

By: Cain

H.B. No. 3463

A BILL TO BE ENTITLED

AN ACT

relating to paperwork requirements and unfunded mandates imposed on school districts.

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

SECTION 1. Section 7.060, Education Code, is amended by adding Subsection (c) to read as follows:

(c) In addition to the requirements otherwise prescribed by this section, the commissioner shall adopt policies that result in a reduction of at least 10 percent in the total amount of written paperwork, reports, and other information that a school district is required by the agency to prepare, as determined in comparison to the total amount of written paperwork, reports, and other information required to be prepared by a school district during the 2010-2011 school year. The policies must be implemented beginning not later than the 2012-2013 school year. This subsection expires September 1, 2013.

SECTION 2. Section 11.253(d), Education Code, is amended to read as follows:

(d) Each campus improvement plan must:

(1) assess the academic achievement for each student in the school using the student achievement indicator system as described by Section 39.053;

(2) set the campus performance objectives based on the student achievement indicator system, including objectives for

1 special needs populations, including students in special education
2 programs under Subchapter A, Chapter 29;

3 (3) identify how the campus goals will be met for each
4 student;

5 (4) determine the resources needed to implement the
6 plan;

7 (5) identify staff needed to implement the plan;

8 (6) set timelines for reaching the goals;

9 (7) measure progress toward the performance
10 objectives periodically to ensure that the plan is resulting in
11 academic improvement;

12 (8) include goals and methods for violence prevention
13 and intervention on campus;

14 (9) provide for a program to encourage parental
15 involvement at the campus; and

16 (10) if the campus is an elementary, middle, or junior
17 high school, set goals and objectives for the coordinated health
18 program at the campus based on:

19 (A) student fitness assessment data, including
20 any data from research-based assessments such as the school health
21 index assessment and planning tool created by the federal Centers
22 for Disease Control and Prevention;

23 (B) student academic performance data;

24 (C) student attendance rates;

25 (D) the percentage of students who are
26 educationally disadvantaged;

27 (E) the use and success of any method to ensure

1 that students participate in moderate to vigorous physical activity
2 as required by Section 28.002(1); and

3 (F) any other indicator recommended by the local
4 school health advisory council, if one has been established.

5 SECTION 3. Sections 28.004(a), (b), (d), (d-1), (e), (i),
6 (k), (l), and (m), Education Code, are amended to read as follows:

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

11 (b) A school district must consider the recommendations of
12 the local school health advisory council, if one has been
13 established, before changing the district's health education
14 curriculum or instruction.

15 (d) If the ~~[The]~~ board of trustees establishes a local
16 school health advisory council, the board shall appoint at least
17 five members to the ~~[local school health advisory]~~ council. A
18 majority of the members must be persons who are parents of students
19 enrolled in the district and who are not employed by the
20 district. One of those members shall serve as chair or co-chair of
21 the council. The board of trustees also may appoint one or more
22 persons from each of the following groups or a representative from a
23 group other than a group specified under this subsection:

- 24 (1) public school teachers;
25 (2) public school administrators;
26 (3) district students;
27 (4) health care professionals;

- (5) the business community;
- (6) law enforcement;
- (7) senior citizens;
- (8) the clergy; and
- (9) nonprofit health organizations.

(d-1) If the board of trustees establishes a [The] local school health advisory council, the council shall meet at least four times each year.

(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 advisory council, if one has been established, 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

1 effective way to prevent pregnancy, sexually transmitted diseases,
2 and infection with human immunodeficiency virus or acquired immune
3 deficiency syndrome; and

4 (5) teach contraception and condom use in terms of
5 human use reality rates instead of theoretical laboratory rates, if
6 instruction on contraception and condoms is included in curriculum
7 content.

8 (i) Before each school year, a school district shall provide
9 written notice to a parent of each student enrolled in the district
10 of the board of trustees' decision regarding whether the district
11 will provide human sexuality instruction to district students. If
12 instruction will be provided, the notice must include:

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

17 (2) a statement of the parent's right to:

18 (A) review curriculum materials as provided by
19 Subsection (j); and

20 (B) remove the student from any part of the
21 district's human sexuality instruction without subjecting the
22 student to any disciplinary action, academic penalty, or other
23 sanction imposed by the district or the student's school; and

24 (3) information describing the opportunities for
25 parental involvement in the development of the curriculum to be
26 used in human sexuality instruction, including information
27 regarding the local school health advisory council, if one has been

1 established [~~under Subsection (a)~~].

2 (k) A school district shall publish in the student handbook
3 and post on the district's Internet website, if the district has an
4 Internet website:

5 (1) a statement of the policies adopted to ensure that
6 elementary school, middle school, and junior high school students
7 engage in at least the amount and level of physical activity
8 required by Section 28.002(1);

9 (2) a statement of:

10 (A) the number of times during the preceding year
11 the district's school health advisory council has met, if one has
12 been established;

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

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

21 (3) a statement providing notice to parents that they
22 can request in writing their child's physical fitness assessment
23 results at the end of the school year.

24 (1) If the board of trustees establishes a [~~The~~] local
25 school health advisory council, the council shall consider and make
26 policy recommendations to the district concerning the importance of
27 daily recess for elementary school students. The council must

1 consider research regarding unstructured and undirected play,
2 academic and social development, and the health benefits of daily
3 recess in making the recommendations. The council shall ensure
4 that local community values are reflected in any policy
5 recommendation made to the district under this subsection.

6 (m) In addition to performing other duties, the local school
7 health advisory council, if one has been established, shall submit
8 to the board of trustees, at least annually, a written report that
9 includes:

10 (1) any council recommendation concerning the school
11 district's health education curriculum and instruction or related
12 matters that the council has not previously submitted to the board;

13 (2) any suggested modification to a council
14 recommendation previously submitted to the board; and

15 (3) a detailed explanation of the council's activities
16 during the period between the date of the current report and the
17 date of the last prior written report.

18 SECTION 4. Section 176.009(a), Local Government Code, is
19 amended to read as follows:

20 (a) A local governmental entity that maintains an Internet
21 website shall provide access to the statements and to
22 questionnaires required to be filed under this chapter on that
23 website. This subsection does not require a local governmental
24 entity to maintain an Internet website. This subsection does not
25 apply to a school district.

26 SECTION 5. Section 38.0025, Education Code, is repealed.

27 SECTION 6. This Act takes effect September 1, 2011.