

AN ACT

relating to local school health advisory councils, health education instruction, and coordinated health programs for elementary school students.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 28.004, Education Code, is amended to read as follows:

Sec. 28.004. LOCAL SCHOOL HEALTH [~~EDUCATION~~] ADVISORY COUNCIL AND HEALTH EDUCATION INSTRUCTION.

SECTION 2. Section 28.004, Education Code, is amended by amending Subsections (a) through (e) and adding Subsection (k) to read as follows:

(a) The board of trustees of each school district shall establish a local school health [~~education~~] advisory council to assist the district in ensuring that local community values are reflected in the district's health education instruction.

(b) A school district must consider the recommendations of the local school health [~~education~~] advisory council before changing the district's health education curriculum or instruction.

(c) The local school health [~~education~~] advisory council's duties include recommending:

(1) the number of hours of instruction to be provided in health education;

(2) [~~health education~~] curriculum appropriate for specific grade levels [~~that may include a coordinated health-education program~~] designed to prevent obesity, cardiovascular disease, and Type 2 [~~II~~] diabetes through coordination of:

(A) health education;

(B) physical education and physical activity

;

(C) nutrition [~~nutritional~~] services;

(D) parental involvement; and

(E) instruction to prevent the use of

tobacco;

[~~and~~]

(3) appropriate grade levels and methods of instruction for human sexuality instruction; and

(4) strategies for integrating the curriculum components specified by Subdivision (2) with the following elements in a coordinated school health program for the district:

(A) school health services;

(B) counseling and guidance services;

(C) a safe and healthy school environment;

and

(D) school employee wellness.

(d) The board of trustees shall appoint members to the local school health [education] advisory council. A majority of the members must be persons who are parents of students enrolled in the district and who are not employed by the district. The board of trustees also may appoint one or more persons from each of the following groups or a representative from a group other than a group specified under this subsection:

- (1) public school teachers;
- (2) public school administrators;
- (3) district students;
- (4) health care professionals;
- (5) the business community;
- (6) law enforcement;
- (7) senior citizens;
- (8) the clergy; and
- (9) nonprofit health organizations.

(e) Any course materials and instruction relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus or acquired immune deficiency syndrome shall be selected by the board of trustees with the advice of the local school health [education] advisory council and must:

- (1) present abstinence from sexual activity as the preferred choice of behavior in relationship to all sexual activity for unmarried persons of school age;
- (2) devote more attention to abstinence from sexual activity than to any other behavior;
- (3) emphasize that abstinence from sexual activity, if used consistently and correctly, is the only method that is 100 percent effective in preventing pregnancy, sexually transmitted diseases, infection with human immunodeficiency virus or acquired immune deficiency syndrome, and the emotional trauma associated with adolescent sexual activity;
- (4) direct adolescents to a standard of behavior in which abstinence from sexual activity before marriage is the most effective way to prevent pregnancy, sexually transmitted diseases, and infection with human immunodeficiency virus or acquired immune deficiency syndrome; and
- (5) teach contraception and condom use in terms of human use reality rates instead of theoretical laboratory rates, if instruction on contraception and condoms is included in curriculum content.

(k) A school district shall make available for reasonable public inspection:

(1) a statement of the policies adopted to ensure that students in elementary grades engage in at least 30 minutes per school day or 135 minutes per school week of physical activity; and

(2) a statement of:

(A) the number of times during the year the district's school health advisory council has met;

(B) whether the district has adopted and enforces policies to ensure that district campuses comply with agency vending machine and food service guidelines for restricting student access to vending machines; and

(C) whether the district has adopted and enforces policies and procedures that prescribe penalties for the use of tobacco products by students and others on school campuses or at school-sponsored or school-related activities.

SECTION 3. Section 38.013, Education Code, as added by Chapter 907, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

Sec. 38.013. COORDINATED HEALTH PROGRAM FOR ELEMENTARY SCHOOL STUDENTS. (a) The agency shall make available to each school district one or more [a] coordinated health programs [~~program~~] designed to prevent obesity, cardiovascular disease, and Type 2 [II] diabetes in elementary school students. Each [~~The~~] program must provide for coordinating:

- (1) health education;
- (2) physical education and physical activity;
- (3) nutrition services; and
- (4) parental involvement.

(a-1) The commissioner by rule shall adopt criteria for evaluating a coordinated health program before making the program available under Subsection (a). Before adopting the criteria, the commissioner shall request review and comment concerning the criteria from the Texas Department of Health's School Health Advisory Committee. The commissioner may make available under Subsection (a) only those programs that meet criteria adopted under this subsection.

(b) The agency shall notify each school district of the availability of the programs [~~program~~].

SECTION 4. This Act takes effect September 1, 2003.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1357 passed the Senate on May 8, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1357 passed the House on May 28, 2003, by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor