parent/legal guardian or student.

5) A list of names and telephone numbers of persons to be notified in case of medication emergency in addition to the parent/legal guardian and licensed physician/dentist/other authorized prescriber.

6) Arrangements for the safe delivery of the medication to and from school in the properly labeled container as dispensed by the pharmacist; the medication must be delivered by a responsible adult. The parent/ legal guardian will need to get two (2) containers for each prescription from the pharmacist in order that the parent/legal guardian, as well as the school, will have a properly labeled container. If the medication is not properly labeled and does not match the physician's order exactly, it will not be given.

B. All aerosol medications shall be delivered to the school in pre-measured dosage.

C. Provide no more than a thirty-five (35) school day supply of medication in a properly labeled container to be kept at school.

D. The initial dose of a medication shall be administered by the student's parent/legal guardian outside the school jurisdiction with sufficient time for observation for adverse reactions.

E. The parent/legal guardian shall work with those personnel designated to administer medication as follows:

1) Cooperate in counting the medication with the designated school personnel who receives it and sign the *Drug Receipt* form.

2) Cooperate with school staff to provide for safe, appropriate administration of medications to students, such as positioning, and suggestions for liquids or foods to be given with the medication.

3) Assist in the development of the emergency plan for each student.

4) Comply with written and verbal communication regarding school policies.

5) Grant permission for school nurse/physician/ dentist/other authorized prescriber consultation.

6) Remove or give permission to destroy unused, contaminated, discontinued, or out-of-date medications according to the school guidelines.

7. STUDENT SELF-MEDICATION

Only those medical conditions which require immediate access to medications to prevent a life threatening or potentially debilitating situation shall be considered for self-administration of medication. Compliance with the school policy for a drug-free zone shall also be met if possible.

<u>Asthma, Diabetes, or the Use of Auto-Injectable Epinephrine</u>

Self-administration of medications by a student with asthma or diabetes or the use of auto-injectable epinephrine by a student at risk of anaphylaxis shall be permitted by the School Board, provided the student's parent or other legal guardian provides the school in which the student is enrolled with the following documentation:

A. Written authorization for the student to carry and self-administer such prescribed medications.

B. Written certification from a licensed medical physician or other authorized prescriber that the student:

1) has asthma, diabetes, or is at risk of having anaphylaxis

2) has received instruction in the proper method of self-administration of the student's prescribed medications to treat asthma, diabetes, or anaphylaxis

C. A written treatment plan from the student's licensed physician or authorized prescriber for managing asthma, diabetes, or anaphylactic episodes. The treatment plan shall be signed by the student, the student's parent or other legal guardian, and the student's physician or other authorized prescriber. The treatment plan shall contain the following information:

1) The name, purpose, and prescribed dosage of the medications to be self-administered.

2) The time or times the medications are to be regularly administered and under what additional special circumstances the medications are to be administered.

3) The length of time for which the medications are prescribed.

D. Any other documentation required by the School Board.

The required documentation shall be maintained in the office of the school nurse or other designated school official.

The School Board shall inform the parent or other legal guardian of the student in writing that the school and its employees shall incur no liability as a result of any injury sustained by the student from the self-administration of medications used to treat asthma, diabetes, or anaphylaxis. The parent or other legal guardian of the student shall sign a statement acknowledging that the school shall incur no liability and that the parent or other legal guardian shall indemnify and hold harmless the school and its employees against any claims that may arise relating to the self-administration of medications used to treat asthma, diabetes, or anaphylaxis.

A student who has been granted permission to self-administer medication by the School Board shall be allowed to carry and store with the school nurse or other designated school official an inhaler, auto-injectable epinephrine, or insulin, at all times.

Permission for the self-administration of asthma or diabetes medications or use of auto-injectable epinephrine by a student shall be effective only for the school year in which permission is granted. Permission for self-administration of asthma or diabetes medications or the use of auto-injectable epinephrine by a student shall be granted by the School Board each subsequent school year, provided all of the

requirements of this part of the policy are fulfilled.

Upon obtaining permission to self-administer asthma or diabetes medication or to use auto-injectable epinephrine, a student shall be permitted to possess and self-administer such prescribed medication at any time while on school property or while attending a school sponsored activity. A student who uses any medication permitted by this policy in a manner other than as prescribed shall be subject to disciplinary action; however, such disciplinary action shall not limit or restrict such student's immediate access to such prescribed medication.

Auto-injectable epinephrine means a medical device for the immediate self-administration of epinephrine by a person at risk for anaphylaxis.

