

WELLNESS AND HEALTH SERVICES  
PHYSICAL EXAMINATIONS

FFAA  
(LEGAL)

PHYSICAL FITNESS  
ASSESSMENT

Annually, a district shall assess the physical fitness of students in grade 3 or higher in a course that satisfies the curriculum requirements for physical education under Education Code 28.002(a)(2)(C), using an assessment instrument adopted by the commissioner of education (currently FitnessGram®). *Education Code 38.101(a), .102(a)*

A district is not required to assess a student for whom, as a result of disability or other condition identified by commissioner rule, the assessment instrument is inappropriate. *Education Code 38.101(b)*

The assessment instrument must be based on factors related to student health, including aerobic capacity; body composition; and muscular strength, endurance, and flexibility, unless a particular factor is inappropriate for that student because of a health classification defined in 19 Administrative Code 74.31 [see EHAA]. *Education Code 38.102(b)(1); 19 TAC 103.1001(b)*

REPORT

A district shall provide the results of individual student performance on the physical fitness assessment to TEA. The results may not contain the names of individual students or teachers or a student's social security number or date of birth.

CONFIDENTIALITY

The results of individual student performance on the physical fitness assessment instrument are confidential and may be released only in accordance with state and federal law.

*Education Code 38.103*

A district may accept donations made to facilitate implementation of this subchapter. *Education Code 38.105*

VISION AND HEARING  
SCREENING

As soon as possible after admission and within a period set by rule, a student required to be screened shall undergo approved screening for vision and hearing disorders and any other special senses and communication disorders specified by the Texas Department of State Health Services (TDSHS). *Health and Safety Code 36.005(a)*

DISTRICT  
RESPONSIBILITY

A superintendent shall ensure that each student admitted to a district complies with the screening requirements set by TDSHS or submits an affidavit of exemption (see below). *Health and Safety Code 36.005(c)*

SCREENING  
SCHEDULE

ROUTINE  
SCREENING

Children enrolled in prekindergarten and kindergarten must be screened each year within 120 days of enrollment. Children enrolled in the first, third, fifth, and seventh grades must receive vision and hearing screening in each of those grade years (can be done at any time during each of those years). Upon written re-

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	<p>quest approved by TDSHS, the screening of vision and hearing may instead occur in prekindergarten; kindergarten; and first, second, fourth, and sixth grades. <i>25 TAC 37.25(a)(2), (3), (6)</i></p>
SCREENING ON ENROLLMENT	<p>Students four years of age and older, who are enrolled in a district for the first time, must be screened for possible vision and hearing problems within 120 calendar days of enrollment. If the student is enrolled within 60 days of the date school closes for the summer, the student must be tested within 120 days of the beginning of the following school year. Students enrolled who turn four years of age after September 1 of that year are exempt from screening until the following September. <i>25 TAC 37.25(a)(1), (5)</i></p>
OUTSIDE SCREENING	<p>Except for students enrolled in prekindergarten, kindergarten, or first grade, a district shall exempt a student from screening if the student's parent, managing conservator, or legal guardian, or the student under Family Code 32.003 submits a record showing that a professional examination was properly conducted during the grade year in question or during the previous year. The record must be submitted during the grade year in which the screening would otherwise be required. <i>25 TAC 37.25(a)(4)</i></p>
PROVISIONAL ADMISSION	<p>A parent, managing conservator, or legal guardian, or the student under Family Code 32.003 may execute an affidavit stating that a person, other than the screener used by a district, shall conduct the screening (or that a licensed professional shall conduct an examination) as soon as is feasible. The district may admit the student on a provisional basis for up to 60 days, or may deny admission until the screening record(s) are provided to the district. <i>25 TAC 37.25(b)</i></p>
EXEMPTION — RELIGIOUS BELIEFS	<p>A student is exempt from screening if it conflicts with the tenets and practices of a recognized church or religious denomination of which the student is an adherent or a member. To qualify for the exemption, the student or minor student's parent, managing conservator, or guardian must submit on or before the day of admission an affidavit stating the objections to screening. <i>Health and Safety Code 36.005(b); 25 TAC 37.25(c)</i></p>
RECORDS	<p>A superintendent shall maintain on a form prescribed by TDSHS in accordance with TDSHS rules, screening records for each student in attendance, and the records are open for inspection by TDSHS or the local health department. <i>Health and Safety Code 36.006; 25 TAC 37.26</i></p>
TRANSFER OF RECORDS	<p>A student's screening records may be transferred among districts without the consent of the student or minor student's parent, managing conservator, or guardian. <i>Health and Safety Code 36.006(c); 25 TAC 37.26(b)(4)</i></p>

