

## School Health Statutes

Use this checklist as a guide when monitoring your district's compliance/participation in school health statutes

Statute	No	In Progress	Yes-Completed	Needs Revising Renewal
<b>Does your district have a Wellness Policy? (The Child Nutrition and WIC Reauthorization Act of 2004, Sec. 204); Federal Law</b>				
<b>Does your district have an implementation plan to accompany your Wellness Policy?</b>				
<b>Does your district have a School Health Advisory Council? (TEC, Title 2, Chapter 28, Section 28.004)</b>				
1. Is your SHAC prepared to respond to the obligations outlined in the Texas Education Code?				
2. Has the SHAC recommended the number of hours of instruction to be provided in health education?				
3. Has the SHAC made recommendations regarding curriculum that addresses the prevention of obesity, cardiovascular disease, and type 2 Diabetes?				
4. Has the SHAC recommended strategies for integrating the curriculum components into school health services, counseling and guidance, safe and healthy school environment, and school employee wellness?				
5. Has the SHAC recommended appropriate grade levels and methods of instruction for human sexuality instruction?				
6. Are the majority of the SHAC members parents not employed by the school district?				
7. Has the SHAC advised the board of trustees on the course materials and instruction relation to human sexuality, STD's, STI's, HIV, or acquired immune deficiency syndrome?				
8. Does your school district notify parents about the basic content of human sexuality instruction, their rights to remove their child from any part of the instruction, and is the curriculum available for reasonable public inspection?				

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<b>9. Has the district published in the student handbook and on the district's website:</b>				
a. Elementary/Middle/Jr High students participation in at least 30 min./day or 135 min./week of physical activity				
b. The number of times the SHAC met in the preceding year				
c. If the district has adopted and enforces policy regarding vending machine compliance and food service guidelines				
d. If the district has adopted and enforces policies and procedures regarding penalties for the use of tobacco products on school campuses or at school-sponsored/related activities.				
<b>NEW from the 81st Legislature that give stronger guidelines for School Health Advisory Councils</b>				
<b>SB 283: School Health Advisory Councils (SHAC):</b>				
Meet 4 times year (minimally)				
Contain a minimum of 5 members				
Report directly to school board at least once annually with detailed account of SHAC activities and priorities.				
Appoint a parent as chair or co-chair				
Recommend indicators for evaluating effectiveness of Coordinated School Health Programs				
<b>Human Sexuality:</b> Before school year, the board with School Health Advisory Council recommendations shall provide written notice of decision regarding whether district will provide human sexuality instruction to students.				
<b>If Human Sexuality instruction</b> is provided, the notice must include summary of basic content of instruction, a statement of the parent's right to review material/curriculum, a statement of parent's right to remove the student without penalty from instruction, and information describing opportunities for parental involvement in development of curriculum.				

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<b>Has your district implemented a Coordinated School Health Program in grades K-5?</b> Bienestar, CATCH, Great Body Shop, Healthy & Wise (TEC, Chapter 38.013)				
<b>Which program are you using for your</b> Coordinated School Health program in grades K-5?	List program/s:			
<b>Has your district implemented a Coordinated School Health Program in grades 6-8?</b> Bienestar, CATCH, Healthy & Wise/Spark P.E. (TEC, Chapter 38.013)				
<b>Which program are you using for your</b> Coordinated School Health program in grades 6-8?	List program/s:			
<b>Is your district prepared to answer questions regarding the CSH programming in your district?</b>				
<b>NEW from the 81st Legislature that give stronger guidelines for Coordinated School Health Programs</b>				
<b>Statute</b>	<b>No</b>	<b>In Progress</b>	<b>Yes-Completed</b>	<b>Needs Revising Renewal</b>
<b>SB 892: Coordinated School Health Program (Passed and signed by Governor, effective September 1, 2009)</b>				
Include in all Campus Improvement Plans (CIPS) for elementary and junior high school campuses				
Expands requirements of a Campus Improvement Plan to develop goals/objectives for the coordinated health program at the campus based on the fitness assessment data, academic performance data, student attendance rates, percentage of Low SES, use and success of any method to ensure student participation in physical activities or other recommendations by health advisory council. (Not applicable for high school)				