Glucagon means a hormone that raises the level of glucose in the blood. Glucagon, given by injection is used to treat severe hypoglycemia.

Inhaler means a medical device that delivers a metered dose of medication to alleviate the symptoms of asthma.

Insulin Pen means a pen-like device used to put insulin into the body.

Insulin Pump means a computerized device that is programmed to deliver small, steady, doses of insulin.

Other Permitted Medications

Self-administration of other medications by a student may be permitted by the School Board, provided that:

A. *Medication Order* from the physician or authorized prescriber and from the student's parent or guardian shall be on file and communication with the prescriber has been established.

B. The school nurse has evaluated the situation and deemed it to be safe and appropriate, and has developed a medical administration plan for general supervision. The administration plan may include observation of the procedure, student health counseling and health instruction regarding the principles of self-care.

C. The principal and appropriate staff are informed that the student is self-administering the prescribed medication.

D. The medication is handled in a safe, appropriate manner.

E. The school principal and the school employed registered nurse determine

a safe place for storing the medication.

The medication must be accessible if the student's health needs require it; this information is included in the medication administration plan.

F. Some medication should have a backup supply readily available.

G. The student records the medication administration and reports unusual circumstances (as a general rule the student must record all dates and times he/she is self-medicating during school hours. The medication log shall be kept in the main office where the student shall record this information unless otherwise noted on the student's *Individual Administration Plan*).

H. The school employed registered nurse, and/or the designated employee monitors the student.

8. ACCEPTABLE SCHOOL MEDICATIONS

School medication orders shall be limited to medication which cannot be administered before or after school hours. Parents may come to school and administer medication to their children at any time during the school day.

Medications which may be considered as acceptable under this policy:

A. Medication to modify behavior (e.g., Ritalin, when the sustained action form of this medication is not effective.)

B. Severe allergic reactions - must have specific written instructions from a physician.

C. Anticonvulsive medication.

D. Medication for asthma or diabetes.

E. Medication given in extenuating circumstances.

F. Non-prescription (over-the-counter) drugs will only be given if medical certification of extenuating circumstances and prescription is obtained.

G. Antibiotics and other short-term medications will not be given at school, unless so ordered by a physician, dentist, or authorized prescriber.

H. The school nurse or trained school employee shall have the authority to administer auto-injectable epinephrine, as defined elsewhere in this policy,

to a student who the school nurse or trained school employee believes is having an anaphylactic reaction, whether or not the student has a prescription for epinephrine. At least one employee at each school shall receive training from a registered nurse or licensed medical physician in the administration of epinephrine.

I. Other specific illnesses that require medication.

J. The school nurse shall have the authority to maintain a supply of naloxone or other opioid antagonists~~, and~~ per La. Rev. Stat. Ann. §17:436.1(M). The school nurse or trained school personnel may administer ~~it~~ naloxone or other opioid antagonists to any student or other person on school grounds in the event of an actual or perceived opioid emergency.

~~A school employee who has received at least six (6) hours of general training for medication administration from a registered nurse or a licensed medical physician that includes the emergency administration of naloxone, shall also be authorized to administer naloxone to any student or other person on school grounds in the event of an actual or perceived opioid emergency.~~

Trained school personnel means a school employee or volunteer who has received the training on life-saving medication that addresses techniques on how to recognize signs of a life-threatening emergency, standards and procedures for the storage and administration of the medication, and emergency follow-up procedures, including the requirement to summon emergency services either immediately before or immediately after administering the medication.

9. DIABETES

Each student with diabetes who seeks care for his/her diabetes while at school or while participating in a school-related activity shall submit a diabetes management and treatment plan on an annual basis. Such plan shall be developed by a physician licensed in the state of Louisiana or ~~an adjacent~~ any other state of the United States, or any other authorized prescriber authorized in the state of Louisiana or any other state of the United States who is selected by the parent or legal guardian to be responsible for such student's diabetes treatment. *School-related activities* include, but are not limited to, extracurricular activities and sports.

A student's diabetes management and treatment plan shall be kept on file in the school in which the student is enrolled and shall contain:

A. A detailed evaluation of the student's level of understanding of his/her condition and his/her ability to manage his/her diabetes.

B. The diabetes-related healthcare services the student may receive or self-administer at school or during a school-related activity.

C. A timetable, including dosage instructions, of any diabetes medications to be administered to the student or self-administered by the student.

D. The signature of the student (if age appropriate), the student's parent or legal guardian, and the physician or other authorized health care prescriber responsible for the student's diabetes treatment.

The parent or legal guardian of a student with diabetes shall annually submit a copy of the student's diabetes management and treatment plan to the principal or appropriately designated school personnel of the school where the student is enrolled. The plan shall be reviewed by appropriate school personnel either prior to or within five (5) days after the beginning of each school year, or upon enrollment if the student enrolls after the beginning of the school year or as soon as practicable following the student being diagnosed with diabetes, or as warranted by changes in the student's medical condition.

Upon receipt of the student's diabetes management and treatment plan, the school nurse shall conduct a nursing assessment of the student's condition and develop an *Individualized Healthcare Plan* (IHP). The school nurse shall be given not less than five (5) school days to develop the IHP and shall implement the IHP within ten (10) school days of receipt of the diabetes treatment plan. The school nurse must assess the stability of the student's diabetes both at home and in the school setting prior to the development of the IHP for care in the school setting.

The parent or legal guardian shall be responsible for all care related to the student's diabetes management and treatment plan until the IHP is developed, the parents or legal guardian have agreed to and signed the IHP, and the diabetes management and treatment plan is put into place by the school nurse.

The School Board may utilize an unlicensed diabetes care assistant to provide appropriate care to a diabetic student, or assist a student with self-care of his/her diabetes, in accordance with the student's diabetes management and treatment plan, the student's IHP, and regulations contained in *Health and Safety*, Bulletin 135. An *unlicensed diabetes care assistant* is defined as a school employee who is not a healthcare professional, who is willing to complete training requirements established by BESE, and is determined competent by the school nurse to provide care and treatment to students with diabetes. An *unlicensed diabetes care assistant* also means an employee of an entity that contracts with the school or school system to provide school nurses who are responsible for providing health care services required by law or the Department of Education.

In accordance with the student's diabetes management and treatment plan, the

student shall be permitted to self-manage his/her diabetes care as outlined in the student's management and treatment plan.

With written permission of a student's parent or legal guardian, a school may provide a school employee with responsibility for providing transportation for a student with diabetes, or supervising a student with diabetes with an off-campus activity. An information sheet with pertinent information about the student's condition and contact information in cases of emergency shall be provided the employee.

10. CLASSROOM STORAGE AND ADMINISTRATION OF AUTO-INJECTABLE EPINEPHRINE BY TEACHERS

The School Board shall allow a supply of auto-injectable epinephrine, as defined above, to be maintained in a secure location in each classroom assigned to a student who is deemed by his/her physician to be at high risk for anaphylactic reaction and incapable of self-administration of auto-injectable epinephrine.

The student's parent or other legal guardian shall annually provide the school in which the student is enrolled with all of the following:

A. The supply of auto-injectable epinephrine to be kept in each classroom.

B. Written authorization for the student to be administered the medication.

C. Written certification from the student's licensed medical physician or other authorized prescriber that the student is at high risk of having anaphylaxis and is not capable of self-administration of auto-injectable epinephrine.

D. A written treatment plan, as defined above from the student's licensed medical physician or other authorized prescriber for managing anaphylactic episodes.

The required documentation shall be kept on file in the office of the school nurse or other designated school official.

The teacher in each classroom where auto-injectable epinephrine is stored shall be provided information regarding accessing and administering auto-injectable epinephrine, the signs and symptoms of anaphylactic reactions and specific information regarding condition, care, and treatment of the student assigned to the classroom who is at high risk of anaphylactic reaction.

The School Board or designee shall inform the parent or other legal guardian of the student in writing that the school and its employees shall incur no liability as a result of any injury sustained by the student from the good faith administration of auto-

injectable epinephrine. The parent or other legal guardian of the student shall sign a statement acknowledging that the school shall incur no liability and that the parent or other legal guardian shall indemnify and hold harmless the school and its employees against any claims that may arise relating to the good faith administration of auto-injectable epinephrine.

This information shall be included in the student handbook of each school and posted on each school's website. Such policy shall also be disclosed to any parent or other legal guardian who notifies the school in which the student is enrolled, in writing, that the student has a condition which puts him at risk of anaphylaxis.

11. ADMINISTRATION OF MEDICATION ON FIELD TRIPS AND OTHER EXTRA-CURRICULAR ACTIVITIES

If a student with an identified medical need is to attend a field trip or other school-sponsored activity, the parents shall be notified to ascertain if any medication must be administered on the field trip or school-sponsored activity away from school. If so, the parent/legal guardian shall accompany the student to the activity to administer any medication.

