Sec. 1. PARENTAL OPT-OUT FOR HEALTH-RELATED SERVICES

(a) Parental Notice Required

"Health-related services" require notification to a student's parent or guardian (either before or after service delivery), but parental consent is assumed to be provided unless and until a parent takes action to withhold consent of or decline for their child to participate in or receive a service.

Tex. Admin. Code § 103.1105(b)(14).

(b) Heath-Related Services Defined

"Health-related services," as used in TEC, Section 26.0083(g) and this policy, means services that are typically short-term, noninvasive activities designed to promote a student's mental, emotional, or physical health or well-being, but are not considered a health-care service. Health-related services are different from healthcare services in that they are typically designed to promote healthy student behaviors and not considered formal methods that rise to the level of health-care services. These services would include, but not be limited to, school counseling services related to mental or emotional health; nutrition health and education beyond what is taught through grade-level or course instruction; physical health screenings such as scoliosis and vision; first aid; mental health screenings; social skills training; stress management; wellness promotion and education; opportunities for physical activity; emotional regulation activities; substance abuse prevention; suicide prevention; crisis prevention training; and other services offered in alignment with decisions made by the local school health advisory council.

Tex. Admin. Code § 103.1105(b)(8).

(c) First Aid

First Aid is considered an opt-out health related-service and means any one-time immediate treatment, and any necessary follow-up visits for the purpose of observation, of typically minor conditions or occurrences, or temporary treatment while waiting for medical care, which could be provided by a medical professional or a non-medical professional, but does not otherwise involve medical care and does not include the dispensing of medication. First Aid does not require active informed consent by a parent prior to administering to a student.

Tex. Admin. Code § 103.1105(b)(10).

Sec. 2. PARENTAL OPT-IN FOR HEALTH-CARE SERVICES

(a) Parental Consent Required

A parent must actively grant informed consent for their child to participate in or receive a health-care service prior to the delivery of that service.

Tex. Admin. Code § 103.1105(b)(13).

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(b) Health-Care Services Defined

"Health-care services" mean services that would meet the definition of either psychological or psychiatric examination or test or psychological or psychiatric treatment, as well as services that involve medical treatment, medical procedures, or dispensing medication. Health-care services require parents to opt-in by providing active, informed consent before the service can be administered, absent emergency care situations.

Tex. Admin. Code § 103.1105(b)(7); Tex. Admin. Code § 103.1105(b)(13)

Sec. 3. PARENTAL CONSENT NOT REQUIRED FOR GENERAL CARETAKING

Parental consent is not required for general caregiving. General caregiving is neither a health-related service nor a health-care service. "General caretaking" means noninvasive actions to address minor student claims of feeling unwell or adult observations of a child being physically unwell, such as cleaning spills or other accidents, offering a change of clothing if necessary, and providing support that an adult would typically provide to support a child's expressions of being unwell (e.g., feeling a student's forehead, checking for a swollen throat, etc.). It also includes minor student care actions such as applying adhesive bandages (e.g., band aids), wiping a bloody nose, etc.

Tex. Admin. Code § 103.1105 (b)(7).

Sec. 4. ANNUAL NOTICE TO PARENTS

Before the first instructional day of each school year, Texas Leadership Public Schools (TLPS) must provide to the parent of each enrolled student written notice of each health-related service and health-care service offered at the campus the student attends. The notice must: (1) include a statement of the parent's right to withhold consent for or decline any listed service, delineating between services that are opt-in (consent must be provided prior to service delivery) and opt-out (consent is assumed unless specifically communicated otherwise); (2) allow a parent the opportunity to provide or withhold consent, as appropriate, for any listed service offered by the district; and (3) provide instructions on how to inform the school during the school year of a change in consent for any of the services.

Sec. 5. NON-PARENT CONSENT FOR CERTAIN MEDICAL TREATMENT

TLPS may consent to medical, dental, psychological, and surgical treatment of an enrolled student provided all of the following conditions are met:

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

Tex. Family Code § 32.001(a)(4).

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a) *Form of Consent*

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

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

Tex. Family Code § 32.002.

b) *Minor's Consent to Treatment*

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

1. Is on active duty with the armed services of the United States of America;
2. Is 16 years of age and residing separate and apart from the minor's parents, managing conservator, or guardian, with or without the consent of the parents, managing conservator, or guardian and regardless of the duration of the residence, and is managing his or her own financial affairs, regardless of the source of the income;
3. Consents to the diagnosis and treatment of any infectious, contagious, or communicable disease required to be reported to the Texas Department of State Health Services, including all reportable diseases under Health and Safety Code 81.041;
4. Is unmarried and pregnant, and consents to hospital, medical, or surgical treatment, other than abortion, related to her pregnancy;
5. Consents to examination and treatment for drug or chemical addiction, drug or chemical dependency, or any other condition directly related to drug or chemical use; or
6. Is unmarried, is the parent of a child, and has actual custody of his or her child and consents to medical, dental, psychological, or surgical treatment for the child.

Tex. Family Code § 32.003.

c) *Purchasing Medication*

Texas Leadership Public Schools (TLPS) shall not purchase nonprescription medication to administer to a student except as permitted under Board Policy 3.XXX (Administration of Medication) relating to the purchase of Epinephrine Auto-Injectors and Medication for Respiratory Distress or Opioid Antagonist Medication for administration on an emergency basis.

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Sec. 6. SUNSCREEN PRODUCTS

A student may possess and use a topical sunscreen product while on school property or at a school-related event or activity to avoid overexposure to the sun and not for the medical treatment of an injury or illness if the product is approved by the federal Food and Drug Administration for over-the-counter use.

Tex. Educ. Code § 38.021.

Sec. 7. SELF-ADMINISTRATION OF ASTHMA OR ANAPHYLAXIS MEDICINE

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

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

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

Tex. Educ. Code § 38.015.

Sec. 8. DIETARY SUPPLEMENTS

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

1. Knowingly sells, markets, or distributes a dietary supplement that contains performance enhancing compounds to a primary or secondary education student with whom the employee has contact as part of the employee's school duties; or

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

Tex. Educ. Code § 38.011(a), (c).

Sec. 9. PRESCRIPTION MEDICATION AND SPECIAL EDUCATION STUDENTS

A TLPS employee is prohibited from requiring a child to obtain a prescription for a substance covered under the federal Controlled Substances Act (21 U.S.C. 801 et seq.) as a condition of attending school, receiving an evaluation for special education, or receiving special education and related services. An employee is not prohibited from consulting or sharing classroom-based observations with parents or guardians regarding a student's academic and functional performance, behavior in the classroom or school, or the need for evaluation for special education or related services.

20 U.S.C. § 1412(a)(25).

Sec. 10. STUDENT ILLNESS

The Superintendent or designee shall establish procedures to ensure that proper attention is given to a student who becomes ill during the school day and that parental notice of the student's illness is provided.

Sec. 11. ACCIDENTS INVOLVING STUDENTS

The Superintendent or designee shall establish emergency procedures to ensure appropriate attention for a student injured at school and that parental notice of the student's accident is provided. TLPS shall maintain records on all accidents requiring the attention of a medical doctor.

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