BILL ANALYSIS

Senate Research Center   S.B. 283
                                                                        By: Nelson, et al.
                                                                             Education
                                                                              8/7/2009
                                                                               Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, 42 percent of fourth graders in Texas are either obese, overweight, or at risk of becoming overweight, and 70 percent of overweight children will become overweight adults. School health advisory councils (SHACs) are district-level councils composed of parents, teachers, students, health professionals, and community leaders who are responsible for creating strategies to integrate health curriculum into a coordinated school health program that reflects local values. Although SHACs are currently required to create strategies to integrate health curriculum into coordinated school health programs, there are no criteria for organizational structure or mechanisms for accountability. A more structured set of guidelines will make SHACs more effective in developing and implementing coordinated school health plans.

S.B. 283 amends current law relating to the membership and activities of local school health advisory councils and to parental involvement in human sexuality instruction in public schools.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 28.004, Education Code, by amending Subsections (d) and (i) and adding Subsections (d-1), (i-1), (m), (m-1), and (m-2), as follows:

(d) Requires the board of trustees to appoint at lease five members to the local school health advisory council (SHAC). Requires one of the members of the local health advisory council to serve as chair or co-chair of the SHAC.

(d-1) Requires the SHAC to meet at least four times each year.

(i) Requires a school district, before each school year, to provide written notice to a parent of each student enrolled in the district of the board of trustee's decision regarding whether the district will provide human sexuality instruction to district students. Requires that the notice include, if instruction will be provided:

(1) a summary of the basic content of the district's human sexuality instruction to be provided to the student, including a statement informing the parent of the instructional requirements under state law;

(2) a statement of the parent's right to review curriculum materials as provided by Subsection (j) and remove the student from any part of the district's human sexuality instruction without subjecting the student to any disciplinary action, academic penalty, or other sanction imposed by the district or the student's school; and

(3) information describing the opportunities for parental involvement in the development of the curriculum to be used in human sexuality instruction, including information regarding the council established under Subsection (a).

(i-1) Authorizes a parent to use the grievance procedure adopted under Section 26.011 (Complaints) concerning a complaint of a violation of Subsection (i).

(m) Requires the SHAC, in addition to performing other duties, to submit to the board, at least annually, a written report that includes certain information regarding the council's recommendations, modifications, and activities.

(m-1) Requires the SHAC, in lieu of the report that otherwise would be required under Subsection (m), not later than April 1, 2010, to submit to the board of trustees an initial written report that includes any information required under Subsections (m)(1) (regarding any SHAC recommendation concerning the school district's health education curriculum and instruction or related matters that the SHAC has not previously submitted to the board of trustees) and (2) (regarding any suggested modification to a SHAC recommendation previously submitted to the board of trustees), and a detailed explanation of the SHAC's activities during the 12-month period preceding the date of the report.

(m-2) Provides that Subsection (m-1) and this subsection expire April 30, 2010.

SECTION 2. Effective date: September 1, 2009.