If the parent/legal guardian cannot attend the field trip/activity with his/her child, the parent/legal guardian shall request in writing that the medication be administered on a pending field trip/activity by a non-School Board employee designated by the parent, or another trained person designated by the School Board. Such request shall include supporting documentation as outlined in this policy. The request shall state that the parent/legal guardian gives permission for the designee or another trained person to administer the medication. If the parent does not designate a non-School Board employee to attend the field trip/activity, once the proper documentation has been submitted, the School Board shall assign a trained School Board employee to accompany the student on the field trip or other school-sponsored activity.

12. EXTENDED DAY CARE

In the event that a student attends extended day care and requires medication outside school hours (before or after school), medication orders that include the dosage(s), time(s), and medication(s), shall be obtained from the physician/dentist/ other authorized prescriber before any administration of medication may be administered by properly trained personnel.

13. SUNSCREEN

In accordance with statutory provisions, *sunscreen* means a compound topically applied to prevent sunburn, and for the purpose of this policy shall not be considered medication. A student may possess and self-apply sunscreen at

school, on a school bus, or at a school-sponsored function or activity without parental consent or the authorization of a physician.

If a student is unable to self-apply sunscreen, a school employee may volunteer to apply the sunscreen to the student in the presence of a witness. However, a school employee may apply sunscreen to a student *only* if his/her parent or legal guardian has provided *written consent* for this application. Neither the School Board nor the school employee shall be held liable for any adverse reaction relating to the employee's application of the sunscreen or his/her cessation of such application.

14. STUDENT CONFIDENTIALITY

All student information shall be kept confidential. The parent/legal guardian shall be required to sign the *Authorization for Release of Confidential Information* form, so that health information can be shared between the School Board and health care providers, such as hospitals, physician, service agency, school nurse, and/or other health provider.

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BEHAVIORAL HEALTH SERVICES FOR STUDENTS

The Ouachita Parish School Board recognizes the connection between a student's social, emotional, and mental well-being and the student's academic success. The School Board desires to assist students in developing the social and emotional skills needed for participation in the educational environment and society at large. In addition to any support services provided by the School Board, the School Board shall allow behavioral health providers to provide medically necessary behavioral health services authorized by an independent third-party payor, including but not limited to Medicaid and commercial insurance, to a student at school during school hours if the student's parent or legal guardian provides a written request for such behavioral health provider and services to the Superintendent or Superintendent's designee, and all other requirements of La. Rev. Stat. Ann. §§17:173 and 17:3996, this policy, and any administrative procedures are met.

A behavioral health provider who provides services according to this policy shall:

1. Maintain general liability insurance coverage in an amount not less than $1,000,000.00 per occurrence and $1,000,000.00 per aggregate and provide a certificate of insurance naming the public school as the certificate holder.

2. Complete a criminal background check conducted by the Louisiana State Police and shall pay all related costs. Applied behavior analysis providers who are licensed, certified, or registered by the Louisiana Behavior Analyst Board, who provide documentation of having passed a criminal background check conducted by the Louisiana State Police and are in good standing with the Board shall not be required to complete an additional criminal background check.

   No person who has been convicted of or pled nolo contendere to a crime listed in La. Rev. Stat. Ann. §15:587.1 (C) shall be permitted to provide behavioral health services to a student at school during school hours.

Behavioral health services shall be permitted during school hours if the student's parent or legal guardian presents a behavioral health evaluation performed by an evaluator as well as an assessment and authorized treatment plan performed by a behavioral health provider chosen by the parent or legal guardian and the evaluation indicates that the services are necessary during school hours to assist the student with behavioral health impairments associated with a medical diagnosis that the evaluator determines are interfering with the student's ability to thrive in the educational setting. A behavioral health evaluation or assessment presented by the parent or legal guardian of a student shall not be construed as an independent educational evaluation for purposes of determining if a student meets the criteria established for eligibility for special education and related services.

In addition, the parent or legal guardian of a student receiving services from a behavioral service provider shall be required to execute a *consent to release information* form between the provider and the School Board.

No behavioral health evaluation, assessment, or authorized treatment plan shall be prohibited from being performed on school property in order to establish medical necessity or to deliver medically necessary services. Behavioral health services may be provided during any part of the school day, including any and all instructional time in English, reading, mathematics, and science ~~if the School Board and the behavioral health provider mutually agree that it is in the best interest of the student~~. The school administrator and service provider shall work collaboratively to create a consistent schedule that meets the medical needs of the student and complies with the provider's ethical code of conduct. In developing the student's plan, consideration shall include impacts on a school's operations and a student's testing schedule. If the parties cannot agree, then the parties shall engage in a dispute resolution process set forth by the state Department of Education.