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<b>SB 530:</b>				
a. <b>Students K-5 MVPA</b> , 30 min./day or 135 min./week as part of Physical Education curriculum or structured activity during recess.				
b. <b>Students in 6-8 MVPA</b> , 30 min./day for at least 4 semesters during those grade levels as part of P.E. curriculum; 135 min./week or 225 min./2 weeks allowable. (Exemptions defined TEC 74.31)				
c. <b>FITNESSGRAM</b> physical fitness assessment for all students in grades 3-12 (Exemptions defined TEC 74.31)				
d. <b>SHAC:</b> Add policies adopted to ensure students K-8 are meeting physical activity requirements in handbook/website.				
e. <b>SHAC:</b> Notice to parents regarding request for their child's physical fitness assessment results.				
f. <b>SHAC:</b> Consider and make policy recommendations to the district concerning the importance of daily recess for elementary students.				
g. A school district shall compile the results of the physical fitness assessment (FitnessGram) and provide the results, aggregated by grade level and any other appropriate category identified by the commissioner.				

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<b>Is your district addressing laws related to school services that include:</b>				
1. Medication Administration (TEC 22.052)				
2. Care for Students with Diabetes (H&S 168.001-168.009)				
3. Meningitis information (H&S 38.0025)				
4. Asthma Action Plan/Anaphylaxis (H&S 38.015)				
5. Dietary Supplements (H&S 38.011)				
6. Vision & Hearing (H&S 36.004) and Spinal Screening (H&S 37.001)				
7. Acanthosis Nigricans Screening (H&S 95.001-95.004)				
8. Immunization requirements, exceptions, records, and reporting (TEC 38.001 – 38.002)				
9. Bloodborne Pathogens (H&S Ch. 81, TAC Title 25, Part 1, Chapter 96)				
<b>SB 415: Risk Assessment for Type 2 Diabetes:</b>				
Similar to screening and reporting requirements for AN screening, currently. Further changes to be determined.				

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<b>HB 1059: Immunization Information Posted on ISD website:</b>				
Requires the Department of State Health Services (DSHS) to prepare a list, in English and Spanish, of immunizations required for admission to public schools and any additional immunizations DSHS recommends for a school-age child, in a manner that permits a school district to easily post the list on the district's internet website, and requires each district that maintains a website to post this list prominently on it's website. That website also must include a list of health clinics that the district knows offer the influenza vaccine and a link to the DSHS website about procedures for claiming an exemption from the immunization requirements.				
<b>SB 7: AED education and implementation:</b>				
Extension of AED training, education, and instruction. Each campus shall have at least one AED; must have a physician's prescription for use; coordinated with local EMS. <b>Does every school in your district have an automated external defibrillator, and to extent practicable one at each UIL athletic practice or competition?</b> (TEC, Chapter 38, 38.017-38.019, H&S 779.001)				
<b>HB 1098: HPV Immunization not required.</b>				
<b>HB 1379: HPV Vaccine education materials</b>				
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HPV Vaccine education materials available to parents at appropriate time regarding HPV immunization.				

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<b>HB 2176: Parenting and Paternity Awareness (PAPA):</b>				
School districts must include PAPA program, with the district adopted high school health education curriculum, effective school year 2008-2009. If your district teaches the required high school health curriculum at the middle school, then it will be required at middle school also.				
<b>NEW from the 81st Legislature that addresses PAPA being taught in Middle School Health</b>				
<b>HB 3076: Parenting and Paternity Awareness (PAPA):</b>				
Allows district to use parenting and paternity awareness program currently required in district's high school curriculum to be used in middle school curriculum. Permits discretion in allowing teacher to modify suggested sequence and pace of program at any grade level. Adds requirement that middle school does not have a family violence prevention program that addresses the skills related to prevention. Prevents a student under 14 from participating in a program without the permission of the parent/guardian.				
<b>NEW from the 81st Legislature</b>				
<b>SB 1344: Evidence Based Alcohol Awareness:</b>				
Directs school districts to choose an evidenced based alcohol awareness instructional program to use in the district's middle school, junior high school, and high school health curriculum. The curriculum must include the causes, consequences, sign, symptoms, and treatment of binge drinking and alcohol poisoning.				

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<b>NEW from the 81st Legislature</b>				
<b>HB 1041: Sexual Abuse of Children:</b>				
District must adopt and implement a policy addressing sexual abuse of children to be included in the district improvement plan and all informational handbooks provided to students and parents. The district must include: methods for increasing awareness of issues regarding sexual abuse of children, warning signs, actions that a child should take to obtain assistance and intervention, and available counseling options for students affected by sexual abuse. Texas Office of Attorney General resources: <a href="http://www.oag.state.tx.us/victims/sapcs.shtml">http://www.oag.state.tx.us/victims/sapcs.shtml</a>				
<b>NEW from the 81st Legislature</b>				
<b>SB 891: Physical Education Curriculum (Passed and signed by Governor, effective September 1, 2009)</b>				
Physical Education "Curriculum must be sequential, developmentally appropriate, and designed, implemented, and evaluated to enable students to develop the motor, self-management, and other skills, knowledge, attitudes, and confidence necessary to participate in physical activity throughout life."				
An emphasis on lifelong physical activity				
Consistency with national PE standards				
Requirement that 50% of weekly PE class time be used for moderate or vigorous level activities				
Element of student choice in activities				
Competitive and cooperative games				
Meet needs of all students at all ability and health levels				
Acknowledgement of possible cultural and gender activities that interest students				
Emphasis on self management and movement skills				
Emphasis on fair play and cooperation				
Promotion of student participation in physical activity outside school				
Structure that allows PE classes to be enjoyable for all				
District is to establish specific objectives and goals for the PE curriculum, including student teacher ratios to ensure student safety in PE classes. If ratio is greater than 45 to 1, district must identify manner in which safety will be maintained.				
Requires that full-day prekindergarten students participate in at least 30 minutes of moderate or vigorous daily activity throughout the school year. To the extent practicable, students enrolled in half-day prekindergarten must participate in the same type and amount of physical activity as those in full day programs.				

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<b>NEW from the 81st Legislature</b>
<i>If you have questions, contact Dr. Phyllis Simpson, <a href="mailto:phyllis.simpson@tea.state.tx.us">phyllis.simpson@tea.state.tx.us</a></i>
<b>SB 3: REVISED House Bill (HB) 3 and Graduation Requirements for 2009-2010:</b>
With the passage of House Bill (HB) 3, new graduation requirements will take effect on September 1, 2009. These new requirements supersede the graduation requirements in 19 Texas Administrative Code (TAC) Chapter 74. <i>All students are able to graduate under the HB 3 high school graduation requirements beginning in the 2009-10 school year, unless the district has adopted additional local requirements.</i>
<b>Recommended High School Program (RHSP) and Distinguished Achievement Program (DAP)</b> For the recommended (RHSP) and advanced (DAP) high school programs, the total number of credits required for graduation and the requirement of 4 credits in the 4 foundation areas of mathematics, English language arts, science, and social studies/economics did not change. HB 3 changes include:
* providing more flexibility in the enrichment areas of the RHSP by increasing the number of elective credits to 6, requiring 1 credit of physical education, 2 credits of a language other than English (LOTE), and 1 credit of fine arts; and * providing more flexibility in the enrichment areas in the DAP by increasing the number of elective credits to 5, requiring 1 credit of physical education, 3 credits of LOTE, and 1 credit of fine arts (Physical Education dropped from 1 1/2 credit to 1 credit, Health dropped from 1/2 credit to not required, Technology application dropped from 1 credit to not required) Electives were 3 1/2 went to 6 Electives which may be selected from the list of courses specified in TAC §74.51(g) relating to High School Graduation Requirements. *Electives are in addition to the required credits in fine arts, physical education and languages other than English
For students who entered grade 9 BEFORE 2007-2008 <a href="http://ritter.tea.state.tx.us/taa/comm070609a.doc">http://ritter.tea.state.tx.us/taa/comm070609a.doc</a>
For students who entered grade 9 in 2007-2008 <a href="http://ritter.tea.state.tx.us/taa/comm070609b.doc">http://ritter.tea.state.tx.us/taa/comm070609b.doc</a>
<b>Texas Fitness Now Grants Update</b>
Approval was given for the funding of \$20 million over two years to continue funding the Texas Fitness Now Grants. TEA and TAHPERD are working with the Comptroller's office to refine and expand the parameters of the grant requirements. Effective September 2009.