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ANNUAL REPORT	<p>On or before June 30 of each year, a district shall submit to TDSHS a report on the vision and hearing screening status of its aggregate population screened during the reporting year. The district shall report in the manner specified by TDSHS. <i>Health and Safety Code 36.006(d); 25 TAC 37.26(b)(6)</i></p>
RISK ASSESSMENT FOR TYPE 2 DIABETES	<p>As soon as possible after admission and as required by rule, each student required to be assessed shall undergo approved risk assessment for type 2 diabetes. The risk assessment should:</p> <ol style="list-style-type: none"><li>1. Identify students with acanthosis nigricans; and</li><li>2. Further assess students identified under paragraph 1 to determine the students':<ol style="list-style-type: none"><li>a. Body mass index; and</li><li>b. Blood pressure.</li></ol></li></ol> <p>The risk assessment shall be performed at the same time hearing and vision screening or spinal screening is performed.</p> <p><i>Health and Safety Code 95.002(d), .003(a)</i></p>
DISTRICT RESPONSIBILITY	<p>A superintendent shall ensure that each student admitted to a district complies with the risk assessment requirements or submits an affidavit of exemption. <i>Health and Safety Code 95.003(c)</i></p>
APPLICABILITY	<p>Students who attend public schools located in TEA Regional Education Service Centers 1, 2, 3, 4, 10, 11, 13, 15, 18, 19, and 20 shall be subject to risk assessment. <i>Health and Safety Code 95.002(b)</i></p>
OUTSIDE SCREENING	<p>The student or minor student's parent, managing conservator, or guardian may substitute a professional examination for the risk assessment. <i>Health and Safety Code 95.003(a)</i></p>
EXEMPTION — RELIGIOUS BELIEFS	<p>A student is exempt from risk assessment if it conflicts with the tenets and practices of a recognized church or religious denomination of which the student is an adherent or a member. To qualify for the exemption, the student or minor student's parent, managing conservator, or guardian must submit to the superintendent on or before the day of the risk assessment process an affidavit stating the objections to the risk assessment. <i>Health and Safety Code 95.003(b)</i></p>
RECORDS	<p>A superintendent shall maintain the risk assessment records for each student in attendance and enter the risk assessment information for each student on the surveillance software selected by the University of Texas—Pan American Border Health Office (the Office). The risk assessment records are open for inspection by</p>

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	the Office or the local health department. <i>Health and Safety Code 95.004(a)</i>
TRANSFER OF RECORDS	A student's risk assessment records may be transferred among schools without the consent of the student, or, if the student is a minor, the student's parent, managing conservator, or guardian. <i>Health and Safety Code 95.004(c)</i>
ANNUAL REPORT	A district shall submit to the Office an annual report on the risk assessment status of the students in attendance during the reporting year and shall include in the report any other required information. <i>Health and Safety Code 95.004(e)</i>
SPINAL SCREENING	Each student required by TDSHS rule to be screened shall undergo approved screening for abnormal spinal curvature. <i>Health and Safety Code 37.002(a)</i>
DISTRICT RESPONSIBILITY	A superintendent shall ensure that each student admitted to a district complies with the screening requirements or submits an affidavit of exemption (see below). <i>Health and Safety Code 37.002(c), 25 TAC 37.144(b)</i>
SCREENING SCHEDULE ROUTINE SCREENING	Students in grades 6 and 9 shall be screened for abnormal spinal curvature before the end of the school year. The screening requirement for students entering grades 6 or 9 may be met if the student has been screened for spinal deformities during the previous year. <i>25 TAC 37.144(b)(1), (2)</i>
SCREENING ON ENROLLMENT	If a student is enrolled within 60 days of the date a school closes for the summer, the student's screening must be conducted within 120 days of the beginning of the following school year. Districts may offer a student enrolling in grades 10, 11, or 12 the opportunity for spinal screening if the student has no record of having been screened previously. <i>25 TAC 37.144(b)(3), (4)</i>
OUTSIDE SCREENING	The screening requirements may also be met by a professional examination as defined in 25 Administrative Code 37.142(7). <i>25 TAC 37.144(b)(1)</i>
PROVISIONAL ADMISSION	A parent, managing conservator, or legal guardian, or the student under Family Code 32.003 may execute an affidavit stating that a person, other than the screener used by a district, shall conduct the screening as soon as is feasible. The district may admit the student on a provisional basis for up to 60 days, or may deny admission until the screening record(s) are provided to the district. The 60-day time period is from November 30 to January 30 of each school year. <i>25 TAC 37.144(c)</i>
EXEMPTION — RELIGIOUS BELIEFS	A student is exempt from screening if it conflicts with the tenets and practices of a recognized church or religious denomination of