The School Board shall not enter into a contract or an exclusive agreement with a behavioral health provider that prohibits the parent or legal guardian from choosing the behavioral health provider for the student. However, the provisions of this paragraph shall not impair any existing contract on the effective date of this policy, or the renewal thereof. The cost of all behavioral health services provided to a student shall be the sole responsibility of the parent or legal guardian, individually or through an applicable health insurance policy, Medicaid, or other third-party payor, other than the School Board, that has made funds available for the payment for the services provided.

While on a school campus, a behavioral service provider shall comply with, and abide by, the terms of any *Individualized Education Plan, Individualized Accommodation Plan, Section 504 Plan, Behavior Management Plan*, or *Individualized Health Plan* applicable to a student who is a patient of the provider. The services furnished by a provider shall be incorporated into a written treatment plan applicable to a student.

The School Board shall establish reporting requirements for a behavioral health provider related to the student's progress and student and school safety concerns as related to the student's educational program.

The Superintendent shall approve administrative procedures to provide for student safety and effective implementation of this policy.

The School Board may establish sanctions, including termination of a provider's authorization to provide services on any school campus, against a behavioral health provider for failure to comply with the provisions of this policy and associated procedures and/or any other School Board policy and procedures.

Any behavioral health evaluation, assessment, or treatment plan administered by the

School Board shall not supersede the behavioral health evaluation, assessment, or treatment plan provided by an independent behavioral health provider of a student's parent's choosing. Any applied behavior analysis services provided by the School Board shall be delivered either by behavioral health providers licensed, certified, or registered by the Louisiana Behavior Analyst Board in accordance with La. Rev. Stat. Ann. §37:3701 et seq. or behavioral health providers providing services in accordance with La. Rev. Stat. Ann. §37:3715.

DEFINITIONS

Applied behavior analysis provider shall mean a provider who is licensed, certified, or registered by the Louisiana Behavior Analyst Board and is in good standing to provide applied behavior analysis services.

Applied behavior analysis services shall include the design, implementation, and evaluation of systematic instructional and environmental modifications by an applied behavior analysis provider to produce socially significant improvements in behavior as described in the Behavior Analyst Practice Act.

Behavioral health evaluation shall include but not be limited to the following criteria:

- Diagnosis.
- Type of intervention.
- Length of intervention.
- Identification of a student's goals.
- Identification of impact of student behavior on a student's educational program.
- Recommendations for applied behavior analysis services.

Behavioral health provider shall mean a provider who is licensed by the Louisiana Department of Health or a health profession licensing board and is in good standing to provide behavioral health services in Louisiana including but not limited to a psychiatrist, psychologist, medical psychologist, licensed specialist in school psychology, marriage and family therapist, professional counselor, clinical social worker, applied behavioral analysis provider, or a behavioral health provider organization licensed to provide health services in Louisiana.

Behavioral health services shall include but not be limited to individual psychotherapy, family psychotherapy, psychotropic medication management, community psychiatric support and treatment, crisis intervention, and medically necessary applied behavior analysis services.

Evaluator shall mean a licensed psychiatrist, psychologist, medical psychologist, licensed specialist in school psychology, professional counselor, marriage and family therapist, clinical social worker, or applied behavioral analysis provider who is certified by the respective board of examiners in Louisiana to provide necessary evaluations and who is

not an employee of the School Board or the Louisiana Department of Education.

Independent third-party payor means an individual who serves as a case reviewer for Medicaid or commercial insurers.

Medically necessary services means services that meet the following requirements:

1. Provided for the diagnosis, treatment, cure, or relief of a health condition, illness, injury, or disease.

2. Except for clinical trials that are described within the policy, not for experimental, investigational, or cosmetic purposes.

3. Within the generally accepted standards of medical care in the community.

4. Not solely for the convenience of the insured, the insured's family, or the provider.

No provisions of this policy shall be construed to supersede any of the following:

1. The authority of a student's Individualized Education Program Team or Section 504 Committee to determine appropriate services for a student pursuant to applicable federal and state.

2. The provisions of the *Behavioral Health Services Provider Licensing Law* or any regulation promulgated by the Louisiana Department of Health pursuant to that law.

3. The provisions of the *Behavior Analysis Practice Act*.

New policy: November 13, 2018
Revised: November 14, 2019
Recoded from JGCF: June, 2024
Revised: August, 2024

Ref: 20 USC 1232(g-i) (*Family Educational Rights and Privacy Act*); La. Rev. Stat. Ann. §§17:7, 17:73; Board minutes, 11-13-18, 11-14-19.