

By: Swanson

H.B. No. 4206

A BILL TO BE ENTITLED

AN ACT

relating to elimination of the requirement that a school district
establish a local school health advisory council.

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

SECTION 1. 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 achievement indicator system as described
by Section 39.053;

(2) set the campus performance objectives based on the
achievement indicator system, including objectives for special
needs populations, including students in special education
programs under Subchapter A, Chapter 29;

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

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

(5) identify staff needed to implement the plan;

(6) set timelines for reaching the goals;

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

(8) include goals and methods for violence prevention

1 and intervention on campus;

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

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

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

11 (B) student academic performance data;

12 (C) student attendance rates;

13 (D) the percentage of students who are
14 educationally disadvantaged; and

15 (E) the use and success of any method to ensure
16 that students participate in moderate to vigorous physical activity
17 as required by Section 28.002(1) ~~and~~

18 ~~[(F) any other indicator recommended by the local
19 school health advisory council].~~

20 SECTION 2. The heading to Section 28.004, Education Code,
21 is amended to read as follows:

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

24 SECTION 3. Sections 28.004(e), (i), and (k), Education
25 Code, are amended to read as follows:

26 (e) Any course materials and instruction relating to human
27 sexuality, sexually transmitted diseases, or human

1 immunodeficiency virus or acquired immune deficiency syndrome
2 shall be selected by the board of trustees [~~with the advice of the~~
3 ~~local school health advisory council~~] and must:

4 (1) present abstinence from sexual activity as the
5 preferred choice of behavior in relationship to all sexual activity
6 for unmarried persons of school age;

7 (2) devote more attention to abstinence from sexual
8 activity than to any other behavior;

9 (3) emphasize that abstinence from sexual activity, if
10 used consistently and correctly, is the only method that is 100
11 percent effective in preventing pregnancy, sexually transmitted
12 diseases, infection with human immunodeficiency virus or acquired
13 immune deficiency syndrome, and the emotional trauma associated
14 with adolescent sexual activity;

15 (4) direct adolescents to a standard of behavior in
16 which abstinence from sexual activity before marriage is the most
17 effective way to prevent pregnancy, sexually transmitted diseases,
18 and infection with human immunodeficiency virus or acquired immune
19 deficiency syndrome; and

20 (5) teach contraception and condom use in terms of
21 human use reality rates instead of theoretical laboratory rates, if
22 instruction on contraception and condoms is included in curriculum
23 content.

24 (i) Before each school year, a school district shall provide
25 written notice to a parent of each student enrolled in the district
26 of the board of trustees' decision regarding whether the district
27 will provide human sexuality instruction to district students. If

instruction will be provided, the notice must include:

(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:

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

(B) 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 local school health advisory council established under Subsection (a)]~~.

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

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

(2) a statement of:

(A) ~~[the number of times during the preceding year the district's school health advisory council has met,~~

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

5 (B) [~~(C)~~] whether the district has adopted and
6 enforces policies and procedures that prescribe penalties for the
7 use of e-cigarettes, as defined by Section 38.006, and tobacco
8 products by students and others on school campuses or at
9 school-sponsored or school-related activities; and

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

13 SECTION 4. The following laws are repealed:

14 (1) Sections 28.004(a), (b), (c), (d), (d-1), (l),
15 (l-1), (m), and (n), Education Code; and

16 (2) Section 12.0029(d), Agriculture Code.

17 SECTION 5. This Act takes effect September 1, 2017.