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	<p>which the student is an adherent or a member. To qualify for the exemption, the student's parent, managing conservator, or guardian must submit to the superintendent on or before the day of the screening procedure an affidavit stating the objections to screening. <i>Health and Safety Code 37.002(b); 25 TAC 37.144(d)</i></p>
RECORDS	<p>A district must comply with recordkeeping and reporting requirements set out in 25 Administrative Code 37.145(b).</p>
TRANSFER OF RECORDS	<p>Spinal screening records are transferrable between districts if written consent of the student or minor student's parent, managing conservator, or legal guardian is obtained.</p> <p><i>25 TAC 37.145(b)(3)</i></p>
REPORT OF ABNORMALITY	<p>If the spinal screening indicates that a student may have abnormal spinal curvature, the individual performing the screening shall fill out a report on a form prescribed by TDSHS.</p> <p>The superintendent shall retain one copy of the report and shall mail one copy to the parent, managing conservator, or guardian of the individual screened.</p> <p><i>Education Code 37.003</i></p>
ANNUAL REPORT	<p>On or before June 30 of each year, a district shall submit to TDSHS a report on the spinal screening status of its aggregate population screened during the reporting year. The district shall report in the manner specified by TDSHS. <i>25 TAC 37.145(b)(5)</i></p>
POLICY	<p>As a condition of receiving funds under a program funded in whole or in part by the U.S. Department of Education (DOE), a district shall develop and adopt policies, in consultation with parents, pursuant to 20 U.S.C. 1232h(c)(1), regarding the administration of physical examinations or screenings that a district may administer to the student. <i>20 U.S.C. 1232h(c)(1)(D)</i></p> <p>A district shall provide notice of the policies at least annually, at the beginning of the school year and within a reasonable time after any substantive change in the policies. <i>20 U.S.C. 1232h(c)(2)(A)(i)</i></p> <p>A district need not develop and adopt new policies if TEA or the district had in place, on January 8, 2002, policies covering the requirements of 20 U.S.C. 1232h(c)(1). <i>20 U.S.C. 1232h(c)(3)</i></p>
NOTIFICATION AND OPT-OUT	<p>At least annually at the beginning of the school year, a district shall directly notify the parent of a student of the specific or approximate dates during the school year when any nonemergency, invasive physical examination or screening, described below, is scheduled or expected to be scheduled. The required notification applies to</p>

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nonemergency, invasive physical examinations or screenings that are:

1. Required as a condition of attendance;
2. Administered and scheduled by the school in advance; and
3. Not necessary to protect the immediate health and safety of the student or of other students.

At a minimum, a district shall offer an opportunity for the parent to opt the student out of participation in the examination or screening. *20 U.S.C. 1232h(c)(2)(A)(ii), (C)(iii)*

EXCEPTION

These provisions do not apply to any physical examination or screening that is permitted or required by an applicable state law, including physical examinations or screenings that are permitted without parental notification. *20 U.S.C. 1232h(c)(4)(B)(ii)*

[See